



HOUSE BILL No. 4482

February 28, 1995, Introduced by Reps. McManus, McBryde, Horton, Brackenridge, Brater, DeHart, Oxender, Hanley, Rocca, Green, Hill, Dobb, Middleton, Dolan, Jaye, Voorhees, Perricone, Jersevic, Whyman, Bodem, London, Hammerstrom, Bobier, Cropsey, Kukuk, Gustafson, Bush, Byl, Jellema, Goschka, Gire, Harder, Martinez, Jamian, Freeman, Rhead, LeTarte, Weeks, Dalman and Ryan and referred to the Committee on Human Services.

A bill to amend section 8 of Act No. 319 of the Public Acts of 1968, entitled as amended

"An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority,"

as amended by Act No. 82 of the Public Acts of 1987, being section 28.258 of the Michigan Compiled Laws; and to add section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 319 of the Public Acts of
2 1968, as amended by Act No. 82 of the Public Acts of 1987, being
3 section 28.258 of the Michigan Compiled Laws, is amended and
4 section 9 is added to read as follows:

1 Sec. 8. (1) As used in this section AND SECTION 9:

2 (a) "Child" means ~~a person~~ AN INDIVIDUAL less than 17
3 years of age.

4 (b) "CLEARINGHOUSE" MEANS THE MISSING CHILD INFORMATION
5 CLEARINGHOUSE ESTABLISHED UNDER SECTION 9.

6 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.

7 (d) ~~(b)~~ "Law enforcement agency" means THE DEPARTMENT; a
8 police agency of a city, village, or township; a sheriff's
9 department; ~~the department of state police;~~ and any other gov-
10 ernmental law enforcement agency in this state.

11 (e) "LEIN" MEANS LAW ENFORCEMENT INFORMATION NETWORK.

12 (f) ~~(c)~~ "Registrar" means the state registrar as defined
13 in section ~~2805(1)~~ 2805 of the public health code, Act No. 368
14 of the Public Acts of 1978, being section 333.2805 of the
15 Michigan Compiled Laws.

16 (2) If AN INDIVIDUAL WHO IS any of the following ~~persons~~
17 ~~are~~ IS reported missing, the law enforcement agency receiving
18 the report, after conducting a preliminary investigation, shall
19 immediately enter the information described in subsection (3)
20 regarding that ~~person~~ INDIVIDUAL into the ~~law enforcement~~
21 ~~information network and~~ LEIN, the national crime information
22 center, AND IF THE INDIVIDUAL IS A CHILD, THE CLEARINGHOUSE:

23 (a) ~~A person~~ AN INDIVIDUAL who has a physical or mental
24 disability as evidenced by written documentation from a physician
25 or other authoritative source.

1 (b) ~~A person~~ AN INDIVIDUAL who was in the company of
2 another ~~person~~ INDIVIDUAL under circumstances indicating that
3 the ~~person's~~ INDIVIDUAL'S physical safety may be in danger.

4 (c) ~~A person~~ AN INDIVIDUAL who disappeared under circum-
5 stances indicating that the disappearance was not voluntary.

6 (d) ~~Any~~ A child not described in subdivision (a), (b),
7 (c), or (e).

8 (e) ~~A person~~ AN INDIVIDUAL who is missing as the result of
9 ~~any~~ A natural or intentionally caused catastrophe or extraordi-
10 nary accident ~~which~~ THAT causes the loss of human life.

11 (3) The information to be entered into the ~~law enforcement~~
12 ~~information network and~~ LEIN, the national crime information
13 center, AND THE CLEARINGHOUSE under subsection (2) shall include
14 all of the following, if available:

15 (a) The name and address of the ~~person~~ INDIVIDUAL.

16 (b) The vital statistics of the ~~person~~ INDIVIDUAL, includ-
17 ing a physical description, and if the missing ~~person~~
18 INDIVIDUAL is a child, the child's date of birth, state of birth,
19 and if possible, ~~the~~ mother's maiden name.

20 (c) The date the ~~person~~ INDIVIDUAL was missing and, if the
21 missing ~~person~~ INDIVIDUAL is a child under subsection (2)(d),
22 the date the child becomes 17 years of age.

23 (d) Any other information that may assist in the location of
24 the ~~person~~ INDIVIDUAL, as determined by the department ~~of~~
25 ~~state police~~ and the ~~law enforcement information network~~ LEIN
26 policy council.

1 (4) If subsections (2) and (3) have been complied with and
2 the ~~person~~ INDIVIDUAL is not found within 30 days, the law
3 enforcement agency that received the report under subsection (2)
4 shall seek the dental records of the ~~person pursuant to~~
5 INDIVIDUAL UNDER section 2844a of the public health code, Act
6 No. 368 of the Public Acts of 1978, being section 333.2844a of
7 the Michigan Compiled Laws. The information from the dental
8 records shall be entered into the national crime information
9 center AND, IF THE INDIVIDUAL IS A CHILD, THE CLEARINGHOUSE by
10 the law enforcement agency.

11 (5) The ~~law enforcement information network~~ LEIN shall
12 retain the information under subsection (3) reported to it until
13 the law enforcement agency that entered the information cancels
14 the information.

15 (6) The law enforcement agency receiving a report of a miss-
16 ing ~~person~~ INDIVIDUAL described in subsection (2) may, OR IF
17 THE INDIVIDUAL IS A CHILD AND SUBJECT TO THE POLICY ESTABLISHED
18 BY THE CLEARINGHOUSE, SHALL, broadcast the information described
19 in subsection (3) over the ~~law enforcement information network~~
20 LEIN to all of the following:

21 (a) All law enforcement agencies having jurisdiction of the
22 location where the missing ~~person~~ INDIVIDUAL lives or was last
23 seen.

24 (b) Any other law enforcement agency that potentially could
25 become involved in locating the missing ~~person~~ INDIVIDUAL.

1 (c) All law enforcement agencies to which the individual who
2 reported the ~~person~~ INDIVIDUAL missing requests the information
3 be sent, if the request is reasonable.

4 (7) If 14 days have elapsed since the law enforcement agency
5 has received a report that a child who was born in this state is
6 missing, and the agency has not been notified of the child's
7 return, the LEIN shall forward on-line the information described
8 in subsection (3) to the registrar via the registrar's restricted
9 access ~~law enforcement information network~~ LEIN terminal.

10 (8) If 14 days have elapsed since the law enforcement agency
11 has received a report of a missing child and the agency has not
12 been notified of the child's return, the agency, if it has reason
13 to believe that a missing child may be enrolled in a school dis-
14 trict in this state, shall notify in writing the child's last
15 known local school district or intermediate school district that
16 the child is missing and shall provide the school district with
17 the information described in subsection (3).

18 (9) A parent or legal guardian of a child missing ~~prior to~~
19 ~~the effective date of the amendatory act that added this~~
20 ~~subsection~~ BEFORE JUNE 29, 1987, may notify a law enforcement
21 agency that he or she wants the registrar and school district
22 notified pursuant to subsections (7) and (8). Upon receiving the
23 request, the law enforcement agency shall proceed ~~pursuant to~~
24 AS PROVIDED IN subsections (7) and (8).

25 (10) On the seventeenth birthday of a child who has been
26 reported missing pursuant to subsection (2)(d), any information
27 entered into the ~~law enforcement information network~~ LEIN

1 regarding that child shall be retained and the child shall be
2 considered to be an emancipated missing child until the informa-
3 tion is canceled by the law enforcement agency that entered the
4 information into the network. If the information entered into
5 the ~~law enforcement information network~~ LEIN regarding a child
6 missing ~~pursuant to~~ AS PRESCRIBED BY subsection (2) is
7 canceled, the law enforcement agency that entered the information
8 into the network shall inform the registrar and school district
9 notified ~~pursuant to~~ AS PRESCRIBED BY subsection (7) of the
10 cancellation.

11 (11) A law enforcement agency shall not establish or main-
12 tain a policy that prevents an immediate investigation as soon as
13 practical regarding ~~a person~~ AN INDIVIDUAL described in subsec-
14 tion (2) who is reported missing.

15 (12) When the unidentified body of a deceased ~~person~~
16 INDIVIDUAL is found, the law enforcement agency receiving the
17 report, after conducting a preliminary investigation, shall imme-
18 diately enter the following information, if available, into the
19 national crime information center AND, IF THE BODY IS THAT OF A
20 CHILD, INTO THE CLEARINGHOUSE:

21 (a) The physical description of the unidentified body and
22 whether footprints, body X-rays, and fingerprint classifications
23 are available.

24 (b) The date the body was found and the cause and manner of
25 death.

26 (c) What body parts are found if the body is dismembered.

1 (d) Dental examination records obtained ~~pursuant to~~ UNDER
2 section 2844a of the public health code, Act No. 368 of the
3 Public Acts of 1978. ~~, being section 333.2844a of the Michigan~~
4 ~~Compiled Laws.~~

5 (e) Any other information that would assist in the identifi-
6 cation of the body, as determined by the department ~~of state~~
7 ~~police~~ and the ~~law enforcement information network~~ LEIN policy
8 council.

9 (13) When ~~a person~~ AN INDIVIDUAL is found whose identity
10 is unknown and cannot be readily determined, the law enforcement
11 agency receiving the report, after conducting a preliminary
12 investigation, shall enter the following information into the
13 national crime information center AND, IF THE INDIVIDUAL IS A
14 CHILD, INTO THE CLEARINGHOUSE:

15 (a) A physical description of the ~~person~~ INDIVIDUAL.

16 (b) Any other information that would assist in the identifi-
17 cation of the ~~person~~ INDIVIDUAL, as determined by the depart-
18 ment ~~of state police~~ and the ~~law enforcement information~~
19 ~~network~~ LEIN policy council.

20 SEC. 9. (1) A MISSING CHILDREN INFORMATION CLEARINGHOUSE IS
21 ESTABLISHED IN THE DEPARTMENT. EXCEPT AS OTHERWISE PROVIDED IN
22 THIS SECTION, THE DEPARTMENT SHALL ADMINISTER THE CLEARINGHOUSE
23 AS A CENTRAL REPOSITORY OF INFORMATION REGARDING MISSING CHIL-
24 DREN, WHICH INFORMATION SHALL BE COLLECTED AND DISSEMINATED TO
25 ASSIST IN THE LOCATION OF MISSING CHILDREN. THE DEPARTMENT
26 DIRECTOR SHALL DESIGNATE AN INDIVIDUAL TO SUPERVISE THE
27 CLEARINGHOUSE. TO THE EXTENT MONEY IS AVAILABLE, THE DEPARTMENT

1 SHALL ESTABLISH SERVICES CONSIDERED APPROPRIATE TO AID IN THE
2 LOCATION OF MISSING CHILDREN.

3 (2) IN PROVIDING A CENTRALIZED FILE FOR EXCHANGE OF INFORMA-
4 TION ON MISSING CHILDREN WITHIN THE STATE, THE CLEARINGHOUSE
5 SHALL DO ALL OF THE FOLLOWING:

6 (A) RECORD EACH REPORT ON A MISSING CHILD RECEIVED UNDER
7 SECTION 8.

8 (B) ACCEPT AND RECORD A REPORT ABOUT A MISSING CHILD FROM A
9 LAW ENFORCEMENT AGENCY.

10 (C) EXCHANGE INFORMATION ON CHILDREN SUSPECTED OF INTERSTATE
11 TRAVEL WITH THE NATIONAL CRIME INFORMATION CENTER.

12 (D) ESTABLISH A POLICY REGARDING THE COMPILATION OF A RECORD
13 OF THE REASONS CHILDREN BECOME MISSING.

14 (3) UPON RECEIPT OF RELIABLE INFORMATION FROM THE LAW
15 ENFORCEMENT AGENCY THAT MADE THE ORIGINAL REPORT THAT A CHILD WHO
16 WAS REPORTED TO THE CLEARINGHOUSE AS MISSING HAS BEEN LOCATED,
17 THAT CHILD'S RECORD SHALL BE REMOVED FROM THE CLEARINGHOUSE. THE
18 ORIGINATING LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY REPORT TO
19 THE CLEARINGHOUSE INFORMATION THE AGENCY HAS ABOUT THE LOCATION
20 OF A CHILD WHO WAS REPORTED TO THE CLEARINGHOUSE AS MISSING.

21 (4) THE DEPARTMENT MAY AUDIT LAW ENFORCEMENT AGENCY RECORDS
22 AS NECESSARY TO DETERMINE COMPLIANCE WITH THIS SECTION. A LAW
23 ENFORCEMENT AGENCY SHALL COMPLY WITH THE REASONABLE REQUESTS OF
24 THE DEPARTMENT IN CARRYING OUT THIS SUBSECTION AND IN OTHERWISE
25 ADMINISTERING THE CLEARINGHOUSE.