



General Assembly

Substitute Bill No. 5237

February Session, 2010

* _____ HB05237APP __ 041310 _____ *

AN ACT CONCERNING THE INVESTIGATION OF MISSING PERSONS REPORTS.

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) For the purposes of
2 this section and section 2 of this act, "law enforcement agency" means
3 the Division of State Police within the Department of Public Safety or
4 any municipal police department and "high-risk missing person"
5 means a missing person who has been classified as high risk by a law
6 enforcement agency based upon (1) information that the missing
7 person suffers from senility, suicidal episodes, depression or any
8 physical or medical condition that requires immediate medication; (2)
9 a reasonable indication that the missing person may have met with
10 foul play or there is evidence of a risk to life or safety; or (3) a
11 preponderance of evidence that would lead a reasonable person to
12 conclude that the individual's disappearance was not voluntary in
13 nature.

14 (b) A law enforcement agency shall accept without delay any report
15 of any adult high-risk missing person. When the law enforcement
16 agency makes a determination that a missing person is a high-risk
17 missing person, such agency shall enter information relating to the
18 missing person into all appropriate federal or state databases as soon
19 as practicable and shall distribute such information internally as soon

20 as practicable to officers and members of the agency at roll call and by
21 any other means deemed appropriate by such agency.

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

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

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

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

43 (e) The Division of Scientific Services within the Department of
44 Public Safety shall enter any DNA samples regarding missing persons
45 into applicable law enforcement databases intended to identify and
46 locate missing persons in a timely manner.

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

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

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

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

58 (4) Fingerprints of the missing person.

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

63 (h) A law enforcement agency shall only be required to implement
64 the provisions of this section if appropriations are available for such
65 implementation.

66 Sec. 2. (NEW) (*Effective October 1, 2010*) Agencies handling remains
67 identified to be those of a missing person shall notify the law
68 enforcement agency handling the missing person's case. Documented
69 efforts shall be made to locate family members of the deceased person
70 to inform them of the death and location of the remains of their family
71 member.

72 Sec. 3. (NEW) (*Effective July 1, 2010*) On or before January 1, 2012,
73 the Police Officer Standards and Training Council shall, in consultation
74 with the Division of State Police within the Department of Public
75 Safety, develop a training disc or other training material as the council
76 or division deems appropriate regarding the responsibilities of law
77 enforcement agencies in responding to and reporting high-risk missing
78 persons, including preferred methods of response that are sensitive to
79 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, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>July 1, 2010</i>	New section

APP *Joint Favorable Subst.*