



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4482 (Substitute S-1 as passed by the Senate)
Sponsor: Representative Michelle McManus
House Committee: Human Services
Senate Committee: Families, Mental Health, and Human Services

Date Completed: 4-26-95

RATIONALE

The National Center for Missing and Exploited Children is a private, nonprofit organization that functions as a national clearinghouse and resource center on missing and exploited children. According to the Center, 45 states, the District of Columbia, and Canada all have a central clearinghouse for information on missing children. Some people believe that Michigan, too, should establish such a clearinghouse. Although local police agencies already are required to enter information on missing children into the Law Enforcement Information Network (LEIN), and to report dental record information to the National Crime Information Center (NCIC) if a missing person is not found within 30 days, Michigan does not have a central repository for this type of information. According to the Department of State Police, reporting to a clearinghouse would improve the available data on circumstances under which children become missing--whether, for example, they have run away from home or been kidnapped by a noncustodial parent.

CONTENT

The bill would amend the uniform crime reporting Act to establish a missing children information clearinghouse in the Department of State Police; require that information regarding missing children be collected and disseminated to assist in their location; and require law enforcement agencies to report information to the clearinghouse.

The Department would be required to administer the clearinghouse as a central repository of information regarding missing children. The Department Director would have to designate an individual to supervise the clearinghouse. To the extent that money was available, the Department would have to establish services considered

appropriate to aid in the location of missing children.

In providing a centralized file for the exchange of information on missing children within the State, the clearinghouse would have to do all of the following:

- Record each report on a missing child received from a law enforcement agency, as required by the bill.
- Accept and record a report about a missing child from a law enforcement agency.
- Exchange information on children suspected of interstate travel with the National Crime Information Center.
- Establish a policy regarding the compilation of a record of the reasons children become missing.

Upon locating the missing child, the originating law enforcement agency would have to remove the child from the clearinghouse record by means of the LEIN. If the originating law enforcement agency had new information about the missing child's location, the agency would have to report the information to the law enforcement agency with jurisdiction in the area in which the child could be located.

The Department could audit law enforcement agency records as necessary to determine compliance with the bill. An agency would have to comply with the reasonable requests of the Department in carrying out this provision and in otherwise administering the clearinghouse.

Currently, if an individual is reported missing under certain circumstances, or if a child is reported missing under any circumstances, the law enforcement agency receiving the report must

enter specific information into the Law Enforcement Information Network and the NCIC. This information includes the person's name, address, and vital statistics, the date he or she was missing, and any other information that may assist in locating the person. The law enforcement agency also may broadcast this information over the LEIN to other law enforcement agencies. Under the bill, if the missing individual were a child, the law enforcement agency would have to report the information to the proposed clearinghouse, as well as to the LEIN and the NCIC, and would have to broadcast the information over the LEIN to other law enforcement agencies.

The Act also provides that, if the individual is not found within 30 days, the law enforcement agency must seek his or her dental records and enter that information into the NCIC. The bill would require that information from the dental records of a missing child also be reported to the clearinghouse.

In addition, the Act requires a law enforcement agency to enter certain information into the NCIC if an unidentified individual is found or if the unidentified body of a deceased individual is found. The bill would require that this information also be reported to the clearinghouse if the individual were a child or if the body were that of a child.

MCL 28.258 et al.

SENATE COMMITTEE ACTION

The Senate Committee adopted (and the Senate passed) a Substitute (S-1) to require that an originating law enforcement agency remove information from the clearinghouse by means of the LEIN, when a missing child was located, and report new information about a missing child's location to the law enforcement agency having jurisdiction in that area. Substitute (S-1) also omitted requirements that a child's record be deleted from the clearinghouse when a law enforcement agency received information that a child was located, and that an originating law enforcement agency report to the clearinghouse when it had information about a missing child's location.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The

Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Michigan apparently is one of only five states in the nation that does not have a clearinghouse for information regarding missing children. By establishing a central repository for this information, the bill would give the Department of State Police a better statistical grasp of what resources in fact are needed to locate missing children and prevent others from becoming missing. The bill also would improve the reporting of missing children data among law enforcement agencies, by mandating that an agency receiving a report "broadcast" the information over the LEIN to other law enforcement agencies. While the Department would have to accommodate the clearinghouse requirements with its existing resources, the information gathered would enable the Department to determine its future needs, as well as the needs of the local law enforcement agencies responsible for investigating cases of missing children.

The proposed clearinghouse also potentially could assist in the location of missing children by providing a central contact person for local law enforcement agencies investigating reports of missing children. Child abductions are not something in which local police necessarily have expertise, and investigators could find it helpful to obtain the sort of information that would be available from the clearinghouse, as well as seeking assistance from the National Center for Missing and Exploited Children. The clearinghouse also potentially could help coordinate the efforts of additional State agencies, or simply refer investigators to experts in the field or contacts sympathetic to particular situations--such as parental kidnappings. In addition, the clearinghouse and local police agencies could exchange information with the Center, which could enhance nationwide efforts to locate missing children.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local law enforcement agencies. The bill's provisions would be met by the use of the existing State LEIN system and current law enforcement personnel. The Department of State Police would create appropriate computer software to establish the clearinghouse program and

provide enlisted State Police personnel who are already working on juvenile programs to administer the project.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.