

SENATE BILL NO. 646

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

2620S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 43.400 and 43.401, RSMo, and to enact in lieu thereof three new sections relating to missing children.

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

Section A. Sections 43.400 and 43.401, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as
3 sections 43.400, 43.401, and 210.795, to read as follows:

43.400. As used in sections 43.400 to 43.410, the
2 following terms mean:

3 (1) "Missing child" or "missing juvenile", any person
4 who is under the age of [seventeen] **eighteen** years **or who is**
5 **in foster care regardless of the person's age or who is an**
6 **emancipated minor or homeless youth, as defined in section**
7 **167.020**, whose temporary or permanent residence is in the
8 state of Missouri or who is believed to be within the state
9 of Missouri, whose location has not been determined, and who
10 has been reported as missing to a law enforcement agency;

11 (2) "Missing child report", a report prepared on a
12 standard form supplied by the Missouri state highway patrol
13 for the use by private citizens and law enforcement agencies
14 to report missing children or missing juvenile information
15 to the Missouri state highway patrol;

16 (3) "Missing person", a person who is missing and
17 meets one of the following characteristics:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (a) Is physically or mentally disabled to the degree
19 that the person is dependent upon an agency or another
20 individual;

21 (b) Is missing under circumstances indicating that the
22 missing person's safety may be in danger;

23 (c) Is missing under involuntary or unknown
24 circumstances; subject to the provisions of (a), (b), (d),
25 (e), and (f) of this subsection;

26 (d) Is a child or juvenile runaway from the residence
27 of a parent, legal guardian, or custodian;

28 (e) Is a child and is missing under circumstances
29 indicating that the person was or is in the presence of or
30 under the control of a party whose presence or control was
31 or is in violation of a permanent or temporary court order
32 and fourteen or more days have elapsed, during which time
33 the party has failed to file any pleading with the court
34 seeking modification of the permanent or temporary court
35 order;

36 (f) Is missing under circumstances indicating that the
37 person was or is in the presence of or under the control of
38 a party whose presence or control was or is in violation of
39 a permanent or temporary court order and there are
40 reasonable grounds to believe that the person may be taken
41 outside of the United States;

42 (4) "Patrol", the Missouri state highway patrol;

43 (5) "Registrar", the state registrar of vital
44 statistics.

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

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

9 (a) The name of the complainant;

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

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

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

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

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

19 (2) A report of the complaint of a missing person
20 shall be immediately entered into the Missouri uniform law
21 enforcement system (MULES) and the National Crime
22 Information Center (NCIC) system by the law enforcement
23 agency receiving the complaint, and disseminated to other
24 law enforcement agencies who may come in contact with or be
25 involved in the investigation or location of a missing
26 person;

27 (3) A law enforcement agency with which a complaint of
28 a missing child has been filed shall prepare, as soon as
29 practicable, a standard missing child report. The missing
30 child report shall be maintained as a record by the
31 reporting law enforcement agency during the course of an
32 active investigation;

33 (4) Upon the location of a missing person, or the
34 determination by the law enforcement agency of jurisdiction
35 that the person is no longer missing, the law enforcement
36 agency which reported the missing person shall immediately

37 remove the record of the missing person from the MULES and
38 NCIC files.

39 2. No law enforcement agency shall prevent an
40 immediate active investigation on the basis of an agency
41 rule which specifies an automatic time limitation for a
42 missing person investigation.

43 3. Any agency or placement provider with the care and
44 custody of a child who is missing shall file a missing child
45 complaint with the appropriate law enforcement agency within
46 two hours of determining the child to be missing. The law
47 enforcement agency shall immediately submit information as
48 to the missing child to the National Center for Missing and
49 Exploited Children (NCMEC), including the name, date of
50 birth, sex, race, height, weight, and eye and hair color of
51 the child; a recent photograph of the child; and the date
52 and location of the last known contact with the child. The
53 law enforcement agency shall institute a proper
54 investigation and search for the missing child and maintain
55 contact with the agency or placement provider making the
56 missing child complaint. The missing child's entry shall
57 not be removed from any database or system until the child
58 is found or the case is closed.

210.795. 1. (1) A child in the care and custody of
2 the children's division whose physical whereabouts are
3 unknown to the division, the child's physical custodian, or
4 contracted service providers shall be considered missing and
5 the case manager or placement provider shall immediately
6 inform a law enforcement agency having jurisdiction and the
7 National Center for Missing and Exploited Children (NCMEC)
8 within two hours of discovery that the child is missing.

9 (2) The case manager shall document the report number
10 and any relevant information in the child's record. Within

11 twenty-four hours of a report being made under this
12 subsection, the case manager shall inform the parents,
13 juvenile officer, and guardian ad litem of the missing
14 child. The case manager shall, within one week and monthly
15 thereafter, maintain contact with the child's family
16 members, friends, school faculty, and service providers and
17 shall document ongoing efforts to locate the child. After
18 six months, the case manager shall continue contacting law
19 enforcement about the missing child and shall make quarterly
20 reports to the court about the status of the child and
21 efforts to locate the child.

22 (3) The division shall not petition the court for a
23 release of jurisdiction for the child or stop searching for
24 the child while the child is missing until the child reaches
25 the age of twenty-one.

26 2. The division shall develop protocols for conducting
27 ongoing searches for children missing from care, as well as
28 implementing preventative measures to identify and mitigate
29 risk to children who are at increased risk for running away,
30 disappearing, or experiencing trafficking. The division
31 shall ensure that each child in the care and custody of the
32 division has an updated photograph in the child's record.

33 3. Any employee or contractor with the children's
34 division, service providers contracted with the division,
35 child welfare agencies, other state agencies, or schools
36 shall, upon becoming aware that an emancipated minor or
37 homeless youth, as such term is defined in section 167.020,
38 is missing, inform the appropriate law enforcement agency
39 and NCMEC within twenty-four hours.

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