

SENATE BILL No. 1368

May 30, 2002, Introduced by Senators VAN REGENMORTER, BULLARD and KOIVISTO and referred to the Committee on Judiciary.

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 1995 PA 39.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 1368

- 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 and any other governmental law enforcement agency in this state.

4 (e) "LEIN" means law enforcement information network regu-
5 lated under the L.E.I.N. policy council act of 1974, ~~being~~
6 ~~sections 28.211 to 28.216 of the Michigan Compiled Laws~~ 1974
7 PA 163, MCL 28.211 TO 28.216.

8 (f) "Registrar" means the state registrar as defined in sec-
9 tion 2805 of the public health code, ~~Act No. 368 of the Public~~
10 ~~Acts of 1978, being section 333.2805 of the Michigan Compiled~~
11 ~~Laws~~ 1978 PA 368, MCL 333.2805.

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

18 (a) An individual who has a physical or mental disability as
19 evidenced by written documentation from a physician or other
20 authoritative source. AS USED IN THIS ACT, "MENTAL DISABILITY"
21 INCLUDES ALZHEIMER'S DISEASE AND DEMENTIA.

22 (b) An individual who was in the company of another individ-
23 ual under circumstances indicating that the individual's physical
24 safety may be in danger.

25 (c) An individual who disappeared under circumstances indi-
26 cating that the disappearance was not voluntary.

1 (d) A child not described in subdivision (a), (b), (c), or
2 (e).

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

6 (3) The information to be entered into the LEIN, the
7 national crime information center, and the clearinghouse under
8 subsection (2) shall include all of the following, if available:

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

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

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

17 (d) Any other information that may assist in the location of
18 the individual, as determined by the department and the LEIN
19 policy council.

20 (4) If subsections (2) and (3) have been complied with and
21 the individual is not found within 30 days, the law enforcement
22 agency that received the report under subsection (2) shall seek
23 the dental records of the individual under section 2844a of the
24 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
25 ~~being section 333.2844a of the Michigan Compiled Laws 1978~~
26 PA 368, MCL 333.2844A. The information from the dental records
27 shall be entered into the national crime information center and,

1 if the individual is a child, the clearinghouse by the law
2 enforcement agency.

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

6 (6) The law enforcement agency receiving a report of a miss-
7 ing individual described in subsection (2) may, or if the indi-
8 vidual is a child and subject to the policy established by the
9 clearinghouse, OR IF THE INDIVIDUAL HAS ALZHEIMER'S DISEASE OR
10 DEMENTIA, shall, broadcast the information described in subsec-
11 tion (3) over the LEIN to all of the following:

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

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

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

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

25 (8) If 14 days have elapsed since the law enforcement agency
26 has received a report of a missing child and the agency has not
27 been notified of the child's return, the agency, if it has reason

1 to believe that a missing child may be enrolled in a school
2 district in this state, shall notify in writing the child's last
3 known local school district or intermediate school district that
4 the child is missing and shall provide the school district with
5 the information described in subsection (3).

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

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

23 (11) A law enforcement agency shall not establish or main-
24 tain a policy that prevents an immediate investigation as soon as
25 practical regarding an individual described in subsection (2) who
26 is reported missing.

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

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

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

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

13 (d) Dental examination records obtained under section 2844a
14 of the public health code, ~~Act No. 368 of the Public Acts of~~
15 ~~1978~~ 1978 PA 368, MCL 333.2844A.

16 (e) Any other information that would assist in the identifi-
17 cation of the body, as determined by the department and the LEIN
18 policy council.

19 (13) When an individual is found whose identity is unknown
20 and cannot be readily determined, the law enforcement agency
21 receiving the report, after conducting a preliminary investiga-
22 tion, shall enter the following information into the national
23 crime information center and, if the individual is a child, into
24 the clearinghouse:

25 (a) A physical description of the individual.

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