

Offered: 5/10/86
Referred: Finance

Original sponsor: Faiks

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 423 (Judiciary)
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 the medical or dental records to the law enforcement
21 agency and the clearinghouse.

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 officer
24 may file a written petition in court stating that an active investi-
25 gation is being conducted, that medical and dental records are
26 required for the exclusive purpose of furthering the investigation,
27 and that the family, next of kin, or legal guardian of a missing
28 person cannot be located. The court may issue an order for the
29 release of medical and dental records necessary for the identification

1 of a missing person, if after a hearing on the petition the court
2 finds that (1) an active investigation is in progress to locate a
3 missing person; (2) medical and dental records are necessary for the
4 investigation; and (3) the family, next of kin, or legal guardian of a
5 missing person cannot be located after a diligent search or does not
6 exist. The order shall state that medical and dental records shall be
7 used only for the purposes of locating the missing person and that
8 only medical or dental records necessary to identify the missing
9 person may be released.

10 (c) The physician or dentist who receives a court order or
11 release form under this section may only release that information that
12 is necessary to identify the missing person.

13 (d) Medical and dental records obtained under this section shall
14 be provided to the clearinghouse; however, information provided to the
15 clearinghouse may not leave the state or be filed in a computer system
16 or network not controlled by a state agency.

17 (e) When a missing person is found, the law enforcement agency
18 and the clearinghouse shall destroy, immediately upon notification,
19 all records in their files obtained under this section in relation to
20 the previously missing person.

21 Sec. 18.65.640. REPORTS UPON FINDING A MISSING PERSON. (a) A
22 person who has filed a missing person report with the clearinghouse or
23 a law enforcement agency shall immediately notify the clearinghouse or
24 the law enforcement agency when the location of the missing person is
25 determined.

26 (b) The law enforcement agency and the clearinghouse shall
27 inform the person who has filed a missing person report of the penalty
28 under AS 18.65.650(b) for failure to report that a missing person has
29 been located.

1 Sec. 18.65.650. PENALTY. (a) A person in an agency who know-
2 ingly fails to perform a duty under AS 18.65.620 - 18.65.630 or who
3 knowingly uses information obtained under AS 18.65.600 - 18.65.660 in
4 a manner not necessary for a missing person investigation is liable in
5 a civil action to a person harmed by the failure to perform the duty
6 for a penalty of not more than \$10,000.

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

11 Sec. 18.65.660. DEFINITION. In AS 18.65.600 - 18.65.660 "clear-
12 inghouse" means the missing persons information clearinghouse estab-
13 lished in AS 18.65.600.

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

15 Sec. 18.60.170. REPORT AND INVESTIGATION OF DISAPPEARANCE. The
16 commissioner of public safety or the commissioner's [HIS] designee
17 shall file each notification of disappearance with the missing persons
18 information clearinghouse under AS 18.65.620 [IN ALPHABETICAL ORDER IN
19 HIS OFFICE], and shall notify the peace officer in the district where
20 the disappearance occurred or in the nearest districts where there is
21 a peace officer to make an investigation regarding the disappearance.
22 If the circumstances give reasonable grounds for suspicion that a
23 murder has been committed or that a person has met with foul play, the
24 peace officer shall report all the facts to the district attorney in
25 the peace officer's [HIS] district or the assistant district attorney
26 living nearest the place where the peace officer [HE] resides. The
27 district attorney or the assistant district attorney shall assist and
28 advise the peace officer in the [HIS] investigation.