

SENATE BILL REPORT

2SHB 2805

As Reported By Senate Committee On:
Judiciary, February 21, 2006

Title: An act relating to missing persons.

Brief Description: Expanding provisions relating to missing persons.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ericks, Morrell, Miloscia and Green).

Brief History: Passed House: 2/11/06, 96-0.

Committee Activity: Judiciary: 2/21/06 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin and Rasmussen.

Staff: Aldo Melchiori (786-7439)

Background: The Missing Children Clearinghouse, established by the Washington State Patrol (WSP), includes a toll free 24-hour telephone hotline. The clearinghouse distributes information to local law enforcement agencies, school districts, the Department of Social and Health Services, and the general public regarding missing children (under the age of 18 years old). The WSP also maintains a regularly updated computerized link with national and other statewide missing person systems and clearinghouses. After a report is taken regarding a missing child, local law enforcement agencies file an official missing person report and enter biographical information into the state's missing person computerized network within 12 hours. There is no statutory requirement for law enforcement agencies to timely file a missing persons report for a person over the age of 18 years old and enter such information into a statewide database.

The Washington State Forensic Investigations Council (FIC) is a 12 member committee appointed by the Governor to oversee death investigations as part of the state's criminal justice system. The FIC authorizes expenditures from the Council's Death Investigations Account to assist local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions. The FIC also oversees the WSP Bureau of Forensic Laboratory Services (Bureau). The Bureau provides a wide range of forensic science expertise to city, county, and state law enforcement officers, assisting agencies at crime scenes, preparing evidence for trial, and providing expert testimony.

Summary of Bill: The Washington Association of County Officials (WACO), in consultation with the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington

Association of Coroners and Medical Examiners (WACME), the FIC, the WSP, and other interested parties convene a committee to coordinate the use of the latest technology and science available to improve the: (1) reporting of missing persons; (2) communication within the state and with national databases; (3) dissemination of information to other agencies and the public; and (4) reporting for missing persons and the collection and preservation of evidence. Protocols established and endorsed by this group for the investigation of reported missing persons, the identification of human remains, the reporting and the identification of persons missing as the result of major events may be adopted by local law enforcement agencies, coroners, medical examiners, and others charged with locating missing persons or identifying human remains.

The FIC, in cooperation with WACME, and other interested agencies, develops training modules for the effective implementation and use of missing persons protocols. The modules must include such items as the reporting process, the use of forms and protocols, the effective use of resources, the collection and importance of evidence and preservation of biological evidence, and risk assessment of the individuals reported missing.

The WASPC creates and maintains a statewide public website for the posting of information concerning persons reported missing in Washington. The website must contain the missing person's name, physical description, photograph, and other information that is deemed necessary according to the protocols. This website must allow citizens to more broadly disseminate information regarding missing persons for at least 30 days. The information is removed from the website after 30 days, unless persons filing the report have notified local law enforcement that the person is still missing. The WSP establishes an interface with local law enforcement and the WASPC missing persons website, the toll-free 24-hour hotline, and national and other statewide missing persons systems or clearinghouses. Local law enforcement agencies must file an official missing persons report and enter biographical information into the state missing persons computerized network within 12 hours after notification of a missing person's report is received.

When a person reported missing has not been found within 30 days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the investigating agency must: (1) file a report; (2) initiate collection of DNA samples from the known missing person; and (3) ask the missing person's family or next of kin to give consent to request the person's dental records. The investigating agency submits the collected DNA samples to the WSP Crime Laboratory and the FBI, and the dental records to the WSP Missing and Unidentified Persons Unit. In cases where criminal activity is suspected, the WSP must conduct DNA typing for entry into the state missing person's DNA database as soon as possible. All descriptive information from missing person's reports and dental data submitted to the WSP Missing Persons and Unidentified Persons Unit must be recorded and maintained by the WSP in the applicable dedicated missing person's databases.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: The focus of the bill is to bring consistency and predictability to missing persons investigations. All components of the system exist now, but they are not coordinated. This will enhance communication between agencies trying to solve difficult cases. It will also help in the case of natural disasters.

Testimony Against: None.

Who Testified: PRO: Representative O'Brien, prime sponsor; Debbie Wilke, WACO; Dave Johnson, Washington Coalition of Crime Victim Advocates; Mary Miller, Families and Friends of Missing Persons and Violent Crime Victims.