



House of Representatives

File No. 814

General Assembly

January Session, 2011

(Reprint of File No. 194)

Substitute House Bill No. 6113
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 19, 2011

AN ACT CONCERNING THE INVESTIGATION OF MISSING ADULT PERSONS REPORTS.

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

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) For the purposes of
2 this section and section 7-294o of the general statutes, as amended by
3 this act, "law enforcement agency" means the Division of State Police
4 within the Department of Public Safety or any municipal police
5 department, and "adult person" means an individual who has attained
6 the age of eighteen years.

7 (b) A law enforcement agency shall accept without delay any report
8 of a missing adult person.

9 (c) The unit of the Division of State Police within the Department of
10 Public Safety that investigates missing adult persons shall, as
11 appropriate, enter all collected information relating to a missing adult
12 person case into the National Crime Information Center database and
13 any other applicable federal database with all practicable speed.

14 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) After performing any
15 death scene investigation when homicide is suspected, the official with
16 custody of the human remains shall ensure that the human remains are
17 delivered to the Office of the Chief Medical Examiner.

18 (b) The Chief Medical Examiner shall obtain from the human
19 remains (1) samples of tissue suitable for DNA typing, if possible, or
20 (2) samples of whole bone or hair suitable for DNA typing. The Chief
21 Medical Examiner shall immediately submit the samples obtained to
22 the Division of Scientific Services within the Department of Public
23 Safety.

24 Sec. 3. Section 7-294o of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2011*):

26 (a) Not later than January 1, [2008] 2012, the Police Officer
27 Standards and Training Council shall develop and implement a policy
28 concerning the acceptance of missing person reports, including, but
29 not limited to, adult missing person reports, by law enforcement
30 agencies in this state and such agencies' response thereto. Such policy
31 shall include, but not be limited to, (1) guidelines for the acceptance of
32 a missing person report, (2) the types of information that a law
33 enforcement agency should seek to ascertain and record concerning
34 the missing person or missing adult person that would aid in locating
35 the missing person or missing adult person, (3) the circumstances that
36 indicate that a missing person or missing adult person is a high risk
37 missing person, (4) the types of information that a law enforcement
38 agency should provide to the person making the missing person
39 report, to a family member or to any other person in a position to assist
40 the law enforcement agency in its efforts to locate the missing person
41 or missing adult person, and (5) the responsibilities of a law
42 enforcement agency in responding to a missing person report and the
43 manner of such response, including preferred methods of response
44 that are sensitive to the emotions of the person making such report.

45 (b) Each police basic or review training program conducted or

46 administered by the Division of State Police within the Department of
 47 Public Safety, the Police Officer Standards and Training Council or a
 48 municipal police department shall include training in the policy
 49 developed pursuant to subsection (a) of this section and training in the
 50 use of the National Missing and Unidentified Persons System created
 51 by the Office of Justice Program's National Institute of Justice.

52 Sec. 4. Section 7-282c of the general statutes is repealed and the
 53 following is substituted in lieu thereof (*Effective October 1, 2011*):

54 Any municipal police department which receives a report of a
 55 missing child under [fifteen] eighteen years of age or a missing person
 56 who is eligible for assistance under subsection (a) of section 29-1f shall
 57 immediately accept such report for filing and inform all on-duty police
 58 officers of the existence of the missing child or missing person report
 59 and communicate the report to other appropriate law enforcement
 60 agencies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	7-294o
Sec. 4	<i>October 1, 2011</i>	7-282c

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Section 1 requires the Department of Public Safety (DPS) to enter all collected information relating to a missing adult person aged 18 or older into the National Crime Information Center database. It is anticipated that DPS can do so within existing resources.

In 2009, 2,092 missing adult person cases were reported in the state. It is anticipated that DPS would only input cases that are active after seven days. Therefore, it is estimated that approximately 500 cases would be entered into the system pursuant to the bill.¹

Section 2 requires the Office of the Chief Medical Examiner to submit DNA samples to DPS when homicide is suspected. This provision codifies current practice and has no associated fiscal impact.

Section 3, which requires the Police Officer Standards and Training Council (POST) to develop and implement a policy on handling missing persons reports, results in no fiscal impact. In January 2008, POST issued a policy on handling and accepting missing persons reports which satisfies the intent of the bill. Additionally, the training requirements in sensitivity and the use of the National Missing and Unidentified Persons System are already included in the recruit

¹ This estimate is based upon the Iowa Missing Persons 2003 Annual Report in which statistics show that 76% of missing persons were cleared within one week. Assuming a similar rate of clearance in the Connecticut cases, approximately 1,590 cases are estimated to clear within seven days while 500 cases remain open longer.

curriculum for all police officers.

Section 4 requires municipal police departments that receive a missing persons report for a child under age 18 to: (1) accept the report and (2) notify all on-duty police officers and other law enforcement agencies. This results in no fiscal impact to municipalities because it is currently the practice of municipal police departments to promptly notify appropriate law enforcement agencies of all missing persons cases.

House "A" alters the original bill by changing the definition of an adult person from age 21 to 18 in regard to the handling of missing adult person cases by law enforcement agencies. There is no associated fiscal impact. House "A" also adds Section 4 to the original bill, which has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

*Sources: Department of Public Safety, "Crimes In Connecticut" 2009 Report
Iowa Department of Public Safety, "Missing Persons 2003 Annual Report"*

OLR Bill Analysis**sHB 6113 (as amended by House "A")******AN ACT CONCERNING THE INVESTIGATION OF MISSING ADULT PERSONS REPORTS.*****SUMMARY:**

This bill changes the way police must handle reports of missing adults, which the bill defines as anyone age 18 or older. It requires the state and local police to accept without delay any report of a missing adult. And it requires local police departments that receive a report of a missing child under age 18, rather than those under age 15 as required by current law, to immediately accept the report for filing and notify all on-duty police officers and other appropriate law enforcement agencies. By law, they must take the same actions with regard to mentally impaired people age 18 or older and adults age 65 or older.

The bill requires the State Police unit that investigates cases of missing adults to enter, as appropriate, all information collected on the adult into the National Crime Information Center database and any other applicable federal database with all "practicable speed."

The bill requires that, after performing any death scene investigation in a suspected homicide case, the official with custody of the human remains must ensure that they are delivered to the Office of the Chief Medical Examiner. It requires the chief medical examiner to obtain samples of tissue, whole bone, or hair suitable for DNA typing from the remains and submit them immediately to the Department of Public Safety Division of Scientific Services.

The bill extends, from January 1, 2008 to January 1, 2012, the deadline for the Police Officers Standards and Training (POST)

Council to develop a missing person policy and extends the provisions to include police handling of missing adult reports. (POST has already developed a policy.) The bill also requires each police basic or review training program the State Police, POST, or a municipal police department conducts to include training in the policy and in the use of the National Missing and Unidentified Persons System created by the "Office of Justice Program's National Institute of Justice."

*House Amendment "A" mandates that local police immediately accept reports of missing persons under age 18, not just those under age 15 and lowers, from 21 to 18, the age of a covered adult.

EFFECTIVE DATE: October 1, 2011

MISSING PERSON POLICY

Current law required POST, by January 1, 2008, to develop and implement a policy for accepting reports of missing persons. The bill extends the deadline to January 1, 2012. It also specifies that the policy must include provisions on missing adults, but the legal effect of this addition is unclear because current law covers any missing person without regard to age. Under current law, the policy must include:

1. guidelines for accepting reports;
2. types of information the agency must collect and record;
3. circumstances that indicate that a missing person should be classified as high risk;
4. types of information the agency should provide to anyone making a report, the missing person's relatives, or other people who can help the agency find the person; and
5. agency responsibilities and procedures in responding to a report.

The bill requires that the policy also include preferred methods of response that are sensitive to the emotions of a person making a report.

BACKGROUND

Related Law

Missing Child Clearinghouse. By law, local law enforcement agencies must submit to the state Missing Child Information Clearinghouse reports of all missing (1) children under age 18, (2) mentally impaired adults age 18 or older, and (3) seniors age 65 and older. Parents may also notify the clearinghouse once they report to local police.

The clearinghouse is the state's central repository of information on missing children. But, subject to available resources, the clearinghouse may collect, process, maintain, and disseminate information to help locate missing persons other than those mentioned above (CGS § 29-1e).

Related Bill

sSB 765 (File 258), reported favorably by the Public Safety and Security Committee, contains the same provision as this bill on the actions local police departments must take on reports of missing children under age 18.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/08/2011)

Judiciary Committee

Joint Favorable

Yea 32 Nay 5 (04/28/2011)