



# House of Representatives

General Assembly

**File No. 572**

*January Session, 2003*

Substitute House Bill No. 5072

*House of Representatives, April 29, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING LIABILITY OF BROADCASTERS THAT  
BROADCAST INFORMATION PURSUANT TO THE AMBER PLAN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) No claim for damages  
2 shall be made against a broadcaster, as defined in subsection (l) of  
3 section 12-218 of the general statutes, that, pursuant to a voluntary  
4 program between broadcasters and law enforcement agencies,  
5 broadcasts an emergency alert and information provided by a law  
6 enforcement agency concerning the abduction of a child including, but  
7 not limited to, a description of the abducted child, a description of the  
8 suspected abductor and the circumstances of the abduction. Nothing in  
9 this section shall be construed to (1) limit or restrict in any way any  
10 legal protection a broadcaster may have under any other law for  
11 broadcasting or otherwise disseminating any information, or (2)  
12 relieve a law enforcement agency from acting reasonably in providing  
13 information to the broadcaster.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Adjudicated Claims (Comptroller)	GF - None	None	None
Attorney General	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes broadcasters participating in the Amber Plan immune from civil liability for damage claims based on emergency alerts and information they broadcast concerning the abduction of a child. Under the bill the state cannot be held liable for any negligence and, therefore, there would be no potential cost for judgments rendered against the state.

**OLR Bill Analysis**

sHB 5072

***AN ACT CONCERNING LIABILITY OF BROADCASTERS THAT BROADCAST INFORMATION PURSUANT TO THE AMBER PLAN*****SUMMARY:**

This bill gives immunity to broadcasters participating in the Amber Plan for damage claims based on emergency alerts and information they broadcast concerning the abduction of a child. The information covered under the bill includes descriptions of the abducted child and suspected abductor and the circumstances of the abduction. This information is covered only when it was provided to the broadcaster by a law enforcement agency.

The bill specifies that it does not limit legal protections for broadcasting or disseminating information that broadcasters have under other laws or relieve law enforcement agencies from acting reasonably in providing them information.

EFFECTIVE DATE: October 1, 2003

**BROADCASTERS**

“Broadcasters” under the bill are corporations that broadcast video or audio programming through the public airwaves, by cable, direct or indirect satellite transmission, or by any other means of communication, so long as they are primarily engaged in activities which are included in specified industry groups in the North American Industry Classification System Manual. Their broadcasts may travel through an over-the air television or radio network, a television or radio station, or a cable network or television system.

**BACKGROUND*****Amber Plan***

Thirty-nine states have statewide Amber Alert programs. Named after Amber Hagerman, a child who was kidnapped and murdered in Texas in 1996, these plans are designed to alert the public as quickly as

possible when a child kidnapping is reported and the kidnapper is not believed to be a family member.

Connecticut implemented its Amber Plan in January, 2002 as a joint effort of the governor's office, the Connecticut Broadcasters Association, the state Office of Emergency Management, law enforcement agencies, and broadcasters who choose to participate. Local law enforcement agencies fax alert requests to the Connecticut State Police Message Center, and the center broadcasts an alert on the statewide Emergency Alert System (EAS). Participating radio and television stations then relay the EAS broadcast over their stations.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40    Nay 0