

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5191**

60th Legislature  
2007 Regular Session

Passed by the Senate February 9, 2007  
YEAS 40 NAYS 0

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**President of the Senate**

Passed by the House March 30, 2007  
YEAS 94 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5191** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5191**

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Passed Legislature - 2007 Regular Session

**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Hatfield, Brandland, Sheldon and Delvin)

READ FIRST TIME 01/23/07.

1            AN ACT Relating to missing persons; amending RCW 43.103.110,  
2            36.28A.110, 36.28A.120, and 43.43.751; reenacting and amending RCW  
3            68.50.320; and creating a new section.

4            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** It is the intent of this act to build upon  
6            the research and findings of the Washington state missing persons task  
7            force, assembled by the state attorney general in 2003, the United  
8            States department of justice, and the initiative taken in chapter 102,  
9            Laws of 2006, by the legislature to aid in recovery of missing persons  
10           and the identification of human remains.

11           **Sec. 2.** RCW 43.103.110 and 2006 c 102 s 3 are each amended to read  
12           as follows:

13           The Washington state forensic investigations council, in  
14           cooperation with the Washington association of coroners and medical  
15           examiners and other interested agencies, shall develop training modules  
16           that are essential to the effective implementation and use of missing  
17           persons protocols using funds provided in RCW 43.79.445.    (~~The~~  
18           ~~training modules must provide training through classes and media that~~

1 ~~will train and educate small departments or those at remote locations~~  
2 ~~with the least disruption.))~~ The training commission shall make the  
3 training modules available to small departments or those at remote  
4 locations with the least disruption. The modules ~~((will))~~ shall  
5 include, but ~~((will))~~ not be limited to: The reporting process, the  
6 use of forms and protocols, the effective use of resources, the  
7 collection and importance of evidence and preservation of biological  
8 evidence, and risk assessment of the individuals reported missing.

9 **Sec. 3.** RCW 36.28A.110 and 2006 c 102 s 4 are each amended to read  
10 as follows:

11 The Washington association of sheriffs and police chiefs shall  
12 create and maintain a statewide web site, which shall be available to  
13 the public. The web site shall post relevant information concerning  
14 persons reported missing in the state of Washington. For missing  
15 persons, the web site shall contain, but is not limited to: The  
16 person's name, physical description, photograph, and other information  
17 that is deemed necessary according to the adopted protocols. This web  
18 site shall allow citizens to more broadly disseminate information  
19 regarding missing persons for at least thirty days. ~~((Due to the large~~  
20 ~~number of reports received on persons who are overdue and subsequently~~  
21 ~~appear, the information will be removed from the web site after thirty~~  
22 ~~days, unless persons filing the report have notified local law~~  
23 ~~enforcement that the person is still missing.))~~

24 **Sec. 4.** RCW 36.28A.120 and 2006 c 102 s 5 are each amended to read  
25 as follows:

26 The Washington state patrol shall establish an interface with local  
27 law enforcement and the Washington association of sheriffs and police  
28 chiefs missing persons web site, the toll-free twenty-four hour  
29 hotline, and national and other statewide missing persons systems or  
30 clearinghouses.

31 Local law enforcement agencies shall file an official missing  
32 persons report and enter biographical information into the state  
33 missing persons computerized network ~~((within twelve hours))~~ without  
34 delay after notification of a missing person's report is received under  
35 this chapter.

1       **Sec. 5.** RCW 68.50.320 and 2006 c 102 s 6 and 2006 c 235 s 4 are  
2 each reenacted and amended to read as follows:

3       When a person reported missing has not been found within thirty  
4 days of the report, or at any time the investigating agency suspects  
5 criminal activity to be the basis of the victim being missing, the  
6 sheriff, chief of police, county coroner or county medical examiner, or  
7 other law enforcement authority initiating and conducting the  
8 investigation for the missing person shall: (1) File a missing  
9 person's report with the Washington state patrol missing and  
10 unidentified persons unit; (2) initiate the collection of DNA samples  
11 from the known missing person and their family members for nuclear and  
12 mitochondrial DNA testing along with the necessary consent forms; and  
13 (3) ask the missing person's family or next of kin to give written  
14 consent to contact the dentist or dentists of the missing person and  
15 request the person's dental records.

16       The missing person's dentist or dentists shall provide diagnostic  
17 quality copies of the missing person's dental records or original  
18 dental records to the sheriff, chief of police, county coroner or  
19 county medical examiner, or other law enforcement authority, when  
20 presented with the written consent from the missing person's family or  
21 next of kin or with a statement from the sheriff, chief of police,  
22 county coroner or county medical examiner, or other law enforcement  
23 authority that the missing person's family or next of kin could not be  
24 located in the exercise of due diligence or that the missing person's  
25 family or next of kin refuse to consent to the release of the missing  
26 person's dental records and there is reason to believe that the missing  
27 person's family or next of kin may have been involved in the missing  
28 person's disappearance.

29       As soon as possible after collecting the DNA samples (~~and~~  
30 ~~obtaining the dental records~~), the sheriff, chief of police, or other  
31 law enforcement authority shall submit the DNA samples (~~for nuclear~~  
32 ~~DNA testing to the Washington state patrol crime laboratory in their~~  
33 ~~jurisdiction. The DNA samples for mitochondrial DNA testing shall be~~  
34 ~~submitted to the federal bureau of investigation~~) to the appropriate  
35 laboratory. Dental records shall be submitted as soon as possible to  
36 the Washington state patrol missing and unidentified persons unit.

37       The descriptive information from missing person's reports and  
38 dental data submitted to the Washington state patrol missing

1 ((persons)) and unidentified persons unit shall be recorded and  
2 maintained by the Washington state patrol missing and unidentified  
3 persons unit in the applicable dedicated missing person's databases.

4 ~~((In cases where criminal activity is suspected, the state patrol  
5 shall conduct nuclear DNA typing for entry into the state missing  
6 person's DNA database as soon as possible.))~~

7 When a person reported missing has been found, the sheriff, chief  
8 of police, coroner or medical examiner, or other law enforcement  
9 authority shall report such information to the Washington state patrol.

10 The dental identification system shall maintain a file of  
11 information regarding persons reported to it as missing. The file  
12 shall contain the information referred to in this section and such  
13 other information as the Washington state patrol finds relevant to  
14 assist in the location of a missing person.

15 The files of the dental identification system shall, upon request,  
16 be made available to law enforcement agencies attempting to locate  
17 missing persons.

18 **Sec. 6.** RCW 43.43.751 and 2006 c 102 s 7 are each amended to read  
19 as follows:

20 Biological samples taken for a missing person's investigation under  
21 RCW 68.50.320 shall be forwarded ~~((as appropriate to the federal bureau  
22 of investigation upon receipt of the DNA samples and to the Washington  
23 state patrol crime lab))~~ to the appropriate laboratory as soon as  
24 possible. The crime laboratory of the Washington state patrol will  
25 provide guidance to agencies regarding where samples should be sent ~~((  
26 conduct nuclear DNA testing of the biological sample where appropriate  
27 and, in the event additional testing is required, the mitochondrial DNA  
28 testing will be conducted through the federal bureau of investigation.  
29 Priority for testing shall be given to active criminal cases))~~. If  
30 substantial delays in testing occur or federal testing is no longer  
31 available, the legislature should be requested to provide funding to  
32 implement mitochondrial technology in the state of Washington.

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