

SECOND REGULAR SESSION

HOUSE BILL NO. 1716

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRNES.

4170H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.401, 43.410, and 58.451, RSMo, and to enact in lieu thereof four new sections relating to missing persons.

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

Section A. Sections 43.401, 43.410, and 58.451, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 43.401, 43.410, 43.411, and 58.451, to read as follows:

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

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

(a) The name of the complainant;

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

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

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

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

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

(2) A report of the complaint of a missing person shall be immediately entered into the Missouri uniform law enforcement system (MULES) and the National Crime Information

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.

17 Center (NCIC) system by the law enforcement agency receiving the complaint, and
18 disseminated to other law enforcement agencies who may come in contact with or be
19 involved in the investigation or location of a missing person;

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

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

28 2. No law enforcement agency shall prevent an immediate active investigation on the
29 basis of an agency rule which specifies an automatic time limitation for a missing person
30 investigation.

31 3. Any agency or placement provider, parent, or guardian with the care and custody of
32 a child who is missing shall file a missing child complaint with the appropriate law
33 enforcement agency within two hours of determining the child to be missing. The law
34 enforcement agency shall immediately submit information as to the missing child to the
35 National Center for Missing and Exploited Children (NCMEC) including, but not limited to,
36 the name, date of birth, sex, race, height, weight, and eye and hair color of the child; a recent
37 photograph of the child; and the date and location of the last known contact with the child.
38 The law enforcement agency shall institute a proper investigation and search for the missing
39 child and maintain contact with the agency or placement provider making the missing child
40 complaint. The missing child's entry shall not be removed from any database or system until
41 the child is found or the case is closed.

42 **4. The law enforcement agency shall generate a report of the missing person**
43 **within the National Missing and Unidentified Persons System (NamUs) within thirty**
44 **days, and the law enforcement agency may attempt to obtain the additional information**
45 **and materials that have not been received, such as:**

46 **(1) DNA samples from family members or from the missing person along with**
47 **any needed documentation, or both, including any consent forms required for the use of**
48 **state or federal DNA databases including, but not limited to, the:**

49 **(a) Local DNA Index System (LDIS);**

50 **(b) State DNA database;**

51 **(c) National DNA Index Systems (NDIS); and**

52 **(d) National Missing and Unidentified Persons System (NamUs) partner**
53 **laboratories;**

54 **(2) An authorization to release dental or skeletal x-rays of the missing person;**
55 **(3) Any additional photographs of the missing person that may aid the**
56 **investigation or an identification, provided that the law enforcement agency is not**
57 **required to obtain written authorization before releasing publicly any photograph that**
58 **would aid in the investigation or identification of a missing person;**

59 **(4) Dental information and x-rays; and**

60 **(5) Fingerprints.**

61 **5. The department of public safety peace officer standards and training (POST)**
62 **commission shall establish appropriate training resources focused on the investigations**
63 **of unidentified and missing persons and shall require all licensed peace officers to**
64 **complete such training on a regular basis to be determined by the POST commission.**
65 **Such training may be conducted in conjunction with resources available through**
66 **NamUs.**

43.410. 1. Every county coroner or medical examiner promptly shall furnish the
2 Missouri state highway patrol **or other law enforcement agency with jurisdiction** with
3 copies of fingerprints on standardized fingerprint cards, personal descriptions and other
4 identifying data, including date and place of death, of all deceased persons whose deaths are
5 in a classification requiring inquiry by the coroner or medical examiner where the deceased is
6 not identified or the coroner or medical examiner is not satisfied with the decedent's
7 identification. In any case where it is not physically possible to furnish prints of the ten
8 fingers of the deceased, prints or partial prints of any fingers with other identifying data shall
9 be forwarded by the county coroner or medical examiner to the highway patrol.

10 2. In addition to the foregoing provisions of this section, the county coroner or
11 medical examiner shall cause a dentist to carry out a dental examination of the deceased. The
12 coroner or medical examiner shall forward the dental records to the Missouri state highway
13 patrol on a form supplied by the highway patrol for such purpose.

14 3. The Missouri state highway patrol shall compare the fingerprints received from the
15 county coroner or medical examiner to fingerprints on file with the Missouri state highway
16 patrol or with other law enforcement agencies for purposes of attempting to determine the
17 identity of the deceased. Other descriptive data supplied with the fingerprints shall also be
18 compared to records concerning missing persons. The highway patrol shall submit the results
19 of the comparisons to the appropriate coroner or medical examiner and if a tentative or
20 positive identification is made, to the law enforcement authority which submitted the report of
21 the missing person.

22 4. When any person makes a report of a missing child to a law enforcement authority,
23 the authority shall request a member of the family or next of kin of the missing child to

24 authorize the release of the medical and dental records of the person reported missing to the
25 law enforcement agency making the initial report and to the Missouri state highway patrol.

26 5. The Missouri state highway patrol shall compare the dental records received from
27 the coroner or medical examiner to dental records of missing children on file with the
28 highway patrol or other law enforcement agency. The department shall submit the results of
29 the comparison to the coroner or medical examiner and if a tentative or positive identification
30 is made, to the law enforcement authority which submitted the report of the missing child.

31 6. **The county coroner or medical examiner shall additionally comply with**
32 **section 43.411 with respect to the identification of human remains.**

2 **43.411. 1. The provisions of this section shall apply whenever human remains**
3 **are discovered.**

4 **2. Upon receiving notice of the discovery of human remains, the responding law**
5 **enforcement agency shall immediately notify the medical examiner or coroner of the**
6 **county in which the remains were found if the medical examiner or coroner has not**
7 **already been notified. The medical examiner or coroner shall go to the scene and take**
8 **charge of the remains.**

9 **3. Notwithstanding any other action deemed appropriate for the handling of the**
10 **human remains, the assisting law enforcement agency, medical examiner, or coroner**
11 **shall make reasonable attempts to promptly identify human remains. This does not**
12 **include historic or prehistoric skeletal remains. These actions shall include, but are not**
13 **limited to, obtaining the following when possible:**

- 14 (1) **Photographs of the human remains prior to an autopsy;**
- 15 (2) **Dental and skeletal x-rays;**
- 16 (3) **Photographs of items found on or with the human remains;**
- 17 (4) **Fingerprints from the remains;**
- 18 (5) **Tissue samples suitable for DNA analysis; and**
- 19 (6) **Any other information that may support identification efforts.**

20 **4. No medical examiner or coroner, or any other person, shall dispose of or**
21 **engage in actions that will materially affect the unidentified human remains before the**
22 **assisting law enforcement agency, medical examiner, or coroner obtains items essential**
23 **for human identification efforts listed in subsection 3 of this section.**

24 **5. Cremation of unidentified human remains is prohibited.**

25 **6. The assisting law enforcement agency, medical examiner, or coroner shall seek**
26 **support from appropriate state and federal agencies, including National Missing and**
27 **Unidentified Persons System resources, to facilitate the prompt identification of human**
28 **remains. Such support may include, but is not limited to:**

- (1) **Fingerprint comparison;**

- 29 **(2) Forensic odontology;**
30 **(3) Nuclear or mitochondrial DNA analysis, or both; and**
31 **(4) Forensic anthropology.**

32 **7. Fingerprints from the unidentified remains, including partial prints, shall be**
33 **submitted to the Missouri state highway patrol or other law enforcement agency with**
34 **jurisdiction for the purpose of attempting to identify the deceased. The coroner or**
35 **medical examiner shall cause a dental examination to be performed by a forensic**
36 **odontologist for the purpose of dental charting, comparison to missing person records,**
37 **or both. Tissue samples collected for DNA analysis shall be submitted within thirty days**
38 **of the recovery of the remains to a National Missing and Unidentified Persons System**
39 **partner laboratory or other resource where DNA profiles are entered into the National**
40 **DNA Index System upon completion of testing. Forensic anthropological analysis of the**
41 **remains shall also be considered.**

42 **8. The medical examiner or coroner shall report the unidentified human remains**
43 **and the location where the remains were found to the Missouri State Highway Patrol**
44 **within twenty-four hours of discovery and then to the Federal Bureau of Investigation**
45 **within seventy-two hours of discovery if the remains are not identified. The assisting**
46 **law enforcement agency, medical examiner, or coroner shall contact the Missouri State**
47 **Highway Patrol to request the creation of a National Crime Information Center**
48 **Unidentified Person record within five days of the discovery of the remains. The**
49 **assisting law enforcement agency, medical examiner, or coroner shall provide the**
50 **Missouri State Highway Patrol all information required for National Crime**
51 **Information Center entry. Upon notification, the Missouri State Highway Patrol**
52 **shall create the unidentified person record without unnecessary delay.**

53 **9. The assisting law enforcement agency, medical examiner, or coroner shall**
54 **obtain a National Crime Information Center number from the Missouri State Highway**
55 **Patrol to verify entry into the system and shall maintain this number within the**
56 **unidentified human remains case file. A National Crime Information Center**
57 **Unidentified Person record shall remain on file indefinitely or until action is taken by**
58 **the originating agency to clear or cancel the record. The assisting law enforcement**
59 **agency, medical examiner, or coroner shall notify the Missouri State Highway Patrol of**
60 **necessary record modifications or cancellation if identification is made.**

61 **10. The assisting law enforcement agency, medical examiner, or coroner shall**
62 **create an unidentified person record in the National Missing and Unidentified Persons**
63 **System prior to the submission of samples or within thirty days of the discovery of the**
64 **remains if no identification has been made. The entry shall include all available case**
65 **information, including fingerprint data and dental charts. Samples shall be submitted**

66 to a National Missing and Unidentified Persons System partner laboratory for DNA
67 analysis within thirty days. A notation of DNA submission shall be made within the
68 National Missing and Unidentified Persons System unidentified person record.

69 11. Nothing in this section shall be construed to preclude any assisting law
70 enforcement agency, medical examiner, coroner, or the Missouri State Highway Patrol
71 from pursuing other efforts to identify human remains including efforts to publicize
72 information, descriptions, or photographs related to the investigation.

73 12. For historic or prehistoric skeletal remains determined by an anthropologist
74 not to be of medicolegal significance, jurisdiction shall be transferred to the state
75 historic preservation officer for further investigation under section 194.408.

76 13. For purposes of this section, "assisting law enforcement agency" means a law
77 enforcement agency with jurisdiction acting under the request and direction of the
78 medical examiner or coroner to assist with human remains identification.

58.451. 1. When any person, in any county in which a coroner is required by section
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

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

10
11 the police, sheriff, law enforcement officer or official, or any person having knowledge of
12 such a death shall immediately notify the coroner of the known facts concerning the time,
13 place, manner and circumstances of the death. Immediately upon receipt of notification, the
14 coroner or deputy coroner shall take charge of the dead body and fully investigate the
15 essential facts concerning the medical causes of death, including whether by the act of man,
16 and the manner of death. The coroner or deputy coroner may take the names and addresses of
17 witnesses to the death and shall file this information in the coroner's office. The coroner or
18 deputy coroner shall take possession of all property of value found on the body, making exact
19 inventory of such property on the report and shall direct the return of such property to the
20 person entitled to its custody or possession. The coroner or deputy coroner shall take
21 possession of any object or article which, in the coroner's or the deputy coroner's opinion,
22 may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of
23 the county.

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

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

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

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

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

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

53 8. If on view of the dead body and after personal inquiry into the cause and manner of
54 death, the coroner determines that a further examination is necessary in the public interest, the
55 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
56 The coroner may on the coroner's own authority employ the services of a pathologist,
57 chemist, or other expert to aid in the examination of the body or of substances supposed to
58 have caused or contributed to death, and if the pathologist, chemist, or other expert is not
59 already employed by the city or county for the discharge of such services, the pathologist,
60 chemist, or other expert shall, upon written authorization of the coroner, be allowed

61 reasonable compensation, payable by the city or county, in the manner provided in section
62 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact
63 and circumstance tending to show the condition of the body and the cause and manner of
64 death.

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

71 10. (1) When a person is being transferred from one county to another county for
72 medical treatment and such person dies while being transferred, or dies while being treated in
73 the emergency room of the receiving facility the place which the person is determined to be
74 dead shall be considered the place of death and the county coroner or medical examiner of the
75 county from which the person was originally being transferred shall be responsible for
76 determining the cause and manner of death for the Missouri certificate of death.

77 (2) The coroner or medical examiner in the county in which the person is determined
78 to be dead may with authorization of the coroner or medical examiner from the original
79 transferring county, investigate and conduct postmortem examinations at the expense of the
80 coroner or medical examiner from the original transferring county. The coroner or medical
81 examiner from the original transferring county shall be responsible for investigating the
82 circumstances of such and completing the Missouri certificate of death. The certificate of
83 death shall be filed in the county where the deceased was pronounced dead.

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

88 (4) If a person does not die while being transferred and is institutionalized as a
89 regularly admitted patient after such transfer and subsequently dies while in such institution,
90 the coroner or medical examiner of the county in which the person is determined to be dead
91 shall immediately notify the coroner or medical examiner of the county from which such
92 person was originally transferred of the death of such person. In such cases, the county in
93 which the deceased was institutionalized shall be considered the place of death. If the manner
94 of death is by homicide, suicide, accident, criminal abortion including those that are self-
95 induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and
96 manner of death shall revert to the county of origin, and this coroner or medical examiner

97 shall be responsible for the Missouri certificate of death. The certificate of death shall be
98 filed in the county where the deceased was pronounced dead.

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

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

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

113 **14. In performing the duties of this section, the coroner or medical examiner**
114 **shall additionally comply with section 43.411 with respect to the identification of human**
115 **remains.**

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