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Chapter No. 364
16/HR43/R1925
AM / CST

HOUSE BILL NO. 1289

Originated in House _____ Clerk

HOUSE BILL NO. 1289

AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO ESTABLISH WRITTEN POLICIES AND PROCEDURES TO BE USED TO INVESTIGATE REPORTS OF MISSING CHILDREN; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Law enforcement agencies in this state shall adopt written policies that specify the procedures to be used to investigate reports of missing children. The policies must ensure that cases involving missing children are investigated promptly using appropriate resources and are in compliance with the requirements of this section and 42 USCS 5779 and 5780. The policies must include:

(a) Procedures for accepting and filing missing child reports;

(b) Procedures for initiating, maintaining, closing or referring a missing child investigation;

(c) Procedures for the prompt and open transfer of information where multiple jurisdictions and agencies are involved in the investigation; and

(d) Standards for maintaining and clearing data concerning a missing child that is stored in the National Crime Information Center. The standards must require, at a minimum, a monthly review of each case and a determination of whether the case should be maintained in the database.

(2) A law enforcement agency shall not adopt rules, regulations or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child. For purposes of this section and in compliance with federal law, a runaway child is a missing child and shall not be excluded as such based solely on the fact the child has voluntarily absented himself from his normal place of residence.

(3) A law enforcement agency shall not establish a mandatory waiting period before accepting a missing child report and beginning an investigation to locate a missing child.

(4) An entry concerning a missing child may not be removed from the National Crime Information Center database based solely on the age of the missing child.

(5) Upon receiving a report that a child is missing, the law enforcement agency having jurisdiction shall immediately:

(a) File a report or cause a report to be filed in the county or municipality where the child resides or in which the child was last seen or both. Nothing in this subsection (4) shall

preclude a law enforcement agency from accepting a missing child report when jurisdiction cannot be determined;

(b) Institute or assist with appropriate search and investigative procedures;

(c) Inform all on-duty law enforcement officers within the agency of the missing child report; and

(d) Transmit the report for inclusion within the National Crime Information Center database within the time frame required by federal law. Law enforcement agencies having the duty to enter the missing child report into the National Crime Information Center database shall provide any information required by the National Crime Information Center to effectuate the purpose of this section.

(6) Upon receiving a missing child report, as provided in subsection (5) of this section, the law enforcement agency that entered the report into the National Crime Information Center shall:

(a) No later than thirty (30) days after the original entry of the record into the National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records and a photograph taken during the previous one hundred eighty (180) days;

(b) Notify the National Center for Missing and Exploited Children of each report received relating to a missing foster child.

(7) Upon receiving a missing child report, the law enforcement agency shall consider whether the circumstances under which the child went missing satisfy the criteria necessary for the issuance of an Amber Alert and, where applicable, shall immediately submit to the Mississippi Bureau of Investigation all required paperwork and documents necessary to request the issuance of an Amber Alert.

(8) Any person or institution reporting, in good faith, a child to be missing shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

SECTION 2. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 3, 2016.

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 24, 2016.

Tate Reeves

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

April 6, 2016
3:12pm