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5-0355A

BY FAIKS, UEHLING
AND SZYMANSKI

1 IN THE SENATE

2 SENATE BILL NO. 102

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reports of missing persons; and
7 creating a missing persons information clearing-
8 house."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 18.65 is amended by adding new sections to read:

11 ARTICLE 7. MISSING PERSONS INFORMATION CLEARINGHOUSE.

12 Sec. 18.65.600. MISSING PERSONS INFORMATION CLEARINGHOUSE.

13 There is in the Department of Public Safety the missing persons infor-
14 mation clearinghouse.

15 Sec. 18.65.610. DUTIES OF MISSING PERSONS INFORMATION CLEARING-

16 HOUSE. (a) The missing persons information clearinghouse is estab-
17 lished as a central repository of information regarding missing per-
18 sons.

19 (b) The clearinghouse shall

20 (1) establish within the state a system and appropriate
21 procedures for communication of information regarding missing persons;

22 (2) collect, maintain, and disseminate accurate and com-
23 plete information on missing persons for the purpose of identifying,
24 locating, and returning them;

25 (3) provide for exchange of information on missing persons
26 within the state;

27 (4) cooperate with private citizens, local law enforcement
28 agencies, and other state and federal agencies in investigations con-
29 cerning missing persons;

1 (5) maintain communication with the National Crime Informa-
2 tion Center for exchange of information on persons suspected of inter-
3 state travel;

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

6 Sec. 18.65.620. DUTY OF LAW ENFORCEMENT AGENCIES. In addition
7 to the requirements of AS 47.10.141 regarding reports of missing
8 minors, a local or state law enforcement agency shall submit to the
9 clearinghouse all missing person reports received by the law enforce-
10 ment agency that relate to a person who is not located within 48 hours
11 after the first report concerning that person was filed.

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

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

24 (b) When the family, next of kin, or legal guardian of a missing
25 person cannot be located or does not exist, a law enforcement agency
26 may execute a written declaration stating that an active investigation
27 is being conducted and that medical and dental records are required
28 for the exclusive purpose of furthering the investigation. Notwith-
29 standing AS 09.25.120 and AS 17.30.155, the declaration signed by a

1 peace officer under this subsection is sufficient authority for the
2 physician or dentist to release information necessary to aid in the
3 identification of the missing person. The physician or dentist may
4 only release that information that is necessary to identify the miss-
5 ing person.

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

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

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

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

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

24 Sec. 18.65.660. DEFINITION. In AS 18.65.600 - 18.65.660 "clear-
25 ingshouse" means the missing persons information clearinghouse estab-
26 lished in AS 18.65.600.

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

28 Sec. 18.60.170. REPORT AND INVESTIGATION OF DISAPPEARANCE. The
29 commissioner of public safety or a designee shall file each

1 notification of disappearance with the missing persons information
2 clearinghouse under AS 18.65.620 [IN ALPHABETICAL ORDER IN THE OFFICE
3 OF THE COMMISSIONER OR DESIGNEE], and shall notify the peace officer
4 in the district where the disappearance occurred or in the nearest
5 districts where there is a peace officer to make an investigation
6 regarding the disappearance. If the circumstances give reasonable
7 grounds for suspicion that a murder has been committed or that a
8 person has met with foul play, the peace officer shall report all the
9 facts to the district attorney in the peace officer's district or the
10 assistant district attorney living nearest the place where the peace
11 officer resides. The district attorney or the assistant district
12 attorney shall assist and advise the peace officer in the investiga-
13 tion.

14 * Sec. 3. AS 47.10.141(a) is amended to read:

15 (a) Upon receiving a request to locate a minor evading the
16 minor's legal custodian or to locate a minor otherwise missing, a law
17 enforcement agency shall make reasonable efforts to locate the minor
18 and shall immediately complete a missing person's report containing
19 information necessary for the identification of the minor. As soon as
20 practicable, but not later than 24 hours after completing the report,
21 the agency shall transmit the report for entry into the Alaska Public
22 Safety Information Network and the National Crime Information Center
23 computer system. The report shall also be submitted to the missing
24 persons information clearinghouse under AS 18.65.620. As soon as
25 practicable, but not later than 24 hours after the agency learns that
26 the minor has been located, it shall request that the Department of
27 Public Safety and the Federal Bureau of Investigation remove the
28 information from the computer systems.