

# HOUSE BILL No. 5814

September 7, 2016, Introduced by Rep. Glardon and referred to the Committee on Criminal Justice.

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 2006 PA 450.

## **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~~**18** years of age.

3       (b) "Clearinghouse" means the missing ~~child~~**CHILDREN**

4 information clearinghouse established under section 9.

5       (c) **"CRIMINAL JUSTICE INFORMATION POLICY COUNCIL" MEANS THE**  
6 **CRIMINAL JUSTICE INFORMATION POLICY COUNCIL CREATED IN SECTION 2 OF**  
7 **THE C.J.I.S. POLICY COUNCIL ACT, 1974 PA 163, MCL 28.212.**

1           (D) ~~(e)~~—"Department" means the department of state police.

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

6           (F) ~~(e)~~—"LEIN" means **THE** law enforcement information network  
7 regulated under the C.J.I.S. policy council act, 1974 PA 163, MCL  
8 28.211 to 28.215.

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

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

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

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

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

27           (d) A child not described in subdivision (a), (b), (c), or

1 (f).

2 (e) An individual not described in subdivision (a), (b), (c),  
3 or (f), who is believed to be incapable of returning to his or her  
4 residence without assistance.

5 (f) An individual who is missing as the result of a natural or  
6 intentionally caused catastrophe or extraordinary accident that  
7 causes the loss of human life.

8 (3) The information to be entered into the LEIN, the ~~national~~  
9 ~~crime information center~~, **NATIONAL CRIME INFORMATION CENTER**, and  
10 the clearinghouse under subsection (2) shall include all of the  
11 following, if available:

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

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

17 (c) The date the individual was missing and, if the missing  
18 individual is a child under subsection (2)(d), the date the child  
19 becomes ~~17~~**18** years of age.

20 (d) Any other information that may assist in ~~the location of~~  
21 **LOCATING** the individual, as determined by the department and the  
22 ~~LEIN policy council~~. **CRIMINAL JUSTICE INFORMATION POLICY COUNCIL**.

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

1 records shall be entered into the ~~national crime information center~~  
2 **NATIONAL CRIME INFORMATION CENTER** and, if the individual is a  
3 child, the clearinghouse by the law enforcement agency.

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

7 (6) The law enforcement agency receiving a report of a missing  
8 individual described in subsection (2) may, or if the individual is  
9 a child and subject to the policy established by the clearinghouse,  
10 or if the individual has Alzheimer's disease or dementia or is  
11 believed to be incapable of returning to his or her residence  
12 without assistance, shall, broadcast the information described in  
13 subsection (3) over the LEIN to all of the following:

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

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

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

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

27 (8) If 14 days have elapsed since the law enforcement agency

1 has received a report of a missing child and the agency has not  
2 been notified of the child's return, the agency, if it has reason  
3 to believe that a missing child may be enrolled in a school  
4 district in this state, shall notify in writing the child's last  
5 known local school district or intermediate school district that  
6 the child is missing and shall provide the school district with the  
7 information described in subsection (3).

8 (9) A parent or legal guardian of a child missing before June  
9 29, 1987 ~~may~~ notify a law enforcement agency that he or she wants  
10 the registrar and school district **TO BE** notified ~~pursuant to~~ **UNDER**  
11 subsections (7) and (8). Upon receiving the request, the law  
12 enforcement agency shall proceed as provided in subsections (7) and  
13 (8).

14 (10) On the ~~seventeenth~~ **EIGHTEENTH** birthday of a child who has  
15 been reported missing ~~pursuant to~~ **UNDER** subsection (2)(d), any  
16 information entered into the LEIN regarding that child shall be  
17 retained and the child shall be considered to be an emancipated  
18 missing child until the information is canceled by the law  
19 enforcement agency that entered the information into the ~~network~~.  
20 **LEIN**. If the information entered into the LEIN regarding a child  
21 missing as prescribed by subsection (2) is canceled, the law  
22 enforcement agency that entered the information into the ~~network~~  
23 **LEIN** shall inform the registrar and school district notified as  
24 prescribed by subsection (7) of the cancellation.

25 (11) A law enforcement agency shall not establish or maintain  
26 a policy that prevents an immediate investigation as soon as  
27 practical regarding an individual described in subsection (2) who

1 is reported missing.

2 (12) When the unidentified body of a deceased individual is  
3 found, the law enforcement agency receiving the report, after  
4 conducting a preliminary investigation, shall immediately enter the  
5 following information, if available, into the ~~national crime~~  
6 ~~information center~~ **NATIONAL CRIME INFORMATION CENTER** and, if the  
7 body is that of a child, into the clearinghouse:

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

11 (b) The date the body was found and the cause and manner of  
12 death.

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

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

16 (e) Any other information that would assist in the  
17 identification of the body, as determined by the department and the  
18 ~~LEIN policy council~~ **CRIMINAL JUSTICE INFORMATION POLICY COUNCIL**.

19 (13) When an individual is found whose identity is unknown and  
20 cannot be readily determined, the law enforcement agency receiving  
21 the report, after conducting a preliminary investigation, shall  
22 enter the following information into the ~~national crime information~~  
23 ~~center~~ **NATIONAL CRIME INFORMATION CENTER** and, if the individual is  
24 a child, into the clearinghouse:

25 (a) A physical description of the individual.

26 (b) Any other information that would assist in the  
27 identification of the individual, as determined by the department

1 and the ~~LEIN policy council~~. **CRIMINAL JUSTICE INFORMATION POLICY**  
2 **COUNCIL.**

3 Enacting section 1. This amendatory act takes effect 90 days  
4 after the date it is enacted into law.