

Offered: 2/27/86
Referred: Judiciary

Original sponsor: Faiks

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 423 (State Affairs) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act creating a missing persons information clear-
7 inghouse."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 18.65 is amended by adding new sections to read:
10 ARTICLE 7. MISSING PERSONS INFORMATION CLEARINGHOUSE.
11 Sec. 18.65.600. MISSING PERSONS INFORMATION CLEARINGHOUSE.
12 There is in the Department of Public Safety the missing persons infor-
13 mation clearinghouse.
14 Sec. 18.65.610. DUTIES OF MISSING PERSONS INFORMATION CLEARING-
15 HOUSE. (a) The missing persons information clearinghouse is estab-
16 lished as a central repository of information regarding missing per-
17 sons.
18 (b) The clearinghouse shall
19 (1) establish within the state a system and appropriate
20 procedures for communication of information regarding missing persons;
21 (2) collect, maintain, and disseminate accurate and com-
22 plete information on missing persons for the purpose of identifying,
23 locating, and returning them;
24 (3) provide for exchange of information on missing persons
25 within the state;
26 (4) cooperate with private citizens, local law enforcement
27 agencies, and other state and federal agencies in investigations con-
28 cerning missing persons;
29 (5) maintain communication with the National Crime

1 Information Center for exchange of information on persons suspected of
2 interstate travel;

3 (6) provide training and assistance to law enforcement
4 agencies to promote effective use of the clearinghouse.

5 Sec. 18.65.620. DUTY OF LAW ENFORCEMENT AGENCIES. All local and
6 state law enforcement agencies shall submit to the clearinghouse all
7 missing person reports received by the law enforcement agency if the
8 missing person is not located within 72 hours after the report was
9 filed.

10 Sec. 18.65.630. MEDICAL AND DENTAL RECORDS OF MISSING PERSONS.

11 (a) When a person files a report of a missing person with a law
12 enforcement agency or with the clearinghouse, a form authorizing the
13 release of medical and dental records to the law enforcement agency
14 and to the clearinghouse shall be supplied to the family, next of kin,
15 or legal guardian of the missing person. The family, next of kin, or
16 legal guardian of the missing person may complete the release form and
17 deliver the release form to the physician or dentist of the missing
18 person. The physician or dentist who receives a release form signed
19 by the family, next of kin, or legal guardian of the missing person
20 may only release to the law enforcement agency and the clearinghouse
21 that information that is necessary to identify the missing person.

22 (b) When the family, next of kin, or legal guardian of a missing
23 person cannot be located or does not exist, a law enforcement agency
24 may execute a written declaration stating that an active investigation
25 is being conducted and that medical and dental records are required
26 for the exclusive purpose of furthering the investigation. Notwith-
27 standing AS 09.25.120 and AS 17.30.155, the declaration signed by a
28 peace officer under this subsection is sufficient authority for the
29 physician or dentist to release information necessary to aid in the

1 identification of the missing person. The physician or dentist may
2 only release that information that is necessary to identify the miss-
3 ing person.

4 (c) Medical and dental records obtained under this section shall
5 be provided to the clearinghouse.

6 (d) When a missing person is found, the law enforcement agency
7 and the clearinghouse shall destroy all records in their files ob-
8 tained under this section.

9 Sec. 18.65.640. REPORTS UPON FINDING A MISSING PERSON. A person
10 who has filed a missing person report with the clearinghouse or a law
11 enforcement agency shall immediately notify the clearinghouse or the
12 law enforcement agency when the location of the missing person is
13 determined.

14 Sec. 18.65.650. PENALTY. (a) A person in an agency who
15 knowingly fails to perform a duty under AS 18.65.620 - 18.65.630 is
16 liable in a civil action to a person harmed by the failure to perform
17 the duty for a penalty of not more than \$10,000.

18 (b) The commissioner of public safety, or a person designated by
19 the commissioner of public safety, may file a civil complaint in the
20 district court to enforce AS 18.65.640. A person who fails to comply
21 with AS 18.65.040 is subject to a civil fine of not more than \$1,000.

22 Sec. 18.65.660. DEFINITION. In AS 18.65.600 - 18.65.660 "clear-
23 inghouse" means the missing persons information clearinghouse estab-
24 lished in AS 18.65.600.

25 * Sec. 2. AS 18.60.170 is amended to read:

26 Sec. 18.60.170. REPORT AND INVESTIGATION OF DISAPPEARANCE. The
27 commissioner of public safety or the commissioner's [HIS] designee
28 shall file each notification of disappearance with the missing persons
29 information clearinghouse under AS 18.65.620 [IN ALPHABETICAL ORDER IN

1 HIS OFFICE], and shall notify the peace officer in the district where
2 the disappearance occurred or in the nearest districts where there is
3 a peace officer to make an investigation regarding the disappearance.
4 If the circumstances give reasonable grounds for suspicion that a
5 murder has been committed or that a person has met with foul play, the
6 peace officer shall report all the facts to the district attorney in
7 the peace officer's [HIS] district or the assistant district attorney
8 living nearest the place where the peace officer [HE] resides. The
9 district attorney or the assistant district attorney shall assist and
10 advise the peace officer in the [HIS] investigation.