

## CHAPTER 21

## (HB 251)

AN ACT relating to lost and missing children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 4 of this Act, unless the context otherwise requires, "state building" means any structure that houses government offices of the Commonwealth of Kentucky. The term does not include government offices of counties, municipalities, special districts, public corporations, public instrumentalities, or the Court of Justice.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

*The "Code Adam" safety protocol is hereby established and shall be implemented by all administrators in state buildings in the following manner:*

- (1) When a parent, tutor, or guardian notifies any employee of a state building that his or her child is lost or missing, the employee shall obtain from the parent, tutor, or guardian a detailed description of the minor, including but not limited to the name, age, color of eyes, height, weight, clothing, and the shoes the child was wearing at the time the child was last seen before becoming lost or missing;*
- (2) From the closest telephone available, the same employee shall alert the state building administrator or the person designated in the state building's "Code Adam" plan, who shall then notify the occupants of the state building through the loudspeaker system or through any other fast and effective means of communication that "Code Adam" has been activated;*
- (3) The employee shall escort the parent, tutor, or guardian to the main door of the state building to help in identifying the child;*
- (4) Persons designated by the administrator shall monitor all state building exits to ascertain that the minor does not leave the state building without the parent, tutor, or guardian. In addition, two (2) or more employees, as may be necessary, shall be assigned to search the parking areas of the state building. This process shall not entail the closing or locking of any door of the state building;*
- (5) Any child, or person with a child, leaving the state building shall be asked to go through the main exit previously designated by the administrator. If, once there, the child or person wishes to leave the state building, he or she shall be allowed to do so after it has been determined that the minor who is leaving is not the child being searched for and that the person with the minor is the parent, tutor, or guardian of the child, and the person presents a government-issued photo identification;*
- (6) After "Code Adam" has been announced through the state building's loudspeaker system or through any other fast and effective means of communication, the employees shall search throughout the entire state building, and at least two (2) employees, or more as deemed necessary, shall be assigned to each floor to certify that the minor is not present. Employees who are directly serving a member of the public at that time and employees*

*who have been previously excluded by the administrator shall not be compelled to participate in the search;*

- (7) If the minor is found unharmed and appears to have been simply lost or missing in the state building, the child shall be immediately taken to the parent, tutor, or guardian;*
- (8) If the minor is found in the company of any person other than the child's parent, tutor, or guardian, any reasonable means shall be taken to delay the exit of the child and the person with whom the child was found from the state building until a peace officer arrives, the child and the person with whom the child is found both are properly identified, and the circumstances of the situation are determined;*
- (9) If the minor is not found within a ten (10) minute period, the state building administrator shall notify a state or local law enforcement agency that a child is lost or missing and provide the information then known about the lost or missing child. The law enforcement agency shall respond to the scene and shall take control of the incident. The law enforcement agency may request that the local search and rescue coordinator provide additional resources to search for the lost or missing child. The law enforcement agency and the local dispatch center shall take the actions required by KRS 17.450, 17.460, and 39F.180;*
- (10) Upon the location of the lost or missing child or the arrival of a peace officer from the law enforcement agency which was notified of the lost or missing child, whichever occurs earlier, the state building administrator shall cause an announcement of the ending of the "Code Adam" by the state building loudspeaker or other fast and effective means of communication; and*
- (11) Upon the ending of the "Code Adam," the state building administrator shall prepare three (3) copies of a report of the incident, which shall:
  - (a) Be sent within three (3) working days to the Secretary of the Finance and Administration Cabinet and the Commissioner of the Department of State Police; and*
  - (b) Be kept in the administrative files of the state building for a period of three (3) years from the date of the incident.**

SECTION 3. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

- (1) The Secretary of the Finance and Administration Cabinet, in consultation with the Justice Cabinet through the Department of State Police, shall:
  - (a) Be responsible for coordinating implementation of the "Code Adam" program throughout the Commonwealth;*
  - (b) Provide training to administrators of state buildings and employees designated by those administrators in the implementation of the "Code Adam" program;*
  - (c) Provide training in procedures for the search of state buildings and grounds for lost and missing children;*
  - (d) Print and distribute signs to each public agency for use in each state building relating to the "Code Adam" program and how to initiate a "Code Adam." The signs shall be not less than twelve (12) inches square and have white letters and a**

*purple background containing the information specified by the cabinet by administrative regulation;*

- (e) Provide for annually conducting a "Code Adam" drill at each facility covered by the provisions of Sections 1 to 4 of this Act;*
- (f) Provide for the collection of statistics from each facility covered by the provisions of Sections 1 to 4 of this Act on each "Code Adam" within the state building;*
- (g) Provide an annual report to the Governor, the Department of State Police, the Legislative Research Commission, and the General Assembly on each "Code Adam" within the Commonwealth during the previous calendar year and the results of each "Code Adam" incident. The annual report shall be a public record and shall not include the name or other identifying information, other than gender and age, of the child; and*
- (h) Promulgate administrative regulations necessary for the implementation of the "Code Adam" program as required by Sections 1 to 4 of this Act.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

*The Secretary of the Finance and Administration Cabinet, in consultation with the Justice Cabinet through the Department of State Police, may exempt any agency or state building which, due to the nature of the services provided by that agency or state building, is not visited by children. The agency or state building shall immediately report to the Secretary of the Finance and Administration Cabinet when the agency or state building is likely to be visited by children on a frequent or continuing basis. Upon receipt of the notification from the state building administrator or agency that the state building is being visited by children, the exemption from compliance with the provisions of Sections 1 to 4 of this Act shall expire.*

**Approved March 31, 2004**