

# HOUSE BILL REPORT

## 2SSB 5108

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### As Passed House - Amended:

April 15, 1999

**Title:** An act relating to missing and exploited children.

**Brief Description:** Creating a task force on missing and exploited children.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Johnson, Eide, Rossi, Prentice, T. Sheldon, Winsley, McAuliffe, Oke, Kohl-Welles and Costa; by request of Lieutenant Governor).

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 3/30/99, 4/2/99 [DPA].

#### Floor Activity:

Passed House - Amended: 4/15/99, 97-0.

### Brief Summary of Second Substitute Bill (As Amended by House Committee)

- Adds "digital images" as well as anything tangible or "intangible" to the definition of "photography" in the chapter dealing with the sexual exploitation of children.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

**Staff:** Dianne Ramerman (786-7172).

### Background:

On January 23, 1999, at about 10:15 p.m., 2 year-old Teekah Lewis disappeared from New Frontier Lanes Bowling Alley in Tacoma. FBI agents and volunteers joined Tacoma police officers in searching for the little girl.

In 1985, the Legislature created the Missing Children Clearinghouse within the WSP. The clearinghouse operates a toll-free, 24-hour telephone hotline that receives approximately 3,000 calls per year. The clearinghouse also distributes information regarding missing children to local law enforcement agencies, school districts, the Department of Social and Health Services, and the general public. The information distributed includes pictures, bulletins, training sessions, reports, and biographical materials that will assist local law enforcement agencies in locating missing children.

Local law enforcement agencies file missing persons reports and enter biographical information into the state's missing person computerized network within 12 hours after receiving notification of a missing child. The WSP collects information on missing children and regularly enters that information into a missing persons computer network that is linked with national and other state-wide missing persons systems. If appropriate, law enforcement agencies as well as parents and legal guardians can access this information.

Per statute, the state patrol meets semiannually with the State Superintendent of Public Instruction to develop a coordinated plan for distributing information on missing children as well as educating teachers and students. The State Superintendent is required to encourage local school districts to cooperate by providing the state patrol with information regarding missing children.

Within the WSP, one staff person, the Clearinghouse Coordinator, is assigned to handle missing children cases, and there are approximately 170 active cases in the state. The WSP does not conduct investigations itself, rather it assists local law enforcement agencies in their investigations. The Clearinghouse Coordinator researches state and national databases, creates analytical charts and posters, provides hands-on training to law enforcement officers, and works with custodial parents.

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**Summary of Bill:**

The Teekah Lewis Act creates a multi-agency task force within the WSP that operates under the direction of the chief of the WSP. Upon request, the task force is authorized to assist local law enforcement agencies in cases involving missing or exploited children by: direct assistance, case management, technical assistance, personnel training, referral for assistance from local, state, national, and international agencies, and coordination and information sharing among local, state, interstate, and federal law enforcement and social service agencies.

"Exploited children" means children under the age of 18 who are employed, used, persuaded, induced, enticed, or coerced to engage in, or assist another person to engage in, sexually explicit conduct; or who are raped, molested, or used for prostitution.

A six member advisory board on missing and exploited children is created to advise the chief of the WSP on objectives, conduct, management, and coordination of the activities of the task force. The following five members will be appointed by the Chief to the advisory board: 1) a county prosecuting attorney or a representative; 2) a municipal police chief or representative; 3) a county sheriff or representative; 4) a representative of the state patrol; 5) a representative of parents of missing or exploited children. The sixth member of the board will be appointed by the Attorney General. Representatives of federal law enforcement agencies in addition to state social service agencies will be invited by the chief to participate in the advisory board. Members will decide when meetings are held, and will serve for two-year terms.

The task force, when feasible, must use existing facilities, systems, and staff made available by the state patrol and other local, state, interstate, and federal law enforcement, and social service agencies. However, when necessary, the chief of the WSP can employ additional personnel for the work of the task force; and the personnel costs for any additional employees may be shared with other agencies.

The chief of the WSP is required to seek public and private grants and gifts to support the work of the task force. The chief, by December 1, 2001, and annually thereafter, must submit a report to the Legislature, and that report must include established performance measures and objectives for the task force as well as assess the accomplishments of the task force.

A provision is added that the act is null and void, unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Law enforcement and the Lieutenant Governor addressed the issue of missing children over the interim. Because Washington's and other state's procedures regarding missing children are different, it is difficult to bring children found in other states back to this state. Washington ranks 12th in the nation for active missing children cases. That statistic shows Washington should do something. The problem is that local officers do not receive the needed training. Now, there is a new avenue for exploiting children called the Internet. In the Lewis case, Tacoma police did not have the needed resources. This is a humanitarian and not a partisan issue. This is a serious issue. Local agencies should assign personnel to help defray the costs.

The Clearinghouse was established in 1985 to assist in locating missing children and to provide investigative services. There is only one WSP staff person assigned to deal with missing children cases. That person, the Clearinghouse Coordinator, fields 3,000 toll-free phone calls a year. The coordinator researches state and national databases, creates analytical charts/posters, provides hands-on training to law enforcement officers, and works with custodial parents. The number of active cases increases 10 percent every year. Juveniles make up 85-90 percent of missing children. There are many programs in the state to help children become active in the community, but none that helps kids who have been exploited on the Internet. Washington could be ranked 12th because it is popular with teens, and it is not illegal in this state for kids to run away from home.

Law enforcement officers do not know how to conduct missing children investigations. This problem is exacerbated by the fact that federal agencies will not assist local officers without the proper warrants, and county prosecutors are not familiar with the necessary warrant procedures. Although the Clearinghouse helps local officers, every step is a battle. However, local officers who have previously conducted an investigation could use what they have learned to teach others. Since 40 percent of an officer's yearly salary can be invested on a search, the task force would be a valuable resource and actually reduce costs. This bill will enable us to find children before they become psychologically "lost."

**Testimony Against:** None.

**Testified:** Lieutenant Governor Brad Owen; Captain Eric Robertson, Washington State Patrol; Sue Wagner, Washington State Patrol; and Michael Frank, Mason County Sheriff's Office.