

HOUSE BILL No. 4633

May 23, 2017, Introduced by Reps. Brann, Pagel, Graves, Lucido, Peterson, Cochran, Guerra, Kelly, Miller, Marino, Scott, Love and Kosowski and referred to the Committee on Law and Justice.

A bill to amend 1968 PA 319, entitled

"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,"

by amending section 8 (MCL 28.258), as amended by 2006 PA 450.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "Child" means an individual less than 17 years of age.

3 (b) "Clearinghouse" means the missing child information
4 clearinghouse established under section 9.

5 (c) "Department" means the department of state police.

1 (d) "Law enforcement agency" means the department, ~~+~~a police
2 agency of a city, village, or township, ~~+~~a sheriff's department, ~~+~~
3 or any other governmental law enforcement agency in this state.

4 (e) "LEIN" means law enforcement information network regulated
5 under the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to
6 28.215.

7 (f) "Registrar" means the state registrar as defined in
8 section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

9 (2) If an individual who is any of the following is reported
10 missing, the law enforcement agency receiving the report, after
11 conducting a preliminary investigation, shall immediately enter the
12 information described in subsection (3) regarding that individual
13 into the LEIN, the national crime information center, **THE NATIONAL**
14 **MISSING AND UNIDENTIFIED PERSONS SYSTEM**, and, if the individual is
15 a child, the clearinghouse:

16 (a) An individual who has a physical or mental disability as
17 evidenced by written documentation from a physician or other
18 authoritative source. As used in this act, "mental disability"
19 includes Alzheimer's disease and dementia.

20 (b) An individual who was in the company of another individual
21 under circumstances indicating that the individual's physical
22 safety may be in danger.

23 (c) An individual who disappeared under circumstances
24 indicating that the disappearance was not voluntary.

25 (d) A child not described in subdivision (a), (b), (c), or
26 (f).

27 (e) An individual not described in subdivision (a), (b), (c),

1 or (f), who is believed to be incapable of returning to his or her
2 residence without assistance.

3 (f) An individual who is missing as the result of a natural or
4 intentionally caused catastrophe or extraordinary accident that
5 causes the loss of human life.

6 (3) The information to be entered into the LEIN, the national
7 crime information center, **THE NATIONAL MISSING AND UNIDENTIFIED**
8 **PERSONS SYSTEM**, and the clearinghouse under subsection (2) ~~shall~~
9 **MUST** include all of the following, if available:

10 (a) The name and address of the individual.

11 (b) The vital statistics of the individual, including a
12 physical description, and if the missing individual is a child, the
13 child's date of birth, state of birth, and if possible, mother's
14 maiden name.

15 (c) The date the individual was missing and, if the missing
16 individual is a child under subsection (2)(d), the date the child
17 becomes 17 years of age.

18 (d) Any other information that may assist in the location of
19 the individual **AND ANY OTHER INFORMATION REQUIRED TO BE ENTERED**
20 **INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM**, as
21 determined by the department and the LEIN policy council.

22 (4) If subsections (2) and (3) have been complied with and the
23 individual is not found within 30 days, the law enforcement agency
24 that received the report under subsection (2) shall seek the dental
25 records of the individual under section 2844a of the public health
26 code, 1978 PA 368, MCL 333.2844a. The information from the dental
27 records ~~shall~~**MUST** be entered into the national crime information

1 center, **THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM**, and,
2 if the individual is a child, the clearinghouse by the law
3 enforcement agency.

4 (5) The LEIN ~~shall~~**MUST** retain the information under
5 subsection (3) reported to it until the law enforcement agency that
6 entered the information cancels the information.

7 (6) The law enforcement agency receiving a report of a missing
8 individual described in subsection (2) may, or if the individual is
9 a child and subject to the policy established by the clearinghouse,
10 or if the individual has Alzheimer's disease or dementia or is
11 believed to be incapable of returning to his or her residence
12 without assistance, shall, broadcast the information described in
13 subsection (3) over the LEIN to all of the following:

14 (a) All law enforcement agencies having jurisdiction of the
15 location where the missing individual lives or was last seen.

16 (b) Any other law enforcement agency that potentially could
17 become involved in locating the missing individual.

18 (c) All law enforcement agencies to which the individual who
19 reported the individual missing requests the information be sent,
20 if the request is reasonable.

21 (7) If 14 days have elapsed since the law enforcement agency
22 has received a report that a child who was born in this state is
23 missing, and the agency has not been notified of the child's
24 return, the LEIN ~~shall~~**MUST** forward ~~on-line~~**ONLINE** the information
25 described in subsection (3) to the registrar via the registrar's
26 restricted access LEIN terminal.

27 (8) If 14 days have elapsed since the law enforcement agency

1 has received a report of a missing child and the agency has not
2 been notified of the child's return, the agency, if it has reason
3 to believe that a missing child may be enrolled in a school
4 district in this state, shall notify in writing the child's last
5 known local school district or intermediate school district that
6 the child is missing and shall provide the school district with the
7 information described in subsection (3).

8 (9) A parent or legal guardian of a child missing before June
9 29, 1987, may notify a law enforcement agency that he or she wants
10 the registrar and school district notified ~~pursuant to~~ **UNDER**
11 subsections (7) and (8). Upon receiving the request, the law
12 enforcement agency shall proceed as provided in subsections (7) and
13 (8).

14 (10) On the seventeenth birthday of a child who has been
15 reported missing ~~pursuant to~~ **UNDER** subsection (2)(d), any
16 information entered into the LEIN regarding that child ~~shall~~ **MUST**
17 be retained and the child ~~shall~~ **MUST** be considered to be an
18 emancipated missing child until the information is canceled by the
19 law enforcement agency that entered the information into the
20 network. If the information entered into the LEIN regarding a child
21 missing as ~~prescribed by~~ **UNDER** subsection (2) is canceled, the law
22 enforcement agency that entered the information into the network
23 shall inform the registrar and school district notified as
24 prescribed by subsection (7) of the cancellation.

25 (11) A law enforcement agency shall not establish or maintain
26 a policy that prevents an immediate investigation as soon as
27 practical regarding an individual described in subsection (2) who

1 is reported missing.

2 (12) When the unidentified body of a deceased individual is
3 found, the law enforcement agency receiving the report, after
4 conducting a preliminary investigation, shall immediately enter the
5 following information, if available, into the national crime
6 information center, **THE NATIONAL MISSING AND UNIDENTIFIED PERSONS**
7 **SYSTEM**, and, if the body is that of a child, into the
8 clearinghouse:

9 (a) The physical description of the unidentified body and
10 whether footprints, body X-rays, and fingerprint classifications
11 are available.

12 (b) The date the body was found and the cause and manner of
13 death.

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

15 (d) Dental examination records obtained under section 2844a of
16 the public health code, 1978 PA 368, MCL 333.2844a.

17 (e) Any other information that would assist in the
18 identification of the body **AND ANY OTHER INFORMATION REQUIRED TO BE**
19 **ENTERED INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM**,
20 as determined by the department and the LEIN policy council.

21 (13) When an individual is found whose identity is unknown and
22 cannot be readily determined, the law enforcement agency receiving
23 the report, after conducting a preliminary investigation, shall
24 enter the following information into the national crime information
25 center, **THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM**, and,
26 if the individual is a child, ~~into~~ the clearinghouse:

27 (a) A physical description of the individual.

1 (b) Any other information that would assist in the
2 identification of the individual **AND ANY OTHER INFORMATION REQUIRED**
3 **TO BE ENTERED INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS**
4 **SYSTEM**, as determined by the department and the LEIN policy
5 council.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.