

FINAL BILL REPORT

EHB 2792

C 45 L 20
Synopsis as Enacted

Brief Description: Concerning missing and unidentified persons.

Sponsors: Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet and Lekanoff.

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

Missing Persons and Unidentified Remains.

Missing persons cases are typically reported to local law enforcement agencies. 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: file a missing persons report with the Washington State Patrol (WSP); initiate collection of deoxyribonucleic acid (DNA) samples from the missing person and his or her family members for nuclear and mitochondrial DNA testing; and ask the missing person's family or next of kin for consent to request the person's dental records. The investigating law enforcement agency must submit DNA samples to the appropriate laboratory as soon as possible after collection. The missing person's descriptive information and dental data must be submitted to, and maintained by, the WSP.

The Washington Association of Sheriffs and Police Chiefs (WASPC) maintains a statewide public website for the posting of relevant information regarding missing persons. The website allows citizens to broadly disseminate information regarding missing persons for at least 30 days. The WSP maintains an interface system with local law enforcement and the WASPC missing persons website, a toll-free 24-hour hotline, and national and other statewide missing persons systems and clearinghouses.

When unidentified human remains are discovered, law enforcement or the coroner or medical examiner must record the deceased person's fingerprints and any other identifying information and furnish that information to the WSP for possible identification. If the remains cannot be identified, the coroner or medical examiner must arrange for a dental examination. If identity is still not established within 30 days of the discovery the remains,

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the dental examination records must be forwarded to the WSP for entry into the dental identification system for comparison with other records.

The National Crime Information Center.

The National Crime Information Center (NCIC) is an electronic clearinghouse of crime data that operates under a shared management concept between the United States Federal Bureau of Investigation and federal, state, local, and tribal criminal justice users. Criminal justice agencies enter records into NCIC that are accessible to law enforcement agencies nationwide. The NCIC database consists of 21 files, including a file for missing persons cases that have been reported to law enforcement.

The National Missing and Unidentified Persons System.

The National Missing and Unidentified Persons System (NamUs), created by the United States Department of Justice, is a nationwide repository and resource center for missing and unidentified persons. NamUs is divided into separate databases for missing persons and unidentified persons. The missing persons database allows criminal justice professionals or any other person to upload verified information regarding missing persons cases. The unidentified persons database is composed of information submitted by coroners, medical examiners, and law enforcement regarding unidentified human remains. The missing persons and unidentified persons databases are publicly searchable and are designed to search for matches against one another. NamUs is also capable of compiling biometric data, such as DNA, fingerprints, and dental records, as well as other identification information.

Summary:

A law enforcement agency or other agency investigating a missing persons case must enter the case into the NCIC through the WSP electronic database when the missing person 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 person being missing.

When funded, the Washington Association of Sheriffs and Police Chiefs must regularly transmit information contained within the statewide missing persons website to NamUs.

When unidentified human remains are not identified within the first 30 days after discovery, the coroner or medical examiner must submit the case to NamUs as soon as is practicable. Information that must be submitted, to the extent available, includes: a detailed personal description, DNA information, copies of fingerprints, forensic dental examination records, and other identifying data including date and place of death. If the identity of the human remains is later established, NamUs must be notified within 48 hours.

The official name of the act is "Cody's Law."

Votes on Final Passage:

House	97	0
Senate	49	0

Effective: June 11, 2020