

SENATE BILL No. 118

AN ACT concerning crimes, criminal procedure and punishment; relating to reporting and investigation of missing persons; amending K.S.A. 2012 Supp. 75-712b and 75-712c and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2012 Supp. 75-712b is hereby amended to read as follows: 75-712b. (a) The Kansas bureau of investigation shall establish a missing and unidentified person system which shall be a central repository of information received by law enforcement agencies and coroners in this state relating to persons who have been reported missing or are unidentified. Such information shall be maintained for the purpose of improving the ability of law enforcement to locate and return missing persons, identify persons or human remains and inform and notify, in a timely manner, family members of missing or unidentified persons.

(b) All law enforcement agencies and coroners in this state shall report to the missing and unidentified person system established pursuant to this section all information received relating to missing persons or unidentified persons or human remains. Such reports shall be made in accordance with rules and regulations adopted pursuant to this section.

(c) The information in the missing and unidentified person system established pursuant to this section shall be available to all law enforcement officers and coroners in this state and all governmental entities in this state which have a need for information relating to missing persons or unidentified persons or human remains in this state, in accordance with rules and regulations adopted pursuant to this section.

(d) *Upon receiving information that any person is a high-risk missing person, as described in K.S.A. 75-712c, and amendments thereto, the director of the missing and unidentified person system shall immediately provide information concerning such missing person to every law enforcement agency within the state.*

(e) The director of the Kansas bureau of investigation may apply for, accept and expend grants, gifts and bequests from any source for the purpose of carrying out the provisions of this section.

~~(e)~~(f) The director of the Kansas bureau of investigation shall adopt rules and regulations prescribing:

(1) Procedures and forms for reports made to the missing and unidentified person system established pursuant to this section; and

(2) procedures for disseminating information maintained in the missing person system to law enforcement agencies and the federal bureau of investigation as authorized by this section.

~~(f)~~(g) Any law enforcement agency or coroner that willfully fails to make any report required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

Sec. 2. K.S.A. 2012 Supp. 75-712c is hereby amended to read as follows: 75-712c. (a) ~~(1) All law enforcement agencies in of the state of Kansas, or any political subdivision of this state thereof, shall receive reports of any person who is reported missing~~ *accept and process, without delay, any report of a missing person by any person at any time pursuant to K.S.A. 75-712b through 75-712e, and amendments thereto, and K.S.A. 2012 Supp. 75-712f through 75-712h, and amendments thereto.*

(2) *No law enforcement agency shall refuse or otherwise fail to accept a missing person report for any reason:* except when the law enforcement agency:

(A) Knows the location of the person reported missing;

(B) *has confirmed the safe status of the person reported missing; or*

(C) *has confirmed that another law enforcement agency has already completed a report on the missing person incident.*

(3) The reports shall be entered ~~immediately~~ *as soon as practical* into the missing person system of the national crime information center and the missing and unidentified person system of the Kansas bureau of investigation.

(4) The law enforcement agency immediately shall commence an investigation based upon the elements of the initial reports.

(b) *The law enforcement agency shall provide the person making such report with contact information and information concerning the national*

center for missing and exploited children and the national center for missing adults.

(c) Within a reasonable period of time, and in no case longer than 30 calendar days, follow-up forms from the national crime information center or the Kansas bureau of investigation, or both, shall be given to the reporting party, to be completed and returned to the law enforcement agency. The data reported on the follow-up forms shall be entered immediately into the missing person system of the national crime information center and the missing and unidentified person system of the Kansas bureau of investigation.

~~(b)~~(d) The reporting party shall be advised to immediately notify the law enforcement agency in the event the missing person returns or is located. Except as provided further, the law enforcement agency shall immediately notify the reporting party if the missing person is located or contacted. The law enforcement agency investigating the report shall not give information to the reporting party if the law enforcement agency has reason to believe the missing person is an adult or an emancipated minor and is staying at or has made contact with a domestic violence or sexual assault program and does not expressly consent to the release of this information. Upon location of or contact by the missing person, the law enforcement agency shall clear the case in the national crime information center and Kansas bureau of investigation databases.

(e) (1) *Upon receipt of a missing person report, the law enforcement agency shall immediately determine whether such person may be a high-risk missing person.*

(2) *Upon obtaining any new information concerning the missing person at any time, the law enforcement agency shall evaluate whether such person may be a high-risk missing person.*

(3) *A high-risk missing person means any person who is at heightened risk of bodily harm or death, including, but not limited to, persons missing:*

- (A) *As a result of an abduction;*
- (B) *under suspicious or known dangerous circumstances;*
- (C) *more than 30 days;*
- (D) *who have been designated as high-risk missing persons by another law enforcement agency; or*
- (E) *under any facts or circumstances that would lead the law enforcement agency to believe such person may be at risk of bodily harm or death.*

(4) *Upon a determination that a missing person is a high-risk missing person, the law enforcement agency shall immediately and specifically make such determination known to the missing and unidentified person system of the Kansas bureau of investigation and the missing person system of the national crime information center.*

Sec. 3. K.S.A. 2012 Supp. 75-712b and 75-712c are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.