



HOUSE BILL No. 5101

October 12, 1993, Introduced by Reps. Vorva, Hill, Rhead, Gubow, Jamian, Galloway and Gustafson and referred to the Committee on Judiciary.

A bill to amend section 8 of Act No. 319 of the Public Acts of 1968, entitled as amended

"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,"

as amended by Act No. 82 of the Public Acts of 1987, being section 28.258 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 319 of the Public Acts of
2 1968, as amended by Act No. 82 of the Public Acts of 1987, being
3 section 28.258 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 8. (1) As used in this section:

2 (a) "Child" means a person less than 17 years of age.

3 (b) "Law enforcement agency" means a police agency of a
4 city, village, or township; a sheriff's department; the depart-
5 ment of state police; and any other governmental law enforcement
6 agency in this state.

7 (c) "Registrar" means the state registrar as defined in sec-
8 tion 2805(1) of the public health code, Act No. 368 of the Public
9 Acts of 1978, being section 333.2805 of the Michigan Compiled
10 Laws.

11 (2) If any of the following persons are reported missing,
12 the law enforcement agency receiving the report ~~after conduct-~~
13 ~~ing a preliminary investigation,~~ shall immediately enter the
14 information described in subsection (3) regarding that person
15 into the law enforcement information network and the national
16 crime information center:

17 (a) A person who has a physical or mental disability as evi-
18 denced by written documentation from a physician or other author-
19 itative source.

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

23 (c) A person who disappeared under circumstances indicating
24 that the disappearance was not voluntary.

25 (d) Any child not described in subdivision (a), (b), (c), or
26 (e).

1 (e) A person who is missing as the result of any natural or
2 intentionally caused catastrophe or extraordinary accident which
3 causes the loss of human life.

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

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

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

13 (c) The date the person was missing and if the missing
14 person 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 person, as determined by the department of state police and
18 the law enforcement information network policy council.

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

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

5 (6) The law enforcement agency receiving a report of a miss-
6 ing person described in subsection (2) may broadcast the informa-
7 tion described in subsection (3) over the law enforcement infor-
8 mation network to all of the following:

9 (a) All law enforcement agencies having jurisdiction of the
10 location where the missing person lives or was last seen.

11 (b) Any other law enforcement agency that potentially could
12 become involved in locating the missing person.

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

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

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

1 known local school district or intermediate school district that
2 the child is missing and shall provide the school district with
3 the information described in subsection (3).

4 (9) A parent or legal guardian of a child missing ~~prior to~~
5 ~~the effective date of the amendatory act that added this~~
6 ~~subsection~~ BEFORE JUNE 29, 1987, may notify a law enforcement
7 agency that he or she wants the registrar and school district
8 notified pursuant to subsections (7) and (8). Upon receiving the
9 request, the law enforcement agency shall proceed pursuant to
10 subsections (7) and (8).

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

1 (12) When the unidentified body of a deceased person 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:

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

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

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

12 (d) Dental examination records obtained pursuant to section
13 2844a of the public health code, Act No. 368 of the Public Acts
14 of 1978, being section 333.2844a of the Michigan Compiled Laws.

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

19 (13) When a person is found whose identity is unknown and
20 cannot be readily determined, the law enforcement agency receiv-
21 ing the report, after conducting a preliminary investigation,
22 shall enter the following information into the national crime
23 information center:

24 (a) A physical description of the person.

25 (b) Any other information that would assist in the identifi-
26 cation of the person, as determined by the department of state

1 police and the law enforcement information network policy

2 council.