

SENATE BILL No. 701

August 31, 2005, Introduced by Senator BROWN and referred to the Committee on Judiciary.

A bill to amend 1968 PA 319, entitled

"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,"

by amending section 8 (MCL 28.258), as amended by 2002 PA 718.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) As used in this section and section 9:

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

3 (b) "Clearinghouse" means the missing child information
4 clearinghouse established under section 9.

5 (c) "Department" means the department of state police.

1 (d) "Law enforcement agency" means the department; a police
2 agency of a city, village, or township; a sheriff's department;
3 ~~and~~ OR any other governmental law enforcement agency in this
4 state.

5 (e) "LEIN" means law enforcement information network regulated
6 under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL
7 28.211 to 28.216.

8 (f) "Registrar" means the state registrar as defined in
9 section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

10 (2) If an individual who is any of the following is reported
11 missing, the law enforcement agency receiving the report, after
12 conducting a preliminary investigation, shall immediately enter the
13 information described in subsection (3) regarding that individual
14 into the LEIN, the national crime information center, and if the
15 individual is a child, the clearinghouse:

16 (a) An individual who has a physical or mental disability as
17 evidenced by written documentation from a physician or other
18 authoritative source. As used in this act, "mental disability"
19 includes Alzheimer's disease and dementia.

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

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

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

27 (E) AN INDIVIDUAL 65 YEARS OF AGE OR OLDER NOT DESCRIBED IN

1 SUBDIVISION (A), (B), (C), OR (F), WHO IS BELIEVED TO BE INCAPABLE
2 OF RETURNING TO HIS OR HER RESIDENCE WITHOUT ASSISTANCE.

3 (F) ~~—(e)—~~ An individual who is missing as the result of a
4 natural or intentionally caused catastrophe or extraordinary
5 accident that causes the loss of human life.

6 (3) The information to be entered into the LEIN, the national
7 crime information center, and the clearinghouse under subsection

8 (2) shall include all of the following, if available:

9 (a) The name and address of the individual.

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

14 (c) The date the individual was missing and, if the missing
15 individual is a child under subsection (2)(d), the date the child
16 becomes 17 years of age.

17 (d) Any other information that may assist in the location of
18 the individual, as determined by the department and the LEIN policy
19 council.

20 (4) If subsections (2) and (3) have been complied with and the
21 individual is not found within 30 days, the law enforcement agency
22 that received the report under subsection (2) shall seek the dental
23 records of the individual under section 2844a of the public health
24 code, 1978 PA 368, MCL 333.2844a. The information from the dental
25 records shall be entered into the national crime information center
26 and, if the individual is a child, the clearinghouse by the law
27 enforcement agency.

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

4 (6) The law enforcement agency receiving a report of a missing
5 individual described in subsection (2) may, or if the individual is
6 a child and subject to the policy established by the clearinghouse,
7 or if the individual has Alzheimer's disease or dementia **OR IS 65**
8 **YEARS OF AGE OR OLDER AND IS BELIEVED TO BE INCAPABLE OF RETURNING**
9 **TO HIS OR HER RESIDENCE WITHOUT ASSISTANCE**, shall, broadcast the
10 information described in subsection (3) over the LEIN to all of the
11 following:

12 (a) All law enforcement agencies having jurisdiction of the
13 location where the missing individual lives or was last seen.

14 (b) Any other law enforcement agency that potentially could
15 become involved in locating the missing individual.

16 (c) All law enforcement agencies to which the individual who
17 reported the individual missing requests the information be sent,
18 if the request is reasonable.

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

25 (8) If 14 days have elapsed since the law enforcement agency
26 has received a report of a missing child and the agency has not
27 been notified of the child's return, the agency, if it has reason

1 to believe that a missing child may be enrolled in a school
2 district in this state, shall notify in writing the child's last
3 known local school district or intermediate school district that
4 the child is missing and shall provide the school district with the
5 information described in subsection (3).

6 (9) A parent or legal guardian of a child missing before June
7 29, 1987, may notify a law enforcement agency that he or she wants
8 the registrar and school district notified pursuant to subsections
9 (7) and (8). Upon receiving the request, the law enforcement agency
10 shall proceed as provided in 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 LEIN regarding that child shall be retained and
14 the child shall be considered to be an emancipated missing child
15 until the information is canceled by the law enforcement agency
16 that entered the information into the network. If the information
17 entered into the LEIN regarding a child missing as prescribed by
18 subsection (2) is canceled, the law enforcement agency that entered
19 the information into the network shall inform the registrar and
20 school district notified as prescribed by subsection (7) of the
21 cancellation.

22 (11) A law enforcement agency shall not establish or maintain
23 a policy that prevents an immediate investigation as soon as
24 practical regarding an individual described in subsection (2) who
25 is reported missing.

26 (12) When the unidentified body of a deceased individual is
27 found, the law enforcement agency receiving the report, after

1 conducting a preliminary investigation, shall immediately enter the
2 following information, if available, into the national crime
3 information center and, if the body is that of a child, into the
4 clearinghouse:

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

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

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

11 (d) Dental examination records obtained under section 2844a of
12 the public health code, 1978 PA 368, MCL 333.2844a.

13 (e) Any other information that would assist in the
14 identification of the body, as determined by the department and the
15 LEIN policy council.

16 (13) When an individual is found whose identity is unknown and
17 cannot be readily determined, the law enforcement agency receiving
18 the report, after conducting a preliminary investigation, shall
19 enter the following information into the national crime information
20 center and, if the individual is a child, into the clearinghouse:

21 (a) A physical description of the individual.

22 (b) Any other information that would assist in the
23 identification of the individual, as determined by the department
24 and the LEIN policy council.