

# Legislative Analysis

---



## **LEIN: MISSING PERSONS**

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 701 as passed by the Senate**

**Sponsor: Sen. Cameron S. Brown**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

### **First Analysis (10-17-06)**

**BRIEF SUMMARY:** The bill would require information to be entered into LEIN when a person believed to need assistance in order to return to his or her home was reported missing.

**FISCAL IMPACT:** The bill would not have a fiscal impact on state or local governments.

### **THE APPARENT PROBLEM:**

When certain individuals go missing, including those with a documented physical or mental disability, current law requires law enforcement agencies to enter information about them into the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC). When a child disappears, the information must also be reported to the Child Information Clearinghouse. In addition, a law enforcement agency may broadcast the information to various other law enforcement agencies, and must do so if the missing person is a child who is subject to the policy of the Child Information Clearinghouse or has Alzheimer's disease or dementia.

Some feel, however, that an individual may become confused or disoriented, or be incapable of returning home without assistance, on other occasions or for other reasons. Currently, unless these individuals have a medical or physical condition previously documented by a physician, their information would not be entered into LEIN or sent to other law enforcement agencies. Since these individuals may even need medical assistance, it has been suggested that the law be amended to include any individual believed to be incapable of returning to his or her residence without assistance.

### **THE CONTENT OF THE BILL:**

The bill would amend Public Act 319 of 1968, known as the uniform crime reporting act, to require law enforcement agencies to enter information into the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC) when a person who was believed to be unable to return to his or her residence without assistance was reported missing.

Under the act, if an individual who is any of the following is reported missing, the law enforcement agency receiving the report, after conducting a preliminary investigation, must immediately enter certain information regarding the missing individual into LEIN,

the NCIC, and, if the missing individual is a child, the Child Information Clearinghouse established under the act:

- An individual who has a documented physical or mental disability.
- An individual who was in the company of another under circumstances indicating that his or her safety may be in danger.
- An individual who disappeared under circumstances indicating the disappearance was not voluntary.
- An individual who is missing as the result of a natural or intentionally caused catastrophe or extraordinary accident that causes the loss of human life.
- A child not described above.

Senate Bill 701 would add to that list an individual not otherwise described ***who was believed to be incapable of returning to his or her residence without assistance.***

In addition, under the act, a law enforcement agency receiving a report of a missing individual who is a child and subject to the policy established by the Child Information Clearinghouse, or who is a person with Alzheimer's disease or dementia, must broadcast information regarding the individual over LEIN to certain specified parties. The agency also may broadcast the information if the missing party is an individual described earlier. The parties to be notified are:

- All law enforcement agencies having jurisdiction of the location where the missing individual lives or was last seen.
- Any other law enforcement agency that potentially could become involved in locating the missing individual.
- All law enforcement agencies to which the individual who reported the missing person requests the information to be sent, if the request is reasonable.

Senate Bill 701 would require the information to be broadcast to those agencies over LEIN if the missing individual were believed to be incapable of returning to his or her residence without assistance.

MCL 28.258

## ***ARGUMENTS:***

### ***For:***

Currently, when adults go missing who have not been diagnosed with Alzheimer's disease, dementia, or a physical or mental condition, information about them is not entered into the Law Enforcement Information Network. However, there are situations in which it would be prudent to do so. For instance, not all individuals in the early stages of Alzheimer's disease or dementia have had their conditions medically documented. Most likely the bill's provisions would be triggered in cases where an elderly person who had not been medically diagnosed with Alzheimer's disease or dementia wandered away from home or from a nursing home or other assisted care facility. Unless found promptly,

these individuals are at increased risk of dying from exposure to the elements or from injuries sustained in a fall, or from being victimized by others. In short, the bill would give some wiggle room to include other situations not covered under current law.

***Response:***

The bill would require the inclusion into LEIN of a missing person "believed" to be incapable of returning home without assistance. However, it is not clear who needs to believe the missing person needs such assistance – the police or the individual making the missing person report.

Also, it is not clear if the bill is meant to apply only to more permanent conditions, such as increasing, but undiagnosed, senility, or whether it would also include temporary or new, undiagnosed conditions. For example, a person may have experienced a sudden onset of an illness affecting his or her ability to navigate safely, or may have been known to have recently started taking a new medication that could produce confusion as a side effect. Or, would the bill also include a missing person who witnesses described when last seen as "stumbling about" or "not knowing his or her whereabouts?" Slurred speech or a stumbling gate, along with confusion, could indicate intoxication due to drugs or alcohol – which can put a person into harm's way as much as dementia (i.e., date rape drugs) – or be symptomatic of a head injury, stroke, heart attack, drug reaction, and so on, all conditions that could render a person in need of assistance to return home or to obtain medical attention, and all seemingly appropriate to include into LEIN.

***Rebuttal:***

Missing persons would be entered into the system by law enforcement "after conducting a preliminary investigation." Presumably, law enforcement decides whether the circumstances call for such action based on the investigation.

***POSITIONS:***

The Department of State Police supports the bill. (9-20-06)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Jan Wisniewski

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.