

House Research Act Summary

CHAPTER: 38

SESSION: 2009 Regular Session

TOPIC: Brandon's Law; Missing Children and Endangered Persons

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Analyst: Rebecca Pirius, 651-296-5044

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Overview

This act expands the "Minnesota Missing Children's Program" to include adults who are missing and endangered. It lists the duties of law enforcement agencies in accepting and investigating missing person cases. The act provides that the BCA shall offer guidance if there is a delay in determining which law enforcement agency must take a missing person report. Finally, it creates a working group, lead by the BCA, to develop standardized forms and procedures to be used by law enforcement in missing person cases.

Section

- 1** **Citation.** Technical correction. Changes act title from "Minnesota Missing Children's Act" to "Minnesota Missing Persons' Act."
- 2** **Minnesota Missing Children and Endangered Persons Program.** Updates references. Expands the BCA's "Missing Children's Program" to include adults who are missing and endangered. Identifies circumstances that indicate to law enforcement that a missing person is endangered (at risk of injury or death).

Under the current Missing Children's Program, the BCA: (1) provides computer equipment to enter missing child information into the NCIC computer (National Crime Information Center), (2) provides information broadcasts on missing children, (3) annually compiles statistical data on missing children, and (4) has rulemaking authority to provide for orderly collection and retrieval of missing child information.
- 3** **Missing Persons Report; Duties.** Updates references.

Subd. 1. Investigation and entry of information. (a) Requires law enforcement to accept missing person reports without delay and in person. (b) Provides that the

law enforcement agency shall conduct a preliminary investigation to determine if a person is missing and endangered, and if so, directs the agency to consult the BCA and enter information into the NCIC computer.

Subd. 2. Location of missing person. Requires an agency to notify the lead law enforcement agency if a missing person is found.

Subd. 3. Missing and endangered persons. Provides that the BCA may assist a law enforcement agency in an investigation of a person who is missing and endangered. Requires statewide notification of appropriate law enforcement agencies to aid in the prompt location and return of a missing and endangered person.

Subd. 4. Federal requirements. Provides that the law enforcement agency and the BCA shall comply with federal law on missing children cases.

- 4 Request of additional information.** Requires law enforcement to seek additional information if the missing person is not found in 30 days, including DNA samples, dental information and x-rays, photographs, and fingerprints. Provides that: (1) law enforcement must determine if new information indicates that the missing person is endangered, and (2) any additional information received shall be entered into applicable state and federal databases. Authorizes law enforcement to release photographs without written permission.
- 5 – 10 Missing Persons Bulletin; Training; Release of Medical Data.** Expands current law to include adults who are missing and endangered in the following provisions: the missing children’s bulletin, training on missing children’s cases, and release of medical data for active missing children investigations.
- 11 Missing Person Report.** Provides that if there is a delay in determining which law enforcement agency has the responsibility to take a missing persons report, the BCA shall offer prompt guidance.
- 12 Missing persons; standardized reports and procedures.** Directs the BCA, by September 1, 2009, to develop (1) a standardized form for use by law enforcement when taking a missing person report and (2) a model policy that incorporates standard procedures and information to be provided to interested persons on a case. In developing the form and policy, the BCA must convene a working group which must be funded by private sources.
- 13 Report to BCA.** Requires a coroner or medical examiners to report information on unidentified remains to the BCA’s missing persons clearinghouse in 30 days, instead of 60 days. Requires the BCA or law enforcement to attempt to locate a deceased missing person’s family upon identification of the body.
- 14 Available Resources.** Provides suggested resources for agencies to consider in updating missing person policies.