

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5191

Chapter 10, Laws of 2007

60th Legislature
2007 Regular Session

MISSING PERSONS

EFFECTIVE DATE: 07/22/07

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

Approved April 9, 2007, 1:10 p.m.

CHRISTINE GREGOIRE

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.

THOMAS HOEMANN

Secretary

FILED

April 9, 2007

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5191

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.

Passed by the Senate February 9, 2007.

Passed by the House March 30, 2007.

Approved by the Governor April 9, 2007.

Filed in Office of Secretary of State April 9, 2007.