



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 701 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Cameron S. Brown
Committee: Judiciary

(as enrolled)

Date Completed: 7-18-06

RATIONALE

The uniform crime reporting Act requires law enforcement agencies to enter information into the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC) when certain individuals, including those with a documented physical or mental disability, are reported missing. If the individual is a child, the information also must be reported to the Child Information Clearinghouse. In addition, a law enforcement agency may broadcast the information over LEIN to various other law enforcement agencies, and must do so if the missing individual is a child and subject to the policy of the Child Information Clearinghouse or has Alzheimer's disease or dementia. Since other individuals sometimes may become confused or disoriented, some people believe that LEIN entries also should be made for any missing individual who may be incapable of returning home without assistance.

CONTENT

The bill would amend the uniform crime reporting Act to require law enforcement agencies to enter information into the Law Enforcement Information Network and the National Crime Information Center 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, immediately must 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.

The bill 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 described above may or, if the individual is a child and subject to the policy established by the Child Information Clearinghouse or has Alzheimer's disease or dementia, must broadcast information regarding the individual over LEIN to all of the following:

- 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.

The bill also 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

(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

Providing for information about certain vulnerable individuals who have gone missing to be entered into LEIN and broadcast to law enforcement agencies is good public policy, because those individuals may be in danger or unable to find their way home. The current provision, though, does not apply to a person who may need assistance unless he or she has been diagnosed with a physical or mental disability or is a child, or the disappearance involves foul play or some type of disaster or extraordinary accident. Occasionally, there are published news reports about someone, usually an elderly person, who wanders away from home or a residential facility. Often, these incidents result in death or severe injury due to exposure to the natural elements. If the person has not been officially diagnosed with some disability, such as dementia or Alzheimer's disease, the LEIN entry provision is not triggered. To protect all vulnerable individuals, information about a missing person should be entered into LEIN regardless of a medical diagnosis, and regardless of age, if the person might not be able to return home on his or her own.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce 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.