

1.1 A bill for an act

1.2 relating to public safety; implementing procedures for investigating missing
1.3 person cases; amending Minnesota Statutes 2008, sections 13.82, subdivision 23;
1.4 299C.51; 299C.52; 299C.53; 299C.54; 299C.55; 299C.56; 390.25, subdivision
1.5 2; 626.8454; proposing coding for new law in Minnesota Statutes, chapter 299C.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 13.82, subdivision 23, is amended to read:

1.8 Subd. 23. **Data in missing ~~children~~ persons bulletins.** Data described in section
1.9 299C.54 shall be classified as described in that section.

1.10 **EFFECTIVE DATE.** This section is effective July 1, 2009.

1.11 Sec. 2. Minnesota Statutes 2008, section 299C.51, is amended to read:

1.12 **299C.51 CITATION.**

1.13 Sections 299C.51 to ~~299C.53~~ 299C.565 may be cited as the "Minnesota Missing
1.14 ~~Children's~~ Persons Act."

1.15 **EFFECTIVE DATE.** This section is effective July 1, 2009.

1.16 Sec. 3. Minnesota Statutes 2008, section 299C.52, is amended to read:

1.17 **299C.52 MINNESOTA MISSING ~~CHILD~~ PERSONS PROGRAM.**

1.18 Subdivision 1. **Definitions.** As used in sections 299C.52 to ~~299C.56~~ 299C.565, the
1.19 following terms have the meanings given them:

1.20 (a) "Child" means any person under the age of 18 years or any person certified or
1.21 known to be mentally incompetent.

2.1 (b) "CJIS" means Minnesota criminal justice information system.

2.2 (c) "Missing" means the status of a ~~child~~ person after a law enforcement agency that
2.3 has received a report of a missing ~~child~~ person has conducted a preliminary investigation
2.4 and determined that the ~~child~~ person cannot be located.

2.5 (d) "NCIC" means National Crime Information Center.

2.6 (e) "Endangered" means that a law enforcement official has received sufficient
2.7 evidence that the ~~child is with a~~ missing person who presents a threat of immediate is at
2.8 risk of physical injury to the child or physical or sexual abuse of the child, or death. The
2.9 following circumstances indicate that a missing person is at risk of physical injury or death:

2.10 (1) the person is missing as a result of a confirmed abduction or under circumstances
2.11 that indicate that the person's disappearance was not voluntary;

2.12 (2) the person is missing under known dangerous circumstances;

2.13 (3) the person is missing more than 30 days;

2.14 (4) the person is under the age of 21;

2.15 (5) there is evidence the person is in need of medical attention or prescription
2.16 medication such that it will have a serious adverse effect on the person's health if he or she
2.17 does not receive the needed care or medication;

2.18 (6) the person does not have a pattern of running away or disappearing;

2.19 (7) the person is mentally impaired;

2.20 (8) there is evidence that the person may have been abducted by a noncustodial
2.21 parent;

2.22 (9) the person has been the subject of past threats or acts of violence; or

2.23 (10) any other factor that the law enforcement agency deems to indicate that the
2.24 person may be at risk of physical injury or death, including a determination by another law
2.25 enforcement agency that the person is missing and endangered.

2.26 (f) "DNA" means deoxyribonucleic acid from a human biological specimen.

2.27 Subd. 2. **Establishment.** The commissioner of public safety shall maintain a
2.28 Minnesota missing ~~child~~ persons program within the department to enable documented
2.29 information about missing Minnesota ~~children~~ persons to be entered into the NCIC
2.30 computer.

2.31 Subd. 3. **Computer equipment and programs, broadcasts.** (a) The commissioner
2.32 shall provide the necessary computer hardware and computer programs to enter, modify,
2.33 and cancel information on missing ~~children~~ persons in the NCIC computer through the
2.34 CJIS. These programs must provide for search and retrieval of information using the
2.35 following identifiers: physical description, name and date of birth, name and Social

3.1 Security number, name and driver's license number, vehicle license number, and vehicle
3.2 identification number.

3.3 (b) The commissioner shall also provide a system for regional, statewide, multistate,
3.4 and nationwide broadcasts of information on missing ~~children~~ persons. These broadcasts
3.5 shall be made by local law enforcement agencies where possible or, in the case of
3.6 statewide or nationwide broadcasts, by the Bureau of Criminal Apprehension upon request
3.7 of the local law enforcement agency.

3.8 Subd. 4. **Authority to enter or retrieve information.** Only law enforcement
3.9 agencies may enter missing ~~child~~ person information through the CJIS into the NCIC
3.10 computer or retrieve information through the CJIS from the NCIC computer.

3.11 Subd. 5. **Statistical data.** The commissioner shall annually compile and make
3.12 available statistical information on the number of missing ~~children~~ persons entered into
3.13 the NCIC computer and, if available, information on the number located.

3.14 Subd. 6. **Rules.** The commissioner may adopt rules in conformance with sections
3.15 299C.52 to ~~299C.56~~ 299C.565 to provide for the orderly collection and entry of missing
3.16 ~~child~~ person information and requests for retrieval of missing ~~child~~ person information.

3.17 **EFFECTIVE DATE.** This section is effective July 1, 2009.

3.18 Sec. 4. Minnesota Statutes 2008, section 299C.53, is amended to read:

3.19 **299C.53 MISSING ~~CHILD~~ PERSONS REPORT; DUTIES OF**
3.20 **COMMISSIONER AND LAW ENFORCEMENT AGENCIES.**

3.21 Subdivision 1. **Investigation and entry of information.** (a) A law enforcement
3.22 agency shall accept without delay any report of a missing person. The law enforcement
3.23 agency shall not refuse to accept a missing person report on the basis that:

3.24 (1) the missing person is an adult;

3.25 (2) the circumstances do not indicate foul play;

3.26 (3) the person has been missing for a short amount of time;

3.27 (4) the person has been missing for a long amount of time;

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

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

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

3.32 (8) the reporting person cannot provide all of the information requested by the
3.33 law enforcement agency;

4.1 (9) the reporting person lacks a familial or other relationship with the missing
4.2 person; or

4.3 (10) for any other reason, except in cases where the law enforcement agency has
4.4 direct knowledge that the person is, in fact, not missing and the exact whereabouts and
4.5 welfare of the person are known at the time the report is being made.

4.6 A law enforcement agency shall accept missing person reports in person. An agency
4.7 may also accept reports by telephone or other electronic means to the extent the reporting
4.8 is consistent with the agency's policies or practices.

4.9 (b) At the time a missing person report is filed, the law enforcement agency shall
4.10 seek to ascertain and record the following information about the missing person:

4.11 (1) the name of the missing person, including any aliases;

4.12 (2) date of birth;

4.13 (3) identifying marks, such as birthmarks, moles, tattoos, and scars;

4.14 (4) height and weight;

4.15 (5) gender;

4.16 (6) race;

4.17 (7) current hair color and true or natural hair color;

4.18 (8) eye color;

4.19 (9) prosthetics, surgical implants, or cosmetic implants;

4.20 (10) physical anomalies;

4.21 (11) blood type, if known;

4.22 (12) any medications the missing person is taking or needs to take;

4.23 (13) driver's license number, if known;

4.24 (14) Social Security number, if known;

4.25 (15) a recent photograph of the missing person, if available;

4.26 (16) a description of the clothing the missing person was believed to be wearing at
4.27 the time of disappearance;

4.28 (17) a description of notable items that the missing person may be carrying or
4.29 wearing;

4.30 (18) information regarding the missing person's electronic communications devices,
4.31 such as a cell phone number, e-mail address, and social networking user names and Web
4.32 sites;

4.33 (19) the reasons why the reporting person believes that the person is missing;

4.34 (20) the name and location of the missing person's school or employer, if known;

4.35 (21) the name and location of the missing person's dentist and primary care
4.36 physician, if known;

5.1 (22) any circumstances that may indicate that the disappearance was not voluntary;

5.2 (23) any circumstances that indicate that the missing person may be at risk of injury
5.3 or death;

5.4 (24) a description of the possible means of transportation of the missing person,
5.5 such as the make, model, color, license, and vehicle identification number (VIN) of a
5.6 motor vehicle;

5.7 (25) any identifying information about a known or possible abductor or the person
5.8 last seen with the missing person, including name, physical description, date of birth,
5.9 identifying marks, description of possible means of transportation, such as the make,
5.10 model, color, license, and vehicle identification number (VIN) of a motor vehicle, and
5.11 known associates;

5.12 (26) date of last contact; and

5.13 (27) any other information that can aid in locating the missing person.

5.14 (c) Upon receiving a report of a ~~child~~ person believed to be missing, a law
5.15 enforcement agency shall immediately conduct a preliminary investigation to determine
5.16 whether the ~~child~~ person is missing, and if missing, whether the person is endangered.
5.17 If the ~~child~~ person is initially determined to be missing and endangered, the agency
5.18 shall immediately consult the Bureau of Criminal Apprehension during the preliminary
5.19 investigation, in recognition of the fact that the first two hours are critical. If the ~~child~~
5.20 person is determined to be missing, the agency shall immediately enter identifying and
5.21 descriptive information about the ~~child~~ person through the CJIS into the NCIC computer.
5.22 Law enforcement agencies having direct access to the CJIS and the NCIC computer shall
5.23 enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on
5.24 behalf of law enforcement agencies which do not have direct access to the systems. As
5.25 soon as practical, the agency shall enter any relevant information into the Federal Bureau
5.26 of Investigation's Violent Criminal Apprehension Program and the National Missing
5.27 and Unidentified Persons System.

5.28 **Subd. 2. Location of missing ~~child~~ person.** Immediately after a missing ~~child~~
5.29 person is located, the law enforcement agency which located or returned the missing ~~child~~
5.30 person shall notify the law enforcement agency having jurisdiction over the investigation,
5.31 and that agency shall cancel the entry from the NCIC computer.

5.32 **Subd. 3. Missing and endangered ~~children~~ persons.** If the Bureau of Criminal
5.33 Apprehension receives a report from a law enforcement agency indicating that a ~~child~~
5.34 person is missing and endangered, the superintendent may assist the law enforcement
5.35 agency in conducting the preliminary investigation, offer resources, and assist the agency
5.36 in helping implement the investigation policy with particular attention to the need for

6.1 immediate action. The law enforcement agency shall promptly notify all law enforcement
6.2 agencies in the state and, if deemed appropriate, law enforcement agencies in adjacent
6.3 states or jurisdictions of any information that may aid in the prompt location and safe
6.4 return of a missing and endangered person.

6.5 Subd. 4. **Federal requirements.** In addition to the provisions of sections 299C.51
6.6 to 299C.565, the law enforcement agency and the Bureau of Criminal Apprehension shall
6.7 comply with requirements provided in federal law on reporting and investigating missing
6.8 children cases. For purposes of this subdivision, the definition of "child" or "children" or
6.9 "minor" shall be determined in accordance with the applicable federal law.

6.10 **EFFECTIVE DATE.** This section is effective July 1, 2009.

6.11 Sec. 5. **[299C.535] INFORMATION PROVIDED TO FAMILY MEMBERS OR**
6.12 **PERSON FILING THE REPORT.**

6.13 Subdivision 1. **Notification.** The law enforcement agency shall provide the
6.14 following information to the person making the report, a family member, or any other
6.15 person in a position to assist the law enforcement agency in its efforts to locate the
6.16 missing person:

6.17 (1) general information about the handling of the missing person case or about
6.18 intended efforts in the case to the extent that the law enforcement agency determines that
6.19 disclosure would not adversely affect its ability to locate or protect the missing person or
6.20 to apprehend or prosecute any persons criminally involved in the disappearance;

6.21 (2) contact information for the law enforcement agency in case the person is able to
6.22 provide additional information and materials that will aid in locating the missing person,
6.23 such as any credit or debit cards the missing person has access to, other banking or
6.24 financial information, and any records of cell phone use;

6.25 (3) in those cases where DNA samples are requested, a notification that all the
6.26 DNA samples are provided on a voluntary basis and shall be used solely to help locate or
6.27 identify the missing person and shall not be used for any other purpose; and

6.28 (4) information on the two clearinghouses for missing persons information. If the
6.29 person reported missing is age 17 or under, the law enforcement agency shall provide
6.30 contact information for the National Center for Missing and Exploited Children. If the
6.31 person reported missing is age 18 or older, the law enforcement agency shall provide
6.32 contact information for the National Center for Missing Adults. If the person reported
6.33 missing is age 18, 19, or 20, the law enforcement agency may contact the National Center
6.34 for Missing and Exploited Children and report the missing person information.

7.1 Subd. 2. Request for additional information. (a) If the person identified in the
7.2 missing person report remains missing for 30 days, and the additional information and
7.3 materials specified below have not been received, the law enforcement agency shall
7.4 attempt to obtain:

7.5 (1) DNA samples from family members and, if possible, from the missing person
7.6 along with any needed documentation, including consent forms, required for the use of
7.7 state or federal DNA databases;

7.8 (2) dental information and x-rays, and an authorization to release dental information
7.9 or x-rays of the missing person;

7.10 (3) any additional photographs of the missing person that may aid the investigation
7.11 or an identification; and

7.12 (4) fingerprints.

7.13 (b) All DNA samples obtained in missing persons cases shall be immediately
7.14 forwarded to the Bureau of Criminal Apprehension for analysis. The bureau shall
7.15 establish procedures for determining how to prioritize analysis of the samples relating
7.16 to missing person cases.

7.17 (c) The law enforcement agency shall immediately determine whether any additional
7.18 information received on the missing person indicates that the person is endangered.

7.19 (d) Any additional information or materials received by the law enforcement agency
7.20 shall be entered into the applicable state or federal database as soon as possible.

7.21 (e) Nothing in this section shall be construed to preclude a law enforcement agency
7.22 from obtaining any of the materials identified in this section before the 30th day following
7.23 the filing of the missing person report.

7.24 (f) The law enforcement agency shall not be required to obtain written authorization
7.25 before it releases publicly any photograph that would aid in the investigation or
7.26 identification of the missing person.

7.27 **EFFECTIVE DATE.** This section is effective July 1, 2009.

7.28 Sec. 6. Minnesota Statutes 2008, section 299C.54, is amended to read:

7.29 **299C.54 MISSING ~~CHILDREN~~ PERSONS BULLETIN.**

7.30 Subdivision 1. **Distribution.** The commissioner shall distribute a missing ~~children~~
7.31 persons bulletin on a quarterly basis to local law enforcement agencies, county attorneys,
7.32 and, in the case of missing children, to public and nonpublic schools. The commissioner
7.33 shall also make this information accessible to other parties involved in efforts to locate
7.34 missing ~~children~~ persons and to other persons as the commissioner considers appropriate.

8.1 Subd. 2. **Photograph.** ~~The commissioner shall provide appropriate local law~~
8.2 ~~enforcement agencies with a list of missing children, with an appropriate waiver form~~
8.3 ~~to assist the agency in obtaining a photograph of each missing child.~~ Local agencies
8.4 shall obtain the most recent photograph available for missing children persons and
8.5 forward those photographs to the commissioner. The commissioner shall include these
8.6 photographs, as they become available, in the quarterly bulletins.

8.7 Subd. 3. **Included with mailing.** State and local elected officials and agencies may
8.8 enclose in their mailings information regarding missing children persons obtained from
8.9 law enforcement agencies or from any organization that is recognized as a nonprofit,
8.10 tax-exempt organization under state or federal law and has an ongoing missing children
8.11 persons program. Elected officials and commissioners of state agencies are urged to
8.12 develop policies to enclose missing children persons information in mailings when it will
8.13 not increase postage costs and is otherwise considered appropriate.

8.14 Subd. 3a. **Collection of data.** Identifying information on missing children persons
8.15 entered into the NCIC computer regarding cases that are still active at the time the missing
8.16 children persons bulletin is compiled each quarter may be included in the bulletin.

8.17 Subd. 4. **Data classification.** The information included in the missing children
8.18 persons bulletin is public data as defined in section ~~13.01~~ 13.02, subdivision 15.

8.19 **EFFECTIVE DATE.** This section is effective July 1, 2009.

8.20 Sec. 7. Minnesota Statutes 2008, section 299C.55, is amended to read:

8.21 **299C.55 TRAINING.**

8.22 The commissioner shall adopt standards for training appropriate personnel
8.23 concerning the investigation of missing children person cases.

8.24 **EFFECTIVE DATE.** This section is effective July 1, 2009.

8.25 Sec. 8. Minnesota Statutes 2008, section 299C.56, is amended to read:

8.26 **299C.56 RELEASE OF MEDICAL DATA.**

8.27 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
8.28 have the meanings given.

8.29 (b) "Health care facility" means the office of a dentist or physician, or another
8.30 medical facility, that is in possession of identifying data.

8.31 (c) "Identifying data" means dental or skeletal X-rays, or both, and related
8.32 information, previously created in the course of providing dental or medical care to a ~~child~~
8.33 person who has now been reported as missing.

9.1 Subd. 2. **Written declaration.** If a ~~child~~ person is reported missing, a law
9.2 enforcement agency may execute a written declaration, stating that an active investigation
9.3 seeking the location of the missing ~~child~~ person is being conducted, and that the
9.4 identifying data are necessary for the exclusive purpose of furthering the investigation.
9.5 Notwithstanding chapter 13 or section 144.651, subdivision 16, when a written declaration
9.6 executed under this subdivision, signed by a peace officer, is presented to a health care
9.7 facility, the facility shall provide access to the missing ~~child's~~ person's identifying data
9.8 to the law enforcement agency.

9.9 **EFFECTIVE DATE.** This section is effective July 1, 2009.

9.10 Sec. 9. Minnesota Statutes 2008, section 390.25, subdivision 2, is amended to read:

9.11 Subd. 2. **Report to BCA.** (a) After ~~60~~ 30 days, the coroner or medical examiner
9.12 shall provide to the Bureau of Criminal Apprehension missing persons clearinghouse
9.13 information to be entered into federal and state databases that can aid in the identification,
9.14 including the National Crime Information Center database. The coroner or medical
9.15 examiner shall provide to the Bureau of Criminal Apprehension specimens suitable for
9.16 DNA analysis. DNA profiles and information shall be entered by the Bureau of Criminal
9.17 Apprehension into federal and state DNA databases within five business days after the
9.18 completion of the DNA analysis and procedures necessary for the entry of the DNA profile.

9.19 (b) If a deceased's remains are identified as a missing person, the Bureau of Criminal
9.20 Apprehension shall attempt to locate family members of the deceased person and inform
9.21 them of the death and location of the deceased person's remains. All efforts to locate
9.22 and notify family members shall be recorded and retained by the Bureau of Criminal
9.23 Apprehension.

9.24 **EFFECTIVE DATE.** This section is effective July 1, 2009.

9.25 Sec. 10. Minnesota Statutes 2008, section 626.8454, is amended to read:

9.26 **626.8454 MANUAL AND POLICY FOR INVESTIGATING CASES**
9.27 **INVOLVING ~~CHILDREN~~ PERSONS WHO ARE MISSING AND ENDANGERED.**

9.28 Subdivision 1. **Manual.** By July 1, ~~1994~~ 2010, the superintendent of the Bureau of
9.29 Criminal Apprehension shall transmit to law enforcement agencies ~~a~~ an updated training
9.30 and procedures manual on child abduction and missing person investigations.

9.31 Subd. 2. **Model investigation policy.** By June 1, ~~1995~~ 2011, the Peace Officer
9.32 Standards and Training Board shall develop a model investigation policy for cases
9.33 involving ~~children~~ persons who are missing and endangered as defined in section 299C.52.

S.F. No. 1069, as introduced - 86th Legislative Session (2009-2010) [09-2249]

10.1 The model policy shall describe the procedures for the handling of cases involving
10.2 ~~children~~ persons who are missing and endangered. In developing the policy, the board
10.3 shall consult with representatives of the Bureau of Criminal Apprehension, Minnesota
10.4 ~~Police Chiefs of Police Association~~, Minnesota ~~Sheriffs~~ Sheriffs' Association, Minnesota
10.5 Police and Peace Officers Association, Minnesota Association of Women Police,
10.6 Minnesota County Attorneys Association, a nonprofit foundation formed to ~~combat child~~
10.7 ~~abuse~~ assist in locating missing persons, and two representatives of victims advocacy
10.8 groups selected by the commissioner of corrections. The manual on child abduction
10.9 ~~investigation~~ and missing person investigations shall serve as a basis for defining the
10.10 specific actions to be taken during the early investigation.

10.11 Subd. 3. **Local policy.** By August 1, ~~1995~~ 2011, each chief of police and sheriff
10.12 shall establish and implement a written policy governing the investigation of cases
10.13 involving ~~children~~ persons who are missing and endangered as defined in section 299C.52.
10.14 The policy shall be based on the model policy developed under subdivision 2. The policy
10.15 shall include specific actions to be taken during the initial two-hour period.

10.16 Subd. 4. **Available resources.** In reviewing, updating, and developing manuals and
10.17 policies for missing person investigations, the agency, board, or local representative shall
10.18 consider the following resources:

10.19 (1) nonprofit search and rescue organizations that provide trained animal searches,
10.20 specialized equipment, and man trackers;

10.21 (2) assistance from other law enforcement agencies at the local, state, or federal
10.22 level, or qualified missing persons organizations;

10.23 (3) use of subpoenas or search warrants for electronic and wireless communication
10.24 devices, computers, and Web sites; and

10.25 (4) triangulation and tracking of cellular telephones and other wireless
10.26 communication devices.

10.27 **EFFECTIVE DATE.** This section is effective July 1, 2009.