

SENATE BILL NO. 247

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR GREEN

Introduced: 1/23/08

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to missing persons and unidentified human remains."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 12.65.100 is amended by adding a new subsection to read:

4 (b) If human remains remain unidentified after investigation, those remains
5 may not be disposed of under this section unless samples suitable for DNA
6 identification and archiving and photographs of the remains have been obtained and
7 reasonable measures to identify the remains have been exhausted.

8 *** Sec. 2.** AS 18.60.150 is amended by adding new subsections to read:

9 (b) Each law enforcement agency in the state with reason to believe a missing
10 person is in the jurisdiction served by the agency shall accept a report of a missing
11 person. A law enforcement agency may not refuse to accept a missing person report
12 solely on the basis that

- 13 (1) the missing person is an adult;
14 (2) the circumstances do not indicate foul play;
15 (3) the person has been missing for a short period of time;

- 1 (4) the person has been missing for a long period of time.
- 2 (c) In accepting a report of a missing person, the law enforcement agency shall
- 3 gather relevant information relating to the disappearance. The law enforcement agency
- 4 shall gather, at the time of the report, information including
- 5 (1) the name of the missing person, including alternative names used;
- 6 (2) the date of birth;
- 7 (3) identifying marks such as birthmarks, moles, tattoos, and scars;
- 8 (4) height and weight;
- 9 (5) gender;
- 10 (6) race;
- 11 (7) current hair color and true or natural hair color;
- 12 (8) eye color;
- 13 (9) prosthetics, surgical implants, or cosmetic implants;
- 14 (10) physical anomalies;
- 15 (11) blood type;
- 16 (12) driver's license number, social security number, and credit card
- 17 numbers;
- 18 (13) a photograph of the missing person;
- 19 (14) a description of the clothing the missing person was believed to
- 20 have been wearing;
- 21 (15) a description of items that might be with the missing person;
- 22 (16) information on the missing person's electronic communications
- 23 devices, such as wireless telephone numbers and electronic mail addresses;
- 24 (17) the reasons why the reporting person believes that the person is
- 25 missing;
- 26 (18) the name and location of the missing person's school or employer;
- 27 (19) the name and location of the missing person's dentist and primary
- 28 care physician;
- 29 (20) any circumstances that may indicate that the disappearance of the
- 30 missing person was not voluntary;
- 31 (21) any circumstances that indicate that the missing person may be at

1 risk of injury or death;

2 (22) a description of the possible means of transportation of the
3 missing person;

4 (23) any identifying information about a known or possible abductor
5 and the person last seen with the missing person, including

6 (A) name;

7 (B) physical description;

8 (C) date of birth;

9 (D) identifying marks;

10 (E) description of a possible means of transportation, including
11 make, model, color, license plate number, and vehicle identification number of
12 a vehicle;

13 (F) known associates;

14 (24) any other information that can aid in locating the missing person;
15 and

16 (25) date of last contact.

17 (d) The law enforcement agency shall notify the person making the report, a
18 family member, or another person in a position to assist in the efforts to locate the
19 missing person; the law enforcement agency

20 (1) shall provide general information about the handling of the missing
21 person case or about intended efforts in the case to the extent that the law enforcement
22 agency determines that disclosure would not adversely affect its ability to locate or
23 protect the missing person, or to apprehend or prosecute any person criminally
24 involved in the disappearance;

25 (2) shall notify the person making the report or other necessary person
26 that the person notified promptly contact the law enforcement agency if the missing
27 person remains missing to provide additional information and materials that may aid
28 in locating the missing person; the law enforcement agency shall also notify the person
29 of the specific information or materials needed, such as credit cards the missing person
30 has access to, other banking information, and records of wireless telephone use;

31 (3) shall notify the person making the report that any DNA samples

1 provided for the missing person case are provided on a voluntary basis and may be
2 used to help locate or identify the missing person;

3 (4) is encouraged to make available informational materials that advise
4 the public about how the information or materials identified in this subsection are used
5 to help locate or identify missing persons.

6 (e) If the person identified in the missing person report remains missing after
7 30 days, and the additional information and materials specified below have not been
8 received, the law enforcement agency shall attempt to obtain

9 (1) DNA samples from family members and from the missing person
10 along with any needed documentation, including any consent forms, required for the
11 use of state or federal DNA databases;

12 (2) an authorization to release dental or skeletal x-rays of the missing
13 person;

14 (3) any additional photographs of the missing person that may aid the
15 investigation or an identification; the law enforcement agency is not required to obtain
16 written authorization before it releases publicly any photograph that would aid in the
17 investigation or identification of the missing person;

18 (4) dental information and x-rays; and

19 (5) fingerprints.

20 (f) All DNA samples obtained in a missing person case shall be immediately
21 forwarded to an approved facility for analysis.

22 (g) Information relevant to the Federal Bureau of Investigation, Violent
23 Criminal Apprehension Program shall be entered as soon as is reasonably possible. All
24 missing person reports accepted by a law enforcement agency shall be immediately
25 entered into the National Crime Information Center Missing Person File, Unidentified
26 Person File, and the state crime information system.

27 (h) This subsection does not preclude a law enforcement agency from
28 attempting to obtain the materials identified in this subsection before the expiration of
29 the 30-day period.

30 * **Sec. 3.** AS 18.60 is amended by adding new sections to read:

31 **Sec. 18.60.153. High-risk missing person.** (a) On initial receipt of a missing

1 person report, the law enforcement agency shall immediately determine whether there
 2 is a basis to determine that the person missing is a high-risk missing person. If a law
 3 enforcement agency has previously determined that a missing person is not a high-risk
 4 missing person, but obtains new information, it shall immediately determine whether
 5 the information provided to the law enforcement agency indicates that the person
 6 missing is a high-risk missing person. The law enforcement agency shall perform risk
 7 assessments identified in this subsection not later than 72 hours after the initial
 8 missing person report or the new information was provided to the law enforcement
 9 agency.

10 (b) A high-risk missing person is an individual whose whereabouts are not
 11 currently known and the circumstances indicate that the individual may be at risk of
 12 injury or death. The circumstances that indicate that an individual is a high-risk
 13 missing person include any of the following:

- 14 (1) the person is missing as a result of abduction by a stranger;
- 15 (2) the person is missing under suspicious circumstances;
- 16 (3) the person is missing under known dangerous circumstances;
- 17 (4) the person is missing more than 30 days;
- 18 (5) the person has already been designated as a high-risk missing
 19 person by another law enforcement agency;
- 20 (6) there is evidence that the person is at risk because the missing
 21 person
 - 22 (A) is in need of medical attention or prescription medication;
 - 23 (B) may have been abducted by a noncustodial parent;
 - 24 (C) is mentally impaired;
 - 25 (D) is a person under 18 years of age; or
 - 26 (E) has been the subject of past threats or acts of violence;
- 27 (7) any other circumstance that the law enforcement agency uses to
 28 determine that the missing person may be at risk.

29 (c) When the law enforcement agency determines that the missing person is a
 30 high-risk missing person, the law enforcement agency shall notify the Alaska state
 31 troopers. The law enforcement agency shall immediately provide to the Alaska state

1 troopers the information most likely to aid in the location and safe return of the high-
2 risk missing person, and shall provide, as soon as practicable, all other information
3 obtained relating to the missing person case. The Alaska state troopers shall promptly
4 notify all law enforcement agencies within the state of the information that may aid in
5 the prompt location and safe return of the high-risk missing person. The local law
6 enforcement agencies who receive the notification from the Alaska state troopers shall
7 notify officers to be on the lookout for the missing person or a suspected abductor.

8 (d) The law enforcement agency receiving a high-risk missing person report
9 shall immediately enter all collected information relating to the missing person case in
10 available state and federal databases. The information shall be provided in accordance
11 with applicable guidelines relating to the databases.

12 **Sec. 18.60.155. Missing persons report protocols.** Law enforcement agencies
13 are encouraged to establish written protocols for the handling of missing person cases
14 to accomplish the purpose of this AS 18.60.150 - 18.60.170.

15 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **APPLICABILITY.** AS 18.60.150(b) - (h), added by sec. 1 of this Act, and
18 AS 18.60.153 - 18.60.155, added by secs. 2 and 3 of this Act, apply to reports and
19 investigations of missing persons when the person is reported as missing after the effective
20 date of this Act.