

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 365

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2012

Received

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## AN ACT

To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Blue Alert  
3 Act of 2012”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COORDINATOR.**—The term “Coordinator”  
7 means the Blue Alert Coordinator of the Depart-  
8 ment of Justice designated under section 4(a).

9 (2) **BLUE ALERT.**—The term “Blue Alert”  
10 means information relating to the serious injury or  
11 death of a law enforcement officer in the line of duty  
12 sent through the network.

13 (3) **BLUE ALERT PLAN.**—The term “Blue Alert  
14 plan” means the plan of a State, unit of local gov-  
15 ernment, or Federal agency participating in the net-  
16 work for the dissemination of information received  
17 as a Blue Alert.

18 (4) **LAW ENFORCEMENT OFFICER.**—The term  
19 “law enforcement officer” shall have the same mean-  
20 ing as in section 1204 of the Omnibus Crime Con-  
21 trol and Safe Streets Act of 1968 (42 U.S.C.  
22 3796b(6)).

23 (5) **NETWORK.**—The term “network” means  
24 the Blue Alert communications network established  
25 by the Attorney General under section 3.

1           (6) STATE.—The term “State” means each of  
2           the 50 States, the District of Columbia, the Com-  
3           monwealth of Puerto Rico, the United States Virgin  
4           Islands, Guam, American Samoa, and the Common-  
5           wealth of the Northern Mariana Islands.

6 **SEC. 3. BLUE ALERT COMMUNICATIONS NETWORK.**

7           The Attorney General shall establish a national Blue  
8           Alert communications network within the Department of  
9           Justice to issue Blue Alerts through the initiation, facilita-  
10          tion, and promotion of Blue Alert plans, in coordination  
11          with States, units of local government, law enforcement  
12          agencies, and other appropriate entities.

13 **SEC. 4. BLUE ALERT COORDINATOR; GUIDELINES.**

14          (a) COORDINATION WITHIN DEPARTMENT OF JUS-  
15          TICE.—The Attorney General shall assign an existing offi-  
16          cer of the Department of Justice to act as the national  
17          coordinator of the Blue Alert communications network.

18          (b) DUTIES OF THE COORDINATOR.—The Coordi-  
19          nator shall—

20                (1) provide assistance to States and units of  
21                local government that are using Blue Alert plans;

22                (2) establish voluntary guidelines for States and  
23                units of local government to use in developing Blue  
24                Alert plans that will promote compatible and inte-

1       grated Blue Alert plans throughout the United  
2       States, including—

3               (A) a list of the resources necessary to es-  
4       tablish a Blue Alert plan;

5               (B) criteria for evaluating whether a situa-  
6       tion warrants issuing a Blue Alert;

7               (C) guidelines to protect the privacy, dig-  
8       nity, independence, and autonomy of any law  
9       enforcement officer who may be the subject of  
10      a Blue Alert and the family of the law enforce-  
11      ment officer;

12              (D) guidelines that a Blue Alert should  
13      only be issued with respect to a law enforce-  
14      ment officer if—

15                      (i) the law enforcement agency in-  
16                      volved—

17                                      (I) confirms—

18    (aa) the death or serious in-  
19    jury of the law enforcement offi-  
20    cer; or

21    (bb) the attack on the law  
22    enforcement officer and that  
23    there is an indication of the  
24    death or serious injury of the of-  
25    ficer; or

1 (II) concludes that the law en-  
2 forcement officer is missing in the line  
3 of duty;

4 (ii) there is an indication of serious  
5 injury to or death of the law enforcement  
6 officer;

7 (iii) the suspect involved has not been  
8 apprehended; and

9 (iv) there is sufficient descriptive in-  
10 formation of the suspect involved and any  
11 relevant vehicle and tag numbers;

12 (E) guidelines—

13 (i) that information relating to a law  
14 enforcement officer who is seriously in-  
15 jured or killed in the line of duty should be  
16 provided to the National Crime Informa-  
17 tion Center database operated by the Fed-  
18 eral Bureau of Investigation under section  
19 534 of title 28, United States Code, and  
20 any relevant crime information repository  
21 of the State involved;

22 (ii) that a Blue Alert should, to the  
23 maximum extent practicable (as deter-  
24 mined by the Coordinator in consultation  
25 with law enforcement agencies of States

1 and units of local governments), be limited  
2 to the geographic areas most likely to fa-  
3 cilitate the apprehension of the suspect in-  
4 volved or which the suspect could reason-  
5 ably reach, which should not be limited to  
6 State lines;

7 (iii) for law enforcement agencies of  
8 States or units of local government to de-  
9 velop plans to communicate information to  
10 neighboring States to provide for seamless  
11 communication of a Blue Alert; and

12 (iv) providing that a Blue Alert  
13 should be suspended when the suspect in-  
14 volved is apprehended or when the law en-  
15 forcement agency involved determines that  
16 the Blue Alert is no longer effective; and  
17 (F) guidelines for—

18 (i) the issuance of Blue Alerts  
19 through the network; and

20 (ii) the extent of the dissemination of  
21 alerts issued through the network;

22 (3) develop protocols for efforts to apprehend  
23 suspects that address activities during the period be-  
24 ginning at the time of the initial notification of a  
25 law enforcement agency that a suspect has not been

1 apprehended and ending at the time of apprehension  
2 of a suspect or when the law enforcement agency in-  
3 volved determines that the Blue Alert is no longer  
4 effective, including protocols regulating—

5 (A) the use of public safety communica-  
6 tions;

7 (B) command center operations; and

8 (C) incident review, evaluation, debriefing,  
9 and public information procedures;

10 (4) work with States to ensure appropriate re-  
11 gional coordination of various elements of the net-  
12 work;

13 (5) establish an advisory group to assist States,  
14 units of local government, law enforcement agencies,  
15 and other entities involved in the network with initi-  
16 ating, facilitating, and promoting Blue Alert plans,  
17 which shall include—

18 (A) to the maximum extent practicable,  
19 representation from the various geographic re-  
20 gions of the United States; and

21 (B) members who are—

22 (i) representatives of a law enforce-  
23 ment organization representing rank-and-  
24 file officers;

1 (ii) representatives of other law en-  
2 forcement agencies and public safety com-  
3 munications;

4 (iii) broadcasters, first responders,  
5 dispatchers, and radio station personnel;  
6 and

7 (iv) representatives of any other indi-  
8 viduals or organizations that the Coordi-  
9 nator determines are necessary to the suc-  
10 cess of the network;

11 (6) act as the nationwide point of contact for—

12 (A) the development of the network; and

13 (B) regional coordination of Blue Alerts  
14 through the network; and

15 (7) determine—

16 (A) what procedures and practices are in  
17 use for notifying law enforcement and the pub-  
18 lic when a law enforcement officer is killed or  
19 seriously injured in the line of duty; and

20 (B) which of the procedures and practices  
21 are effective and that do not require the ex-  
22 penditure of additional resources to implement.

23 (c) LIMITATIONS.—

24 (1) VOLUNTARY PARTICIPATION.—The guide-  
25 lines established under subsection (b)(2), protocols



1 developed under subsection (b)(3), and other pro-  
2 grams established under subsection (b), shall not be  
3 mandatory.

4 (2) DISSEMINATION OF INFORMATION.—The  
5 guidelines established under subsection (b)(2) shall,  
6 to the maximum extent practicable (as determined  
7 by the Coordinator in consultation with law enforce-  
8 ment agencies of States and units of local govern-  
9 ment), provide that appropriate information relating  
10 to a Blue Alert is disseminated to the appropriate  
11 officials of law enforcement agencies, public health  
12 agencies, and other agencies.

13 (3) PRIVACY AND CIVIL LIBERTIES PROTEC-  
14 TIONS.—The guidelines established under subsection  
15 (b) shall—

16 (A) provide mechanisms that ensure that  
17 Blue Alerts comply with all applicable Federal,  
18 State, and local privacy laws and regulations;  
19 and

20 (B) include standards that specifically pro-  
21 vide for the protection of the civil liberties, in-  
22 cluding the privacy, of law enforcement officers  
23 who are seriously injured or killed in the line of  
24 duty and the families of the officers.

1 (d) COOPERATION WITH OTHER AGENCIES.—The  
2 Coordinator shall cooperate with the Secretary of Home-  
3 land Security, the Secretary of Transportation, the Chair-  
4 man of the Federal Communications Commission, and ap-  
5 propriate offices of the Department of Justice in carrying  
6 out activities under this Act.

7 (e) RESTRICTIONS ON COORDINATOR.—The Coordi-  
8 nator may not—

9 (1) perform any official travel for the sole pur-  
10 pose of carrying out the duties of the Coordinator;

11 (2) lobby any officer of a State regarding the  
12 funding or implementation of a Blue Alert plan; or

13 (3) host a conference focused solely on the Blue  
14 Alert program that requires the expenditure of Fed-  
15 eral funds.

16 (f) REPORTS.—Not later than 1 year after the date  
17 of enactment of this Act, and annually thereafter, the Co-  
18 ordinator shall submit to Congress a report on the activi-  
19 ties of the Coordinator and the effectiveness and status

1 of the Blue Alert plans that are in effect or being devel-  
2 oped.

Passed the House of Representatives May 15, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*