

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/28/19

A Bill

HOUSE BILL 1881

By: Representative Petty

By: Senator Hester

For An Act To Be Entitled

AN ACT CONCERNING THE INVESTIGATION INTO A MISSING OR UNIDENTIFIED PERSON; CONCERNING THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE INVESTIGATION INTO A MISSING OR UNIDENTIFIED PERSON; AND CONCERNING THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 12, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

12-9-122. Missing and unidentified persons training.

(a)(1) In accordance with the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training, all law enforcement officers in the state shall complete training related to the investigation of unidentified and missing persons.

(2) Practicum training shall also be sufficient for the requirement under subdivision (a)(1) of this section.

(b) Training under subsection (a) of this section may include training conducted in conjunction with resources available through the National Missing and Unidentified Persons System.



SECTION 2. Arkansas Code Title 12, Chapter 12, Subchapter 1, is amended to add an additional section to read as follows:

12-12-110. Missing or unidentified persons.

(a) As used in this section:

(1) "Missing person" means a person, including a child under eighteen (18) years of age, reported to a law enforcement agency as missing and unaccounted for from expected and normal activities; and

(2) "Unidentified person" means a person living or deceased who is unidentified after all available methods used to identify a person have been exhausted, including a decedent released to the State Crime Laboratory in which the identity of the decedent cannot be established to the satisfaction of the State Medical Examiner.

(b)(1) To the extent that this section is not duplicative with § 12-12-205, the actions under this section shall be undertaken by the law enforcement agency with jurisdiction in the event of a report of a missing person or unidentified person.

(2) Entry of missing person or unidentified person information into the National Missing and Unidentified Persons System does not relieve the obligations of a law enforcement agency under § 12-12-205.

(c) A law enforcement agency shall input the following data, if available for an unidentified person, into the National Missing and Unidentified Persons System:

(1) Copies of fingerprints on standardized fingerprint cards measuring eight inches by eight inches (8" x 8") or the equivalent digital image, including partial prints of any fingers;

(2) Forensic dental report or radiology imaging;

(3) Detailed personal descriptions;

(4) Deoxyribonucleic acid (DNA) information;

(5) Radiology imaging and medical data; and

(6) All other identifying data, including date and place of death.

(d) When a missing person or unidentified person report is received, a law enforcement agency shall initiate the following procedures within thirty (30) days of receiving the missing person or unidentified person report:

(1) Submit the missing person or unidentified person case to the National Missing and Unidentified Persons System and to any database of

missing persons or unidentified persons currently required by the law enforcement agency, providing all appropriate data;

(2)(A) Locate and obtain biometric records, including medical and dental records, medical and dental X-rays, or other medical imaging, and enter those records into the National Missing and Unidentified Persons System.

(B) Records described under subdivision (d)(2)(A) of this section are considered confidential and shall not be released to the public;

(3)(A) Utilize the National Missing and Unidentified Persons System's family reference sample submission kits and obtain voluntary DNA samples from appropriate family members to submit to the laboratory for DNA testing and to an institution of higher education that specializes in DNA identification for a full genetic profile, including testing of mitochondrial DNA, short tandem repeats on the Y-chromosome, and nuclear analyses, to be documented in the National Missing and Unidentified Persons System missing persons or unidentified persons file, and submitted to the Federal Bureau of Investigation's National DNA Index System using the Combined DNA Index System.

(B) If necessary, the law enforcement agency may request assistance in obtaining family reference DNA samples; and

(4) Attempt to locate any fingerprints from available resources and submit the fingerprints to the National Missing and Unidentified Persons System.

(e)(1) A law enforcement agency shall not require a delay before accepting or investigating a report of a missing person when reliable information has been provided to the law enforcement agency that the person is missing.

(2) A law enforcement agency shall not mandate the appearance of a next of kin before initiating a missing persons investigation.

(f)(1) If a law enforcement agency receives a report of a missing person from another law enforcement agency or from a medical examiner, the law enforcement agency shall maintain a record of the case file.

(2) The information contained in a report of a missing person from another law enforcement agency or from a medical examiner shall be available to a law enforcement agency attempting to identify unidentified persons.

(g)(1) A law enforcement agency shall not establish or maintain a policy that requires the observance of a waiting period before accepting and investigating a report of a missing child.

(2) Upon receipt of a report of a missing child, a law enforcement agency shall enter the child into the National Missing and Unidentified Persons System.

(h) When a person previously reported missing has been found or when an unidentified person has been identified, the reporting law enforcement agency or the Department of Arkansas State Police shall report to the National Missing and Unidentified Persons System.

(i) This section does not prohibit a law enforcement agency from maintaining case files related to missing persons or unidentified bodies.

/s/Petty