



HOUSE BILL No. 5242

December 10, 1993, Introduced by Reps. McManus, Hammerstrom, Varga, Jaye, Dalman, Jamian, Freeman, Gernaat, Voorhees, Anthony, Whyman, Kukuk, Johnson, Willard, Pitoniak, Middleton, Gustafson, Hill, Fitzgerald, Byrum, Gire, Clack, Harder, Schroer, Galloway, Vorva, Rhead, Stille, Horton, Barns, Baade, Brackenridge and Llewellyn and referred to the Committee on Human Services and Children.

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 less than ~~17~~ 18 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.

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

10 (E) "LEIN" MEANS LAW ENFORCEMENT INFORMATION NETWORK.

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

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

22 (a) A person who has a physical or mental disability as evi-
23 denced by written documentation from a physician or other author-
24 itative source.

25 (b) A person who was in the company of another person under
26 circumstances indicating that the person's physical safety may be
27 in danger.

1 (c) A person who disappeared under circumstances indicating
2 that the disappearance was not voluntary.

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

5 (e) A person who is missing as the result of ~~any~~ A natural
6 or intentionally caused catastrophe or extraordinary accident
7 ~~which~~ THAT causes the loss of human life.

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

12 (a) The name and address of the person.

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

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

20 (d) Any other information that may assist in the location of
21 the person, as determined by the department ~~of state police~~ and
22 the ~~law enforcement information network~~ LEIN policy council.

23 (4) IF A CHILD IS REPORTED MISSING BY A PARENT, GUARDIAN, OR
24 LEGAL CUSTODIAN, IN ADDITION TO THE OTHER REQUIREMENTS OF THIS
25 SECTION, THE LAW ENFORCEMENT AGENCY RECEIVING THE REPORT SHALL
26 IMMEDIATELY INFORM ALL ON-DUTY LAW ENFORCEMENT OFFICERS OF THE
27 EXISTENCE OF THE MISSING CHILD REPORT AND COMMUNICATE THE REPORT

1 TO EVERY OTHER LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE
2 LOCATION WHERE THE MISSING CHILD LIVES OR WAS LAST SEEN.

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

12 (6) ~~(5)~~ The ~~law enforcement information network~~ LEIN
13 shall retain the information under subsection (3) reported to it
14 until the law enforcement agency that entered the information
15 cancels the information.

16 (7) ~~(6)~~ The law enforcement agency receiving a report of a
17 missing person described in subsection (2) may, OR IF THE PERSON
18 IS A CHILD, SHALL, broadcast the information described in subsec-
19 tion (3) over the ~~law enforcement information network~~ LEIN to
20 all of the following:

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

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

25 (c) All law enforcement agencies to which the individual who
26 reported the person missing requests the information be sent, if
27 the request is reasonable.

1 (8) ~~(7)~~ If 14 days have elapsed since the law enforcement
2 agency has received a report that a child who was born in this
3 state is missing, and the agency has not been notified of the
4 child's return, the LEIN shall forward on-line the information
5 described in subsection (3) to the registrar via the registrar's
6 restricted access ~~law enforcement information network~~ LEIN
7 terminal.

8 (9) ~~(8)~~ If 14 days have elapsed since the law enforcement
9 agency has received a report of a missing child and the agency
10 has not been notified of the child's return, the agency, if it
11 has reason to believe that a missing child may be enrolled in a
12 school district in this state, shall notify in writing the
13 child's last known local school district or intermediate school
14 district that the child is missing and shall provide the school
15 district with the information described in subsection (3).

16 (10) ~~(9)~~ A parent or legal guardian of a child missing
17 ~~prior to the effective date of the amendatory act that added~~
18 ~~this subsection~~ BEFORE JUNE 29, 1987, may notify a law enforce-
19 ment agency that he or she wants the registrar and school dis-
20 trict notified pursuant to subsections ~~(7)~~ (8) and ~~(8)~~ (9).
21 Upon receiving the request, the law enforcement agency shall pro-
22 ceed pursuant to subsections ~~(7)~~ (8) and ~~(8)~~ (9).

23 (11) ~~(10)~~ On the seventeenth birthday of a child who has
24 been reported missing pursuant to subsection (2)(d), any informa-
25 tion entered into the ~~law enforcement information network~~ LEIN
26 regarding that child shall be retained and the child shall be
27 considered to be an emancipated missing child until the

1 information is canceled by the law enforcement agency that
2 entered the information into the network. If the information
3 entered into the ~~law enforcement information network~~ LEIN
4 regarding a child missing pursuant to subsection (2) is canceled,
5 the law enforcement agency that entered the information into the
6 network shall inform the registrar and school district notified
7 pursuant to subsection ~~(7)~~ (8) of the cancellation.

8 (12) ~~(11)~~ A law enforcement agency shall not establish or
9 maintain a policy that prevents an immediate investigation as
10 soon as practical regarding a person described in subsection (2)
11 who is reported missing.

12 (13) ~~(12)~~ When the unidentified body of a deceased person
13 is found, the law enforcement agency receiving the report, after
14 conducting a preliminary investigation, shall immediately enter
15 the following information, if available, into the national crime
16 information center AND, IF THE BODY IS THAT OF A CHILD, INTO THE
17 CLEARINGHOUSE:

18 (a) The physical description of the unidentified body and
19 whether footprints, body X rays, and fingerprint classifications
20 are available.

21 (b) The date the body was found and the cause and manner of
22 death.

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

24 (d) Dental examination records obtained pursuant to section
25 2844a of the public health code, Act No. 368 of the Public Acts
26 of 1978, being section 333.2844a of the Michigan Compiled Laws.

1 (e) Any other information that would assist in the
2 identification of the body, as determined by the department ~~of~~
3 ~~state police~~ and the ~~law enforcement information network~~ LEIN
4 policy council.

5 (14) ~~((13))~~ When a person is found whose identity is unknown
6 and cannot be readily determined, the law enforcement agency
7 receiving the report, after conducting a preliminary investiga-
8 tion, shall enter the following information into the national
9 crime information center AND, IF THE PERSON IS A CHILD, INTO THE
10 CLEARINGHOUSE:

11 (a) A physical description of the person.

12 (b) Any other information that would assist in the identifi-
13 cation of the person, as determined by the department ~~of state~~
14 ~~police~~ and the ~~law enforcement information network~~ LEIN policy
15 council.

16 SEC. 9. (1) A MISSING CHILDREN INFORMATION CLEARINGHOUSE IS
17 ESTABLISHED IN THE DEPARTMENT. EXCEPT AS OTHERWISE PROVIDED IN
18 THIS SECTION, THE DEPARTMENT SHALL ADMINISTER THE CLEARINGHOUSE
19 AS A CENTRAL REPOSITORY OF INFORMATION REGARDING MISSING CHIL-
20 DREN, WHICH INFORMATION SHALL BE COLLECTED AND DISSEMINATED TO
21 ASSIST IN THE LOCATION OF MISSING CHILDREN. THE DEPARTMENT
22 DIRECTOR SHALL DESIGNATE A DEPUTY DIRECTOR TO SUPERVISE THE
23 CLEARINGHOUSE AND SHALL ESTABLISH SERVICES CONSIDERED APPROPRIATE
24 TO AID IN THE LOCATION OF MISSING CHILDREN.

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

1 (A) RECORD EACH REPORT ON A MISSING CHILD RECEIVED UNDER
2 SECTION 8.

3 (B) ACCEPT AND RECORD A REPORT ABOUT A MISSING CHILD FROM A
4 PARENT, GUARDIAN, OR LEGAL CUSTODIAN.

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

7 (3) UPON RECEIPT OF RELIABLE INFORMATION THAT A CHILD WHO
8 WAS REPORTED TO THE CLEARINGHOUSE AS MISSING HAS BEEN LOCATED,
9 THAT CHILD'S RECORD SHALL BE REMOVED FROM THE CLEARINGHOUSE. A
10 PARENT, GUARDIAN, OR LEGAL CUSTODIAN SHALL IMMEDIATELY REPORT TO
11 THE CLEARINGHOUSE INFORMATION HE OR SHE HAS ABOUT THE LOCATION OF
12 A CHILD WHO WAS REPORTED TO THE CLEARINGHOUSE AS MISSING.

13 (4) THE DEPARTMENT MAY CONTRACT WITH A PRIVATE PERSON TO
14 ADMINISTER AND CARRY OUT ALL OR A PORTION OF THE FUNCTIONS OF THE
15 CLEARINGHOUSE.