



General Assembly

Amendment

January Session, 2009

LCO No. 9156

HB0645409156HDO

Offered by:

REP. DARGAN, 115th Dist.

REP. NARDELLO, 89th Dist.

To: Subst. House Bill No. **6454**

File No. 224

Cal. No. 191

"AN ACT CONCERNING THE CERTIFICATION OF A CHIEF OF POLICE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) For the purposes of
4 sections 2 and 3 of this act, "law enforcement agency" means the
5 Division of State Police within the Department of Public Safety or any
6 municipal police department and "high-risk missing person" means a
7 law enforcement agency's classification of a missing person as high
8 risk based upon (1) information that the missing person suffers from
9 senility, suicidal episodes, depression or any physical or medical
10 condition that requires immediate medication; (2) a reasonable
11 indication that the missing person may have met with foul play or
12 there is evidence of a risk to life and safety; or (3) a preponderance of
13 evidence that would lead a reasonable person to conclude that the
14 individual's disappearance was not voluntary in nature.

15 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) A law enforcement
16 agency shall accept without delay any report of any adult high-risk
17 missing person. As soon as the law enforcement agency makes a
18 determination that a missing person is a high-risk missing person,
19 such agency shall enter information relating to the missing person into
20 all appropriate federal or state databases as soon as practicable and
21 shall distribute such information internally as soon as practicable to
22 officers and members of the agency at roll call and by any other means
23 deemed appropriate by such agency.

24 (b) The law enforcement agency shall notify the person making the
25 report, a family member or any other person in a position to assist the
26 law enforcement agency in its efforts to locate the high-risk missing
27 person by providing to that person or family member:

28 (1) General information about the handling of the missing person
29 case or about intended efforts in the case to the extent that the law
30 enforcement agency determines that disclosure would not adversely
31 affect its ability to locate or protect the missing person or to apprehend
32 or prosecute any person criminally involved in the disappearance; and

33 (2) Information advising the person making the report and other
34 involved persons that if the missing person remains missing, they
35 should contact the law enforcement agency to provide additional
36 information and materials that will aid in locating the missing person,
37 such as any credit or debit cards the missing person has access to,
38 other banking or financial information and any records of cellular
39 telephone use.

40 (c) In cases where DNA samples are requested, the law enforcement
41 agency shall notify the person or family member that all such DNA
42 samples are provided on a voluntary basis and shall be used solely to
43 help locate or identify the missing person and shall not be used for any
44 other purpose.

45 (d) The Division of Scientific Services within the Department of
46 Public Safety shall enter any DNA samples regarding missing persons

47 into applicable law enforcement databases intended to identify and
48 locate missing persons in a timely manner.

49 (e) If the person identified in the missing person report remains
50 missing for thirty days, and the additional information and materials
51 specified in subdivisions (1) to (4), inclusive, of this subsection have
52 not been received, the law enforcement agency shall attempt to obtain:

53 (1) DNA samples from family members and, if possible, from the
54 missing person, along with any needed documentation, including any
55 consent forms, required for the use of state or federal DNA databases;

56 (2) Dental information and x-rays of the missing person, and an
57 authorization to release dental or skeletal x-rays of the missing person;

58 (3) Any additional photographs of the missing person that may aid
59 the investigation or an identification; and

60 (4) Fingerprints of the missing person.

61 (f) Nothing in this section shall be construed to preclude a law
62 enforcement agency from obtaining any of the materials identified in
63 this section before the thirtieth day following the filing of the missing
64 person report.

65 Sec. 3. (NEW) (*Effective October 1, 2009*) Agencies handling the
66 remains identified to be those of a missing person shall notify the law
67 enforcement agency handling the missing person's case. Documented
68 efforts shall be made to locate family members of the deceased person
69 to inform them of the death and location of the remains of their family
70 member.

71 Sec. 4. (NEW) (*Effective July 1, 2009*) On or before January 1, 2011,
72 the Police Officer Standards and Training Council shall, in consultation
73 with the Division of State Police within the Department of Public
74 Safety, develop a training disc or other training material as the council
75 or division deems appropriate regarding the responsibilities of law
76 enforcement agencies in responding and reporting high-risk missing

77 persons, including preferred methods of response that are sensitive to
78 the emotions of the person making the report."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009</i>	New section