

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3893

 By: Bell

7 AS INTRODUCED

8 An Act relating to missing children; directing the
9 State Department of Education to create and maintain
10 an electronic directory photograph repository to
11 store photographs of students; allowing parents to
12 choose to participate; requiring that photographs be
13 provided to law enforcement; directing the State
14 Board of Education and Oklahoma State Bureau of
15 Investigation to create and maintain list of missing
16 schoolchildren; amending 74 O.S. 2011, Section
17 150.12A, which relates to missing persons; requiring
18 law enforcement communicate missing child report;
19 requiring that law enforcement obtain photograph from
20 State Board of Education; and providing an effective
21 date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-107.2 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. The State Department of Education shall create and maintain
23 an electronic directory photograph repository to store photographs
24 of individual students. Any photographs stored pursuant to this

1 section shall be used for the sole purpose of making a current
2 photograph available to law enforcement when a student is identified
3 as a missing child.

4 B. Inclusion of an individual student's photograph in the
5 electronic directory repository is optional. Locals districts shall
6 send an annual notice to the parent or guardian of each student
7 with:

8 1. Information about the repository;

9 2. A form allowing the parent or guardian to choose to have the
10 student's photograph included in the repository for that year;

11 3. Information about the use of photographs if a student is
12 identified as a missing child; and

13 4. Information about how to request that the student's
14 photograph be removed from the repository.

15 C. The Department shall delete from the repository any
16 photograph that is more than two (2) years old.

17 D. When a student is identified as a missing child, the
18 Department shall provide the student's photograph from the
19 repository to law enforcement and the Oklahoma State Bureau of
20 Investigation.

21 E. The Department shall, in connection with the Oklahoma State
22 Bureau of Investigation, create and maintain a list of missing
23 Oklahoma school children which shall be updated and distributed to
24 all Oklahoma school districts on a monthly basis.

1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 150.12A, is
2 amended to read as follows:

3 Section 150.12A A. It shall be the duty of any sheriff, chief
4 of police, city marshal, constable, or any other law enforcement
5 officer, immediately upon receipt of any report of a missing or
6 runaway person, to send one copy of such report to the Oklahoma
7 State Bureau of Investigation and enter such information, when
8 applicable, to the National Crime Information Center. Within
9 seventy-two (72) hours of location or discovery of the missing or
10 runaway person, the sheriff, chief of police, city marshal,
11 constable, or any other law enforcement officer shall notify the
12 Oklahoma State Bureau of Investigation and remove the entry from the
13 National Crime Information Center. Upon location or discovery of
14 the missing or runaway person, the sheriff, chief of police, city
15 marshal, constable or any other law enforcement officer shall
16 immediately make the appropriate entry to the National Crime
17 Information Center in accordance with NCIC standard operating
18 procedures.

19 B. The Oklahoma State Bureau of Investigation and the Oklahoma
20 Law Enforcement Telecommunications System shall jointly establish
21 the procedures and guidelines necessary for enacting and maintaining
22 an electronic database for missing and runaway persons in the State
23 of Oklahoma which is compatible with the data collection entry
24 procedures of the National Crime Information Center. The Oklahoma

1 State Bureau of Investigation shall establish guidelines for law
2 enforcement officers concerning the collection and dissemination of
3 information concerning missing or runaway persons.

4 C. Whenever a missing or runaway person report regarding a
5 person born in the State of Oklahoma and under eighteen (18) years
6 of age is received by a sheriff, chief of police, city marshal,
7 constable or any other law enforcement officer, and there is reason
8 to believe that the person is the victim of a family abduction, the
9 reporting agency shall notify the Oklahoma State Bureau of
10 Investigation, the Bureau shall immediately notify the State
11 Commissioner of Health that the person has been reported to be
12 missing. The Director of the Oklahoma State Bureau of Investigation
13 and the State Commissioner of Health shall jointly establish the
14 procedures and forms necessary for the transmittal of information
15 between the Oklahoma State Bureau of Investigation and the State
16 Department of Health required pursuant to the provisions of Section
17 150.1 et seq. of this title.

18 D. Whenever law enforcement receives a report of a missing
19 child, the law enforcement authority shall, within two (2) hours of
20 receiving the report:

21 1. Inform all on-duty law enforcement officers of the missing
22 child report;

23 2. Communicate the report to all law enforcement authorities
24 having jurisdiction in the county;

1 3. Enter the missing child report into the National Crime
2 Information Center system; and

3 4. If the missing child is enrolled in an Oklahoma School
4 District, request the child's photograph from the State Department
5 of Education. If a photograph is available, it must be included in
6 the missing child report.

7 E. The Bureau shall establish a program to periodically
8 publicize the names and pictures of missing children along with a
9 missing children hot-line number on OETA. The Bureau shall assist
10 the State Department of Education in creating and maintaining a list
11 of missing Oklahoma schoolchildren which shall be updated and
12 distributed to all Oklahoma school districts on a monthly basis.

13 SECTION 3. This act shall become effective November 1, 2020.

14
15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/20/2020 -
16 DO PASS.