

SB

102

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

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

21 Sec. 18.55.660. DEFINITION. In AS 18.65.600 - 18.65.660 "clear-
22 inghouse" means the missing persons information clearinghouse estab-
23 lished in AS 18.65.600.

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

25 Sec. 18.60.170. REPORT AND INVESTIGATION OF DISAPPEARANCE. The
26 commissioner of public safety or a designee shall file each notifica-
27 tion of disappearance with the missing persons information clearing-
28 house under AS 18.65.620 [IN ALPHABETICAL ORDER IN THE OFFICE OF THE
29 COMMISSIONER OR DESIGNEE], and shall notify the peace officer in the

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

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

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST
Revision Date: _____
Title: "An Act relating to reports
of missing persons."
Sponsor: Sen. Faiks...
Requestor: Senate State Affairs

Bill Version: SB 102
Publish Date: _____
Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		24.8	25.5	26.3	27.1	27.9
TRAVEL						
SUPPLIES		1.0	1.1	1.1	1.1	1.1
EQUIPMENT		10.3				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	38.1	28.7	29.5	30.4	31.4
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	38.1	28.7	29.5	30.4	31.4
FEDERAL FUNDS						
OTHER						
TOTAL	0	38.1	28.7	29.5	30.4	31.4

POSITIONS:

FULL-TIME						
PART-TIME	0	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Costs include one PPT Clerk IV and a micro computer to handle record keeping. Equipment costs are needed only in the first year. 3% inflation costs are anticipated in future years.

Prepared by: Francis C. Allan Phone: 269-5691
Division: Alaska State Troopers Date: 2/23/87
Approved by Commissioner: [Signature] Date: 2/24/87
Agency: Public Safety

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

JNR
2/24/87

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 102

Personal Services

Clerk IV, Range 9, Step A, PPT
 30 hrs X \$11.06 X 52 weeks = 17,254
 Benefits 3,289
 SBS 1,058
 Health 2,214

Personal Services 24,815

Contractual

Line costs for computer interface 2,000

Supplies

Office Supplies 1,000

Equipment

Compaq Computer, Software, Printer, etc. 9,000
 Desk 691
 Chair 345
 Computer Table 300

Total Equipment 10,336

TOTAL 38,151

Position Title Clerk IV		No. of Positions	Range/Step	9/A	Barg. Unit	GSU
Time Status PPT	Staff Months 12	Location Anchorage		Election District 7-12		
Type of Expenditure		Amount				
1	2	3				
Salary	17,254					
Benefits	7,501					
Premium Pay						
Other						
Total Personal Services		24.8				
Travel						
Contractual		2.0				
Commodities		1.0				
Equipment		10.3				
Other						
Total Cost		38.1				
Funding Source for Total Cost						
Federal Receipts	1002					
G. F. Match	1003					
General Fund	1004	38.1				
I-A Receipts	1006					
CIP Receipts	1061					
Other						

Justification

This PPT (30 hrs per week) Clerk IV will be used to operate a purchased Compaq computer to enter and update data on missing persons reported by state and local law enforcement agencies. Incidents of runaways will need to be entered when reported and cleared when the individual is located. The filing of reports, medical records, photos and other data will be the responsibility of this position.

**Request For
New Position**

Agency Public Safety
 BRU Alaska State Troopers
 Component Detachments & CIB

Page 3 of 3
 Revised Date _____

FY 88

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 report missing persons to a 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

RECEIVED
FEB 24 1987
ALASKA STATE TROOPERS

Alaska State Legislature



PRESIDENT
907-465-3755

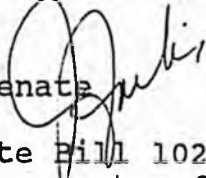
JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

February 9, 1987

MEMORANDUM

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks 
President of the Senate

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

Senate Bill 102 has been referred to your 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.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

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

Senate Bill 102 proposes the following:

Section 1. Amends AS 18.65 by adding AS 18.65.600 - 18.65.660.

Sec. 18.65.600. Establishes the Missing Persons Information Clearinghouse.

Sec. 18.65.610. 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 communicate with the National Crime Information Center about missing persons cases, and will train officials on how to best use the Clearinghouse.

Sec. 18.65.620. 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. 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. 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. Failure to notify the Clearinghouse or law enforcement agency when the person is found may be punishable by a civil fine of not more than \$1,000.

Sec. 18.65.650. Provides a maximum civil penalty of \$10,000 if a person fails to perform a duty required by this act

Section 2 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.

A similar bill was rassed by the Senate during the last session, but time ran out before it was able to get through the legislative process. This bill has passed out of its first committee of referral, the Senate State Affairs Committee.

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

Thank you.