

CSSB

102

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/25/88

FURTHER REFERRALS:

DATE: 5-3-88

The Finance Committee has considered CSSB 102 (Jud)

"An Act relating to reports of missing persons; and creating a missing persons information clearinghouse."

RECOMMENDS:

- replace with HCS CS SB 102 (Jud) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 4/26/88 (Senate)
- zero with analysis

SIGNING DO PASS:

Adams [Signature]

Rurchot [Signature]

Larson [Signature]

Goll [Signature]

Swank [Signature]

Boyer [Signature]

Rieger [Signature]

Frank [Signature]

Wallis [Signature]

Brown [Signature]

Davis [Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]
Chairman's signature

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HCS CSSB 102 (JUD)
PUBLISH DATE: HOUSE 4/26/88

FISCAL NOTE

REQUEST

Revision Date: 2/23/88
Title: "Missino Persons Information
Clearinghouse..."
Sponsor: Sen. Falks
Requestor: House Judiciary

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Criminal Investigation
Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	-0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No additional law enforcement activities are anticipated to result from passage of this legislation.

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/23/88

Approved by Commissioner: *[Signature]* *Dep. Comm.*
Agency: Public Safety

Date: 3-2-88

- Distribution: (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

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;

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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 inghouse" 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.

BILL NO: SB 102

DATE: 2/23/87

TITLE: "An Act relating to reports
of missing persons..."

CONTACT: Maj. Walter J. Gilmour
Acting Director

DEPARTMENT OF
PUBLIC SAFETY

The purpose of this bill is to establish, by statute, a Missing Persons Clearinghouse. In previous years, a missing persons unit has been maintained within the division of Alaska State Troopers without specific funding. Due to reduced budgets, this is no longer possible.

This bill requires all state and local law enforcement agencies to coordinate missing persons' reports through one central clearinghouse operated by the Department of Public Safety. The effect is the establishment of a central storage area for the collection, maintenance and dissemination of information relating to the identification, locating and return of missing persons.

In order to comply with this legislative mandate, we are conservatively requesting a part-time Clerk IV and the necessary equipment for this individual to perform the required tasks.

The Division of Alaska State Troopers supports passage of this legislation.


William R. Nix
Acting Commissioner

POSTAL SERVICE



Alaska State Legislature

SENATE

Office of the President

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3755

April 26, 1988

MEMORANDUM

TO: Representative Al Adams, Chairman
House Finance Committee

FROM: Senator Jan Faiks
President of the Senate *Jan Faiks*

SUBJECT: Background on Senate Bill 102
An Act relating to reports of missing persons;
and creating a missing persons information
clearinghouse.

HCS CSSB 102 (Jud) has been referred to the House Finance Committee for consideration. The purpose of this bill is to establish a statewide system for handling information about missing persons.

The locating of missing persons has been hampered in the state by the lack of consistent procedures for receiving, processing and sharing information about lost persons. Each law enforcement agency seems to have its own method for handling reports of missing persons, for dealing with relatives of the victim, and for coordinating search efforts with others.

Often, this lack of consistency has resulted in undue expense to the government and needless anxiety for friends and relatives. The problem is aggravated by the vastness of our state. A body washed up on the shores of the Bering Sea is not matched with a missing persons report filed in Ketchikan. Village officials continue to investigate the disappearance of a teenager long after she has been found by authorities in Fairbanks.

By creating a central repository for collecting and handling information about missing persons, Senate Bill 102 should relieve these problems.

HCS CSSB 102 (Jud) proposes the following:

Section 1. Amends AS 18.65 (Police Protection) by adding AS 18.65.600 - 18.65.660.

Sec. 18.65.600. MISSING PERSONS INFORMATION CLEARINGHOUSE. Establishes the Missing Persons Information Clearinghouse.

Sec. 18.65.610. DUTIES OF MISSING PERSONS INFORMATION CLEARINGHOUSE. Requires the Clearinghouse to create a statewide system for handling information about missing persons. The Clearinghouse will collect and disseminate this information throughout Alaska. It will train officials on how to best use the Clearinghouse.

Sec. 18.65.620. DUTY OF LAW ENFORCEMENT AGENCIES. Places a duty on all law enforcement agencies to send to the Clearinghouse all reports of missing persons who have not been found within forty-eight hours.

Sec. 18.65.630. MEDICAL AND DENTAL RECORDS OF MISSING PERSONS. Allows agencies to obtain medical and dental records that will help identify bodies. If relatives of the missing persons are available, these records cannot be obtained by a government agency unless they are requested by family members. If no relatives are available, the law enforcement agencies can obtain records on their own initiative. When the agencies obtain these records, they must forward them to the Clearinghouse. Upon the location of the missing person, the law enforcement agency and the clearinghouse shall destroy all records in their files.

Sec. 18.65.640. REPORTS UPON FINDING A MISSING PERSON. Requires a person who files a missing person report to notify the clearinghouse or law enforcement agency once the person who has been reported missing has been found.

Sec. 18.65.650. CIVIL PENALTY. Failure to notify the Clearinghouse or law enforcement agency when the missing person is found may be punishable by a civil fine of not more than \$1,000.

Section 2 REPORT AND INVESTIGATION OF DISAPPEARANCE. Amends AS 18.60.170 which deals with procedures for handling missing persons reports within the Department of Public Safety. This section adds the additional duty of filing these reports with

the Clearinghouse. If murder or foul play is suspected in a case, a report must be filed with the district attorney.

Section 3. Amends AS 47.10.141(a) to require the filing of reports of missing minors with the Clearinghouse.

I would appreciate the committee's consideration of this bill at its earliest convenience. Should you need additional information, please let me know.

Thank you.

Original sponsors: Faiks, Uehling
and Szymanski

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 102 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

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27 is being conducted and that medical and dental records are required
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24 information from the computer systems.

1 IN THE SENATE

BY FAIKS, UEHLING
AND SZYMANSKI

2

SENATE BILL NO. 102

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to reports of missing persons; and
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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.

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