

Act No. 39
Public Acts of 1995
Approved by the Governor
May 20, 1995
Filed with the Secretary of State
May 22, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 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
Reps. Agee, Anthony, Baade, Bullard, Cherry, Clack, Dobronski, Fitzgerald, Gagliardi, Geiger, Gernaat, Gnodtke, Hood, Kaza, Kelly, Kilpatrick, Law, Lowe, Mathieu, McNutt, Middaugh, Owen, Parks, Pitoniak, Randall, Scott, Sikkema, Tesanovich, Varga, Vaughn and Wallace named co-sponsors

ENROLLED HOUSE BILL No. 4482

AN ACT 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:

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

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

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

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

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

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

(e) "LEIN" means law enforcement information network regulated under the L.E.I.N. policy council act of 1974, being sections 28.211 to 28.216 of the Michigan Compiled Laws.

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

(2) If an individual who is any of the following is reported missing, the law enforcement agency receiving the report, after conducting a preliminary investigation, shall immediately enter the information described in subsection (3) regarding that individual into the LEIN, the national crime information center, and if the individual is a child, the clearinghouse:

- (a) An individual who has a physical or mental disability as evidenced by written documentation from a physician or other authoritative source.
- (b) An individual who was in the company of another individual under circumstances indicating that the individual's physical safety may be in danger.
- (c) An individual who disappeared under circumstances indicating that the disappearance was not voluntary.
- (d) A child not described in subdivision (a), (b), (c), or (e).
- (e) An individual who is missing as the result of a natural or intentionally caused catastrophe or extraordinary accident that causes the loss of human life.
- (3) The information to be entered into the LEIN, the national crime information center, and the clearinghouse under subsection (2) shall include all of the following, if available:
- (a) The name and address of the individual.
- (b) The vital statistics of the individual, including a physical description, and if the missing individual is a child, the child's date of birth, state of birth, and if possible, mother's maiden name.
- (c) The date the individual was missing and, if the missing individual is a child under subsection (2)(d), the date the child becomes 17 years of age.
- (d) Any other information that may assist in the location of the individual, as determined by the department and the LEIN policy council.
- (4) If subsections (2) and (3) have been complied with and the individual is not found within 30 days, the law enforcement agency that received the report under subsection (2) shall seek the dental records of the individual under section 2844a of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.2844a of the Michigan Compiled Laws. The information from the dental records shall be entered into the national crime information center and, if the individual is a child, the clearinghouse by the law enforcement agency.
- (5) The LEIN shall retain the information under subsection (3) reported to it until the law enforcement agency that entered the information cancels the information.
- (6) The law enforcement agency receiving a report of a missing individual described in subsection (2) may, or if the individual is a child and subject to the policy established by the clearinghouse, shall, broadcast the information described in subsection (3) over the LEIN to all of the following:
- (a) All law enforcement agencies having jurisdiction of the location where the missing individual lives or was last seen.
- (b) Any other law enforcement agency that potentially could become involved in locating the missing individual.
- (c) All law enforcement agencies to which the individual who reported the individual missing requests the information be sent, if the request is reasonable.
- (7) If 14 days have elapsed since the law enforcement agency has received a report that a child who was born in this state is missing, and the agency has not been notified of the child's return, the LEIN shall forward on-line the information described in subsection (3) to the registrar via the registrar's restricted access LEIN terminal.
- (8) If 14 days have elapsed since the law enforcement agency has received a report of a missing child and the agency has not been notified of the child's return, the agency, if it has reason to believe that a missing child may be enrolled in a school district in this state, shall notify in writing the child's last known local school district or intermediate school district that the child is missing and shall provide the school district with the information described in subsection (3).
- (9) A parent or legal guardian of a child missing before June 29, 1987, may notify a law enforcement agency that he or she wants the registrar and school district notified pursuant to subsections (7) and (8). Upon receiving the request, the law enforcement agency shall proceed as provided in subsections (7) and (8).
- (10) On the seventeenth birthday of a child who has been reported missing pursuant to subsection (2)(d), any information entered into the LEIN regarding that child shall be retained and the child shall be considered to be an emancipated missing child until the information is canceled by the law enforcement agency that entered the information into the network. If the information entered into the LEIN regarding a child missing as prescribed by subsection (2) is canceled, the law enforcement agency that entered the information into the network shall inform the registrar and school district notified as prescribed by subsection (7) of the cancellation.
- (11) A law enforcement agency shall not establish or maintain a policy that prevents an immediate investigation as soon as practical regarding an individual described in subsection (2) who is reported missing.
- (12) When the unidentified body of a deceased individual is found, the law enforcement agency receiving the report, after conducting a preliminary investigation, shall immediately enter the following information, if available, into the national crime information center and, if the body is that of a child, into the clearinghouse:
- (a) The physical description of the unidentified body and whether footprints, body X-rays, and fingerprint classifications are available.

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

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

(d) Dental examination records obtained under section 2844a of the public health code, Act No. 368 of the Public Acts of 1978.

(e) Any other information that would assist in the identification of the body, as determined by the department and the LEIN policy council.

(13) When an individual is found whose identity is unknown and cannot be readily determined, the law enforcement agency receiving the report, after conducting a preliminary investigation, shall enter the following information into the national crime information center and, if the individual is a child, into the clearinghouse:

(a) A physical description of the individual.

(b) Any other information that would assist in the identification of the individual, as determined by the department and the LEIN policy council.

Sec. 9. (1) A missing children information clearinghouse is established in the department. Except as otherwise provided in this section, the department shall administer the clearinghouse as a central repository of information regarding missing children, which information shall be collected and disseminated to assist in the location of missing children. The department director shall designate an individual to supervise the clearinghouse. To the extent money is available, the department shall establish services considered appropriate to aid in the location of missing children.

(2) In providing a centralized file for exchange of information on missing children within the state, the clearinghouse shall do all of the following:

(a) Record each report on a missing child received under section 8.

(b) Accept and record a report about a missing child from a law enforcement agency.

(c) Exchange information on children suspected of interstate travel with the national crime information center.

(d) Establish a policy regarding the compilation of a record of the reasons children become missing.

(3) Upon locating the missing child, the originating law enforcement agency shall remove the missing child from the clearinghouse record by means of the LEIN. If the originating law enforcement agency has new information about the missing child's location, that agency shall report the information to the law enforcement agency with jurisdiction in the area in which the missing child may be located.

(4) The department may audit law enforcement agency records as necessary to determine compliance with this section. A law enforcement agency shall comply with the reasonable requests of the department in carrying out this subsection and in otherwise administering the clearinghouse.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.