

HB 2792 - H AMD 1233

By Representative Mosbrucker

ADOPTED 02/18/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that a recent
4 search of available missing and unidentified persons data for
5 Washington state returned one thousand nine hundred twenty-six
6 pending missing persons cases and one hundred seventy-two records of
7 full or partial unidentified remains throughout the state. Every one
8 of these individuals is someone's family member or loved one.

9 The legislature further finds that more can be done to reduce the
10 number of missing and unidentified Washingtonians through the
11 utilization of national resources. The national missing and
12 unidentified persons system is a publicly searchable resource
13 developed by the national institute of justice that contains
14 databases of missing persons and unidentified persons cases from
15 across the country. Cases entered into these databases are verified
16 with local authorities and are automatically searched against one
17 another. The national missing and unidentified persons system also
18 has the ability to compile potentially identifiable information and
19 available biometric data, such as DNA, including family reference
20 samples, dental records, and fingerprints. Participation in the
21 national missing and unidentified persons system is free, and
22 biometric sample kits are funded through the national missing and
23 unidentified persons system, alleviating the burden on contributing
24 local governments. At the close of 2019, the national missing and
25 unidentified persons system databases included nearly seventeen
26 thousand published outstanding missing persons cases, and over
27 thirteen thousand published unidentified persons cases. In addition,
28 over nineteen thousand missing persons cases and over four thousand
29 unidentified persons cases that were included in the national missing
30 and unidentified persons system have been resolved.

31 The legislature recognizes that participating in this centralized
32 and nationally based system is to the advantage of the citizens of

1 the state, and intends to establish a system of consistent statewide
2 participation in order to achieve its full benefit.

3 **Sec. 2.** RCW 68.50.320 and 2007 c 10 s 5 are each amended to read
4 as follows:

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

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

33 As soon as possible after collecting the DNA samples, the
34 sheriff, chief of police, or other law enforcement authority shall
35 submit the DNA samples to the appropriate laboratory. Dental records
36 shall be submitted as soon as possible to the Washington state patrol
37 missing and unidentified persons unit.

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

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

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

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

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

16 **Sec. 3.** RCW 68.50.330 and 2001 c 172 s 1 are each amended to
17 read as follows:

18 If the county coroner or county medical examiner investigating a
19 death is unable to establish the identity of a body or human remains
20 by visual means, fingerprints, or other identifying data, he or she
21 shall have a qualified dentist, as determined by the county coroner
22 or county medical examiner, carry out a dental examination of the
23 body or human remains. If the county coroner or county medical
24 examiner with the aid of the dental examination and other identifying
25 findings is still unable to establish the identity of the body or
26 human remains, he or she shall prepare and forward such dental
27 examination records within thirty days of the date the body or human
28 remains were found to the dental identification system of the state
29 patrol identification and criminal history section on forms supplied
30 by the state patrol for such purposes.

31 The dental identification system shall act as a repository or
32 computer center or both with respect to such dental examination
33 records. It shall compare such dental examination records with dental
34 records filed with it and shall determine which scoring probabilities
35 are the highest for the purposes of identification. It shall then
36 submit such information to the county coroner or county medical
37 examiner who prepared and forwarded the dental examination records.

38 If the body or human remains are still unidentified thirty days
39 after discovery, the county coroner or county medical examiner

1 investigating the death must, as soon as practicable, submit
2 information regarding the body or remains to the national missing and
3 unidentified persons system created by the United States department
4 of justice's national institute of justice. Information submitted to
5 the national missing and unidentified persons system must include, to
6 the extent information is available, a detailed personal description,
7 DNA information, copies of fingerprints on standardized eight inch by
8 eight inch fingerprint cards or the equivalent digital image,
9 forensic dental examination records, and other identifying data,
10 including date and place of death. If the identity of the body or
11 human remains is later established, the county coroner or county
12 medical examiner must notify the national missing and unidentified
13 persons system within forty-eight hours.

14 NEW SECTION. Sec. 4. A new section is added to chapter 36.28A
15 RCW to read as follows:

16 When funded, the Washington association of sheriffs and police
17 chiefs must regularly transmit information contained within the
18 statewide missing persons web site created pursuant to RCW 36.28A.110
19 to the national missing and unidentified persons system created by
20 the United States department of justice's national institute of
21 justice.

22 NEW SECTION. Sec. 5. This act may be known and cited as Cody's
23 law."

24 Correct the title.

EFFECT: Removes provisions of the bill that require investigating agencies to submit missing persons cases to the National Missing and Unidentified Persons System (NamUs) and to search the Jail Booking and Reporting System for missing persons. Adds a requirement that investigating agencies enter missing persons cases into the National Crime Information Center through the Washington state patrol electronic database when the missing person has not been found within 30 days of the report or at any time the agency suspects that criminal activity is involved. Provides that, when funded, the Washington Association of Sheriffs and Police Chiefs must regularly transmit information contained within the statewide missing and unidentified persons web site to NamUs.

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