

Offered: 4/26/88
Referred: Finance

5-0355L

Original sponsors: Faiks, Uehling
and Szymanski

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 102 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND 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) provide training and assistance to law enforcement
2 agencies to promote effective use of the clearinghouse.

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

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

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

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

1 only release that information that is necessary to identify the miss-
2 ing person.

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

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

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

13 Sec. 18.65.650. CIVIL PENALTY. The commissioner of public
14 safety, or a person designated by the commissioner of public safety,
15 may file a civil complaint in the district court to enforce AS 18.65.-
16 640. A person who fails to comply with AS 18.65.640 is subject to a
17 civil fine of not more than \$1,000.

18 Sec. 18.65.660. DEFINITION. In AS 18.65.600 - 18.65.660 "clear-
19 ighthouse" means the missing persons information clearinghouse estab-
20 lished in AS 18.65.600.

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

22 Sec. 18.60.170. REPORT AND INVESTIGATION OF DISAPPEARANCE. The
23 commissioner of public safety or a designee shall file each notifica-
24 tion of disappearance with the missing persons information clearing-
25 house under AS 18.65.620 [IN ALPHABETICAL ORDER IN THE OFFICE OF THE
26 COMMISSIONER OR DESIGNEE], and shall notify the peace officer in the
27 district where the disappearance occurred or in the nearest districts
28 where there is a peace officer to make an investigation regarding the
29 disappearance. If the circumstances give reasonable grounds for

1 suspicion that a murder has been committed or that a person has met
2 with foul play, the peace officer shall report all the facts to the
3 district attorney in the peace officer's district or the assistant
4 district attorney living nearest the place where the peace officer
5 resides. The district attorney or the assistant district attorney
6 shall assist and advise the peace officer in the investigation.

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

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