

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 862, Page 3,
2 Section 27.170, Line 31, by inserting after all of said section and line the following:

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4 "43.401. 1. For purposes of this section, the following terms mean:

5 (1) "Missing child":

6 (a) Any person under eighteen years of age; or

7 (b) Any youth, under twenty-one years of age, that the children's division has responsibility
8 for with respect to placement, care, or supervision and who is the subject child of a child protective
9 investigation, who is receiving preventive services or services under section 477 of the Social
10 Security Act, or who has run away from foster care where the children's division has reasonable
11 cause to believe that such youth is, or is at risk of being, a sex trafficking victim;

12
13 who is missing from his or her normal and ordinary place of residence and whose whereabouts
14 cannot be determined by a person responsible for the child's care and any child known to have been
15 taken, enticed, or concealed from the custody of his or her lawful guardian by a person who has no
16 legal right to do so;

17 (2) "Vulnerable adult", any person eighteen years of age or older who has a cognitive
18 impairment, mental disability, or brain disorder and whose disappearance has been determined by
19 law enforcement to pose a credible threat of harm to such person.

20 2. The reporting of missing persons by law enforcement agencies, private citizens, and the
21 responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

22 (1) A person may file a complaint of a missing person with a law enforcement agency
23 having jurisdiction. The complaint shall include, but need not be limited to, the following
24 information:

25 (a) The name of the complainant;

26 (b) The name, address, and phone number of the guardian, if any, of the missing person;

27 (c) The relationship of the complainant to the missing person;

28 (d) The name, age, address, and all identifying characteristics of the missing person;

29 (e) The length of time the person has been missing; and

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1 (f) All other information deemed relevant by either the complainant or the law enforcement
2 agency;

3 (2) A report of the complaint of a missing person shall be immediately entered into the
4 Missouri uniform law enforcement system (MULES) and the National Crime Information Center
5 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other
6 law enforcement agencies who may come in contact with or be involved in the investigation or
7 location of a missing person;

8 (3) A law enforcement agency with which a complaint of a missing child has been filed
9 shall prepare, as soon as practicable, a standard missing child report. The missing child report shall
10 be maintained as a record by the reporting law enforcement agency during the course of an active
11 investigation;

12 (4) Upon the location of a missing person, or the determination by the law enforcement
13 agency of jurisdiction that the person is no longer missing, the law enforcement agency which
14 reported the missing person shall immediately remove the record of the missing person from the
15 MULES and NCIC files.

16 ~~[2-]~~ 3. No law enforcement agency shall prevent an immediate active investigation on the
17 basis of an agency rule which specifies an automatic time limitation for a missing person
18 investigation.

19 ~~[3-]~~ 4. Any agency or placement provider, parent, or guardian with the care and custody of a
20 child who is missing shall file a missing child complaint with the appropriate law enforcement
21 agency within two hours of determining the child to be missing. The law enforcement agency shall
22 immediately submit information as to the missing child to the National Center for Missing and
23 Exploited Children (NCMEC) including, but not limited to, the name, date of birth, sex, race,
24 height, weight, and eye and hair color of the child; a recent photograph of the child; and the date and
25 location of the last known contact with the child. The law enforcement agency shall institute a
26 proper investigation and search for the missing child and maintain contact with the agency or
27 placement provider making the missing child complaint. The missing child's entry shall not be
28 removed from any database or system until the child is found or the case is closed.

29 5. (1) The law enforcement agency shall generate a report of the missing person within the
30 National Missing and Unidentified Persons System (NamUs) within thirty days after entry of a
31 report of a missing child, missing vulnerable person, or missing adult into the registry whenever
32 circumstances indicate that the missing child, missing vulnerable person, or missing adult may be at
33 immediate risk of death or injury, or may be a match to a record maintained in the NamUs
34 unidentified person database, and within one hundred eighty days in any other case. The law
35 enforcement agency may attempt to obtain additional information and materials that have not been
36 received.

37 (2) Upon the location of a missing child, missing vulnerable person, missing adult, or the
38 determination by the law enforcement agency of jurisdiction that the child, vulnerable person, or

1 adult is no longer missing, the law enforcement agency that reported the missing child, vulnerable
 2 person, or adult shall immediately remove the record of the missing person from NamUs.

3 43.411. 1. The provisions of this section shall apply whenever human remains are
 4 discovered.

5 2. The medical examiner or coroner shall communicate and keep in contact with the
 6 assisting law enforcement agency as to the progress of identification of the unknown human
 7 remains. For purposes of this section, "assisting law enforcement agency" means a law enforcement
 8 agency with jurisdiction acting under the request and direction of the medical examiner or coroner
 9 to assist with human remains identification.

10 3. The assisting law enforcement agency, medical examiner, or coroner shall create an
 11 unidentified persons record in the National Missing and Unidentified Persons System (NamUs) prior
 12 to the submission of samples.

13 4. Nothing in this section shall be construed to preclude any assisting law enforcement
 14 agency, medical examiner, coroner, or the Missouri state highway patrol from pursuing other efforts
 15 to identify human remains, including efforts to publicize information, descriptions, or photographs
 16 related to the investigation.

17 5. For historic or prehistoric skeletal remains determined by an anthropologist not to be of
 18 medicolegal significance, jurisdiction shall be transferred to the state historic preservation officer for
 19 further investigation under section 194.408."; and

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 21 Further amend said bill, Page 5, Section 56.265, Line 43, by inserting after all of said section and
 22 line the following:

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 24 "58.451. 1. When any person, in any county in which a coroner is required by section
 25 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- 26 (1) Violence by homicide, suicide, or accident;
 27 (2) Criminal abortions, including those self-induced;
 28 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a
 29 physician during the thirty-six-hour period preceding the death;
 30 (4) In any unusual or suspicious manner;
 31 (5) Any injury or illness while in the custody of the law or while an inmate in a public
 32 institution;

33
 34 the police, sheriff, law enforcement officer or official, or any person having knowledge of such a
 35 death shall immediately notify the coroner of the known facts concerning the time, place, manner
 36 and circumstances of the death. Immediately upon receipt of notification, the coroner or deputy
 37 coroner shall take charge of the dead body and fully investigate the essential facts concerning the
 38 medical causes of death, including whether by the act of man, and the manner of death. The coroner
 39 or deputy coroner may take the names and addresses of witnesses to the death and shall file this

1 information in the coroner's office. The coroner or deputy coroner shall take possession of all
2 property of value found on the body, making exact inventory of such property on the report and shall
3 direct the return of such property to the person entitled to its custody or possession. The coroner or
4 deputy coroner shall take possession of any object or article which, in the coroner's or the deputy
5 coroner's opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting
6 attorney of the county.

7 2. When a death occurs outside a licensed health care facility, the first licensed medical
8 professional or law enforcement official learning of such death shall immediately contact the county
9 coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall
10 make the determination if further investigation is necessary, based on information provided by the
11 individual contacting the coroner, and immediately advise such individual of the coroner's
12 intentions.

13 3. Notwithstanding the provisions of subsection 2 of this section to the contrary, when a
14 death occurs under the care of a hospice, no investigation shall be required if the death is certified
15 by the treating physician of the deceased or the medical director of the hospice as a natural death
16 due to disease or diagnosed illness. The hospice shall provide written notice to the coroner within
17 twenty-four hours of the death.

18 4. Upon taking charge of the dead body and before moving the body the coroner shall notify
19 the police department of any city in which the dead body is found, or if the dead body is found in the
20 unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the
21 coroner shall notify the county sheriff or the highway patrol and cause the body to remain unmoved
22 until the police department, sheriff or the highway patrol has inspected the body and the surrounding
23 circumstances and carefully noted the appearance, the condition and position of the body and
24 recorded every fact and circumstance tending to show the cause and manner of death, with the
25 names and addresses of all known witnesses, and shall subscribe the same and make such record a
26 part of the coroner's report.

27 5. In any case of sudden, violent or suspicious death after which the body was buried
28 without any investigation or autopsy, the coroner, upon being advised of such facts, may at the
29 coroner's own discretion request that the prosecuting attorney apply for a court order requiring the
30 body to be exhumed.

31 6. The coroner may certify the cause of death in any case where death occurred without
32 medical attendance or where an attending physician refuses to sign a certificate of death or when a
33 physician is unavailable to sign a certificate of death.

34 7. When the cause of death is established by the coroner, the coroner shall file a copy of the
35 findings in the coroner's office within thirty days.

36 8. If on view of the dead body and after personal inquiry into the cause and manner of death,
37 the coroner determines that a further examination is necessary in the public interest, the coroner on
38 the coroner's own authority may make or cause to be made an autopsy on the body. The coroner
39 may on the coroner's own authority employ the services of a pathologist, chemist, or other expert to

1 aid in the examination of the body or of substances supposed to have caused or contributed to death,
2 and if the pathologist, chemist, or other expert is not already employed by the city or county for the
3 discharge of such services, the pathologist, chemist, or other expert shall, upon written authorization
4 of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner
5 provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be
6 recorded each fact and circumstance tending to show the condition of the body and the cause and
7 manner of death.

8 9. If on view of the dead body and after personal inquiry into the cause and manner of death,
9 the coroner considers a further inquiry and examination necessary in the public interest, the coroner
10 shall make out the coroner's warrant directed to the sheriff of the city or county requiring the sheriff
11 forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the
12 time and place expressed in the warrant, and to inquire how and by whom the deceased died.

13 10. (1) When a person is being transferred from one county to another county for medical
14 treatment and such person dies while being transferred, or dies while being treated in the emergency
15 room of the receiving facility the place which the person is determined to be dead shall be
16 considered the place of death and the county coroner or medical examiner of the county from which
17 the person was originally being transferred shall be responsible for determining the cause and
18 manner of death for the Missouri certificate of death.

19 (2) The coroner or medical examiner in the county in which the person is determined to be
20 dead may with authorization of the coroner or medical examiner from the original transferring
21 county, investigate and conduct postmortem examinations at the expense of the coroner or medical
22 examiner from the original transferring county. The coroner or medical examiner from the original
23 transferring county shall be responsible for investigating the circumstances of such and completing
24 the Missouri certificate of death. The certificate of death shall be filed in the county where the
25 deceased was pronounced dead.

26 (3) Such coroner or medical examiner of the county where a person is determined to be dead
27 shall immediately notify the coroner or medical examiner of the county from which the person was
28 originally being transferred of the death of such person, and shall make available information and
29 records obtained for investigation of the death.

30 (4) If a person does not die while being transferred and is institutionalized as a regularly
31 admitted patient after such transfer and subsequently dies while in such institution, the coroner or
32 medical examiner of the county in which the person is determined to be dead shall immediately
33 notify the coroner or medical examiner of the county from which such person was originally
34 transferred of the death of such person. In such cases, the county in which the deceased was
35 institutionalized shall be considered the place of death. If the manner of death is by homicide,
36 suicide, accident, criminal abortion including those that are self-induced, child fatality, or any
37 unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the
38 county of origin, and this coroner or medical examiner shall be responsible for the Missouri

1 certificate of death. The certificate of death shall be filed in the county where the deceased was
2 pronounced dead.

3 11. There shall not be any statute of limitations or time limits on the cause of death when
4 death is the final result or determined to be caused by homicide, suicide, accident, child fatality,
5 criminal abortion including those self-induced, or any unusual or suspicious manner. The place of
6 death shall be the place in which the person is determined to be dead. The final investigation of
7 death in determining the cause and matter of death shall revert to the county of origin, and the
8 coroner or medical examiner of such county shall be responsible for the Missouri certificate of
9 death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

10 12. Except as provided in subsection 10 of this section, if a person dies in one county and
11 the body is subsequently transferred to another county, for burial or other reasons, the county
12 coroner or medical examiner where the death occurred shall be responsible for the certificate of
13 death and for investigating the cause and manner of the death.

14 13. In performing the duties, the coroner or medical examiner shall comply with sections
15 58.775 to 58.785 with respect to organ donation.

16 14. In performing the duties of this section, the coroner or medical examiner shall
17 additionally comply with section 43.411 with respect to the identification of human remains."; and

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19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.