

FIRST REGULAR SESSION

HOUSE BILL NO. 757

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PRATT (Sponsor), DUSENBERG, YATES, SALVA, MEINERS, TALBOY, DOUGHERTY, BROWN (50), YOUNG, CURLS, BLAND, LeVOTA, LOW (39), BURNETT, HOLSMAN, GRISAMORE, RICHARD AND KRAUS (Co-sponsors).

Read 1st time February 6, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1330L.011

AN ACT

To amend chapter 589, RSMo, by adding thereto four new sections relating to missing persons.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 589, RSMo, is amended by adding thereto four new sections, to be known as sections 589.700, 589.702, 589.704, and 589.706, to read as follows:

589.700. 1. This law shall be called and may be cited as the "Summer Shipp Act".

2. All law enforcement officers shall accept without delay any written report of a missing person. Acceptance of a missing persons report shall not be refused on any ground. No law enforcement agency shall refuse to accept a written missing person report on the basis that:

(1) The missing person is an adult;

(2) The circumstances do not indicate foul play;

(3) The person has been missing for a short period of time;

(4) The person has been missing a long period of time;

(5) There is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;

(6) The circumstances suggest that the disappearance may be voluntary;

(7) The person reporting does not have personal knowledge of the facts;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (8) The reporting individual cannot provide all of the information requested by the
15 law enforcement agency;

16 (9) The reporting person lacks a familial or other relationship with the missing
17 person;

18 (10) Or for any other reason.

19 3. All law enforcement agencies shall accept written missing person reports in
20 person. Law enforcement agencies may accept reports by phone or by electronic means
21 or other media to the extent that such reporting is consistent with law enforcement policies
22 or practices.

23 4. In accepting a written report of a missing person, the law enforcement agency
24 shall attempt to gather relevant information relating to the disappearance. The law
25 enforcement agency shall attempt to gather at the time of the written report information
26 that shall include, but not be limited to, the following:

27 (1) The name of the missing person, including alternative names used;

28 (2) The date of birth;

29 (3) Identifying marks such as birthmarks, moles, tattoos, scars, etc.;

30 (4) Height and weight;

31 (5) Gender;

32 (6) Race;

33 (7) Current hair color and true or natural hair color;

34 (8) Eye color;

35 (9) Prosthetics, surgical implants, or cosmetic implants;

36 (10) Physical anomalies;

37 (11) Blood type, if known;

38 (12) Driver's licence number, if known;

39 (13) Social Security number, if known;

40 (14) A photograph of the missing person, with recent photographs being preferable,
41 and the law enforcement agency is encouraged to attempt to ascertain the approximate
42 date the photograph was taken;

43 (15) A description of the clothing the missing person was believed to be wearing;

44 (16) A description of the items that might be with the missing person such as
45 jewelry, accessories, shoes or boots, etc.;

46 (17) Information on the missing person's electronic communications devices
47 including, but not limited to, cell phone numbers, e-mail addresses, etc.;

48 (18) The reasons why the reporting person believes the person is missing;

49 (19) The name and location of the missing person's school or employer, if known;

50 (20) The name and location of the missing person's dentist and/or primary care
51 physician, if known;

52 (21) Any circumstances that may indicate that the disappearance was not
53 voluntary;

54 (22) Any circumstances that indicate that the missing person may be at risk of
55 injury or death;

56 (23) A description of the possible means of transportation of the missing person,
57 including make, model, color, license, and VIN of a vehicle;

58 (24) Any identifying information about a known or possible abductor and/or
59 person last seen with the missing person including:

60 (a) Name;

61 (b) A physical description;

62 (c) Date of birth;

63 (d) Identifying marks;

64 (e) The description of possible means of transportation including make, model,
65 color, license, and VIN of a vehicle;

66 (f) Known associates;

67 (g) Any other information that may aid in locating the missing person; and

68 (h) Date of last contact.

69 5. The law enforcement agency shall reasonably respond to inquiries from the
70 person making the report, a family member, or other person in a position to assist the law
71 enforcement agency in its efforts to locate the missing person of general information about
72 the handling of the missing person case to the extent that the law enforcement agency
73 determines that disclosure would not adversely affect its ability to locate or protect the
74 missing person, or to apprehend or prosecute any person criminally involved in the
75 disappearance.

76 6. The law enforcement agency, upon acceptance of a written missing person's
77 report, shall inform the reporting citizen of one of two resources, based upon the age of the
78 missing person. If the missing person is age seventeen or under, contact information for
79 the National Center for Missing and Exploited Children shall be given. If the missing
80 person is age eighteen or older, contact information for the National Center for Missing
81 Adults shall be given.

 589.702. 1. If the person identified in the missing person report remains missing
2 after thirty days, and the additional information and materials specified below have not
3 been received, the law enforcement agency shall attempt to obtain:

(1) DNA samples from family members and/or from the missing person along with any needed documentation, including any consent forms, required for the use of state or federal DNA databases, including but not limited to, the Local DNA Database (LDDS), State DNA Database (SDIS), and National DNA Database (NDIS);

(2) An authorization to release dental or skeletal x-rays of the missing person;

(3) Any additional photographs of the missing person that may aid the investigation or an identification. The law enforcement agency shall not be required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person;

(4) Dental information and x-rays; or

(5) Fingerprints.

2. All DNA samples obtained in missing person's cases shall be forwarded to the state crime laboratory or other accredited laboratory that shall perform the DNA analysis. The laboratory shall establish procedures for determining how to prioritize analysis of the samples relating to missing person's cases.

3. Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.

4. Nothing in this subsection shall be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the thirty-day period.

589.704. 1. A "high-risk" missing person is an individual whose whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death. The circumstances that indicate that an individual is a high-risk missing person include any of the following, but are not limited to:

(1) The person is missing as a result of a stranger abduction;

(2) The person is missing under suspicious circumstances;

(3) The person is missing under unknown circumstances;

(4) The person is missing under known dangerous circumstances;

(5) The person is missing more than thirty days;

(6) The person has already been designated as a high-risk missing person by another law enforcement agency;

(7) There is evidence that the person is at risk because:

(a) The person missing is in need of medical attention, or prescription medication;

(b) The person missing does not have a pattern of running away or disappearing;

(c) The person missing may have been abducted by a noncustodial parent;

(d) The person missing is mentally impaired;

- 17 (e) The person missing is a person under the age of twenty-one;
18 (f) The person missing has been the subject of past threats or acts of violence;
19 (8) Any other factor that may, in the judgment of the law enforcement official,
20 determine that the missing person may be at risk.

21 2. Upon initial receipt of a written missing person report, the law enforcement
22 agency shall immediately determine whether there is a basis to determine that the person
23 missing is a high-risk missing person. If a law enforcement agency has previously
24 determined that a missing person is not a high-risk missing person, but obtains new
25 information, it shall immediately determine whether the information provided to the law
26 enforcement agency indicates that the person missing is a high-risk missing person.

27 3. Risk assessments identified in this subsection shall be performed no later than
28 twenty-four hours after the initial missing person report or the new information was
29 provided to the law enforcement agency.

30 4. Law enforcement agencies are encouraged to establish written protocols for the
31 handling of a missing person case to accomplish the purposes of sections 589.700 to
32 589.710.

 589.706. 1. When the law enforcement agency determines that the missing person
2 is a high-risk missing person it shall notify the Missouri state highway patrol. It shall
3 immediately provide to the Missouri state highway patrol the information most likely to
4 aid in the location and safe return of the high-risk missing person. It shall provide as soon
5 as practicable all other information obtained relating to the missing person case.

6 2. The Missouri state highway patrol shall promptly and immediately notify all law
7 enforcement agencies within the state and surrounding region of the information that will
8 aid in the prompt location and safe return of the high-risk missing person.

9 3. The local law enforcement agencies who receive the notification from the state
10 agency specified in this subsection shall notify officers to "be on the lookout" for the
11 missing person and/or a suspected abductor.

12 4. The responding local law enforcement agency shall immediately enter all
13 collected information relating to the missing person case in available state and federal
14 databases. If the responding local law enforcement agency does not have the capability to
15 enter this data directly in the state and federal databases, the Missouri state highway
16 patrol shall immediately enter all collected information relating to the missing person case
17 in available state and federal databases. The information shall be provided in accordance
18 with applicable guidelines relating to the databases. The information shall be entered as
19 follows:

20 (1) A written missing person report in high-risk missing person's cases and relevant
21 information provided in the report shall be entered in the National Crime Information
22 Center database immediately. All other missing person's reports and relevant information
23 provided in the report shall be entered within three days after the written missing person
24 report is received. Supplemental information in high-risk missing person's cases should
25 be entered as soon as possible;

26 (2) All DNA profiles shall be uploaded into the missing person's databases of the
27 State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion
28 of the DNA analysis and other procedures required for database entry;

29 (3) Information relevant to the Federal Bureau of Investigation's Violent Criminal
30 Apprehension Program shall be entered as soon as possible.

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