

# SENATE BILL No. 1331

June 22, 2006, Introduced by Senators CLARK-COLEMAN, CLARKE, JACOBS, BASHAM, CASSIS, JOHNSON, TOY, BISHOP, KUIPERS, McMANUS, GEORGE, SCOTT, VAN WOERKOM, HARDIMAN and SCHAUER 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 2002 PA 718.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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.

6           (d) "Law enforcement agency" means the department; a police

1 agency of a city, village, or township; a sheriff's department;  
2 ~~and~~ OR any other governmental law enforcement agency in this  
3 state.

4 (e) "LEIN" means law enforcement information network regulated  
5 under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL  
6 28.211 to 28.216.

7 (f) "Registrar" means the state registrar as defined in  
8 section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

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

15 (a) An individual who has a physical or mental disability as  
16 evidenced by written documentation from a physician or other  
17 authoritative source. As used in this act, "mental disability"  
18 includes Alzheimer's disease and dementia.

19 (b) An individual who was in the company of another individual  
20 under circumstances indicating that the individual's physical  
21 safety may be in danger.

22 (c) An individual who disappeared under circumstances  
23 indicating that the disappearance was not voluntary.

24 (d) A child not described in subdivision (a), (b), (c), or  
25 ~~(e)~~ (F).

26 (E) AN INDIVIDUAL 65 YEARS OF AGE OR OLDER NOT DESCRIBED IN  
27 SUBDIVISION (A), (B), (C), OR (F), WHO IS BELIEVED TO BE INCAPABLE

1 **OF RETURNING TO HIS OR HER RESIDENCE WITHOUT ASSISTANCE.**

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

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

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

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

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

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

19 (4) If subsections (2) and (3) have been complied with and the  
20 individual is not found within 30 days, the law enforcement agency  
21 that received the report under subsection (2) shall seek the dental  
22 records of the individual under section 2844a of the public health  
23 code, 1978 PA 368, MCL 333.2844a. The information from the dental  
24 records shall be entered into the national crime information center  
25 and, if the individual is a child, the clearinghouse by the law  
26 enforcement agency.

27 (5) The LEIN shall retain the information under subsection (3)

1 reported to it until the law enforcement agency that entered the  
2 information cancels the information.

3 (6) The law enforcement agency receiving a report of a missing  
4 individual described in subsection (2) may, or if the individual is  
5 a child and subject to the policy established by the clearinghouse,  
6 or if the individual has Alzheimer's disease or dementia **OR IS 65**  
7 **YEARS OF AGE OR OLDER AND IS BELIEVED TO BE INCAPABLE OF RETURNING**  
8 **TO HIS OR HER RESIDENCE WITHOUT ASSISTANCE**, shall, broadcast the  
9 information described in subsection (3) over the LEIN to all of the  
10 following:

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

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

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

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

24 (8) If 14 days have elapsed since the law enforcement agency  
25 has received a report of a missing child and the agency has not  
26 been notified of the child's return, the agency, if it has reason  
27 to believe that a missing child may be enrolled in a school

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

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

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

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

25 (12) When the unidentified body of a deceased individual is  
26 found, the law enforcement agency receiving the report, after  
27 conducting a preliminary investigation, shall immediately enter the

1 following information, if available, into the national crime  
2 information center and, if the body is that of a child, into the  
3 clearinghouse:

4 (a) The physical description of the unidentified body and  
5 whether footprints, body X-rays, and fingerprint classifications  
6 are available.

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

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

10 (d) Dental examination records obtained under section 2844a of  
11 the public health code, 1978 PA 368, MCL 333.2844a.

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

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

20 (a) A physical description of the individual.

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

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 1330

26 of the 93rd Legislature is enacted into law.