



# Virginia Association of Broadcasters Legal Review



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## Legal Memorandum

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### FCC Proposes to Add “Blue Alert” Code to the Emergency Alert System

Drawing on the success of AMBER Alerts distributed via EAS, the FCC today adopted a Notice of Proposed Rulemaking (“Notice”) to add a “Blue Alert” code to the Emergency Alert System (“EAS”) protocol to help protect law enforcement officers and the public.

Blue Alert EAS messages would be used voluntarily by state authorities to notify the public of threats to law enforcement and to help apprehend dangerous suspects. Generally, Blue Alerts would be used to warn the public when there is actionable information related to a law enforcement officer who is missing, seriously injured or killed in the line of duty, or when there is an imminent credible threat to an officer. Accordingly, a Blue Alert distributed via EAS could quickly warn the public if a violent suspect may be in a particular community and provide instructions to listeners and viewers to stay safe and steps to take if the suspect is spotted. The Notice proposes that a Blue Alert EAS message would only be issued when there is sufficient descriptive information to identify a suspect who has not been apprehended, and that a Blue Alert would be suspended once the suspect is caught.

The Notice proposes to amend the FCC’s EAS rules by creating a dedicated Blue Alert event code so that state and local authorities have the option to send these warnings to the public through EAS channels. A majority of states have already enacted Blue Alert legislation, but a very small minority of such states contemplate the use of EAS for Blue Alert message distribution (most Blue Alert states distribute messages via releases to broadcasters and other media, via online and digital platforms, via highway signs, and the like).

The comment and reply comment dates in this proceeding have not yet been set.

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If you have any questions concerning the information discussed in this memorandum, please contact your communications counsel or any of the undersigned.

*Stephen Hartzell, Editor*

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