

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2792

66th Legislature
2020 Regular Session

Passed by the House February 18, 2020
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2020
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2792** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2792

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet, and Lekanoff

Read first time 01/22/20. Referred to Committee on Public Safety.

1 AN ACT Relating to missing and unidentified persons; amending RCW
2 68.50.320 and 68.50.330; adding a new section to chapter 36.28A RCW;
3 and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

11 The legislature further finds that more can be done to reduce the
12 number of missing and unidentified Washingtonians through the
13 utilization of national resources. The national missing and
14 unidentified persons system is a publicly searchable resource
15 developed by the national institute of justice that contains
16 databases of missing persons and unidentified persons cases from
17 across the country. Cases entered into these databases are verified
18 with local authorities and are automatically searched against one
19 another. The national missing and unidentified persons system also
20 has the ability to compile potentially identifiable information and
21 available biometric data, such as DNA, including family reference

1 samples, dental records, and fingerprints. Participation in the
2 national missing and unidentified persons system is free, and
3 biometric sample kits are funded through the national missing and
4 unidentified persons system, alleviating the burden on contributing
5 local governments. At the close of 2019, the national missing and
6 unidentified persons system databases included nearly seventeen
7 thousand published outstanding missing persons cases, and over
8 thirteen thousand published unidentified persons cases. In addition,
9 over nineteen thousand missing persons cases and over four thousand
10 unidentified persons cases that were included in the national missing
11 and unidentified persons system have been resolved.

12 The legislature recognizes that participating in this centralized
13 and nationally based system is to the advantage of the citizens of
14 the state, and intends to establish a system of consistent statewide
15 participation in order to achieve its full benefit.

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

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

33 The missing person's dentist or dentists shall provide diagnostic
34 quality copies of the missing person's dental records or original
35 dental records to the sheriff, chief of police, county coroner or
36 county medical examiner, or other law enforcement authority, when
37 presented with the written consent from the missing person's family
38 or next of kin or with a statement from the sheriff, chief of police,
39 county coroner or county medical examiner, or other law enforcement

1 authority that the missing person's family or next of kin could not
2 be located in the exercise of due diligence or that the missing
3 person's family or next of kin refuse to consent to the release of
4 the missing person's dental records and there is reason to believe
5 that the missing person's family or next of kin may have been
6 involved in the missing person's disappearance.

7 As soon as possible after collecting the DNA samples, the
8 sheriff, chief of police, or other law enforcement authority shall
9 submit the DNA samples to the appropriate laboratory. Dental records
10 shall be submitted as soon as possible to the Washington state patrol
11 missing and unidentified persons unit.

12 The descriptive information from missing person's reports and
13 dental data submitted to the Washington state patrol missing and
14 unidentified persons unit shall be recorded and maintained by the
15 Washington state patrol missing and unidentified persons unit in the
16 applicable dedicated missing person's databases.

17 When a person reported missing has been found, the sheriff, chief
18 of police, coroner or medical examiner, or other law enforcement
19 authority shall report such information to the Washington state
20 patrol.

21 The dental identification system shall maintain a file of
22 information regarding persons reported to it as missing. The file
23 shall contain the information referred to in this section and such
24 other information as the Washington state patrol finds relevant to
25 assist in the location of a missing person.

26 The files of the dental identification system shall, upon
27 request, be made available to law enforcement agencies attempting to
28 locate missing persons.

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

31 If the county coroner or county medical examiner investigating a
32 death is unable to establish the identity of a body or human remains
33 by visual means, fingerprints, or other identifying data, he or she
34 shall have a qualified dentist, as determined by the county coroner
35 or county medical examiner, carry out a dental examination of the
36 body or human remains. If the county coroner or county medical
37 examiner with the aid of the dental examination and other identifying
38 findings is still unable to establish the identity of the body or
39 human remains, he or she shall prepare and forward such dental

1 examination records within thirty days of the date the body or human
2 remains were found to the dental identification system of the state
3 patrol identification and criminal history section on forms supplied
4 by the state patrol for such purposes.

5 The dental identification system shall act as a repository or
6 computer center or both with respect to such dental examination
7 records. It shall compare such dental examination records with dental
8 records filed with it and shall determine which scoring probabilities
9 are the highest for the purposes of identification. It shall then
10 submit such information to the county coroner or county medical
11 examiner who prepared and forwarded the dental examination records.

12 If the body or human remains are still unidentified thirty days
13 after discovery, the county coroner or county medical examiner
14 investigating the death must, as soon as practicable, submit
15 information regarding the body or remains to the national missing and
16 unidentified persons system created by the United States department
17 of justice's national institute of justice. Information submitted to
18 the national missing and unidentified persons system must include, to
19 the extent information is available, a detailed personal description,
20 DNA information, copies of fingerprints on standardized eight inch by
21 eight inch fingerprint cards or the equivalent digital image,
22 forensic dental examination records, and other identifying data,
23 including date and place of death. If the identity of the body or
24 human remains is later established, the county coroner or county
25 medical examiner must notify the national missing and unidentified
26 persons system within forty-eight hours.

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

29 When funded, the Washington association of sheriffs and police
30 chiefs must regularly transmit information contained within the
31 statewide missing persons web site created pursuant to RCW 36.28A.110
32 to the national missing and unidentified persons system created by
33 the United States department of justice's national institute of
34 justice.

35 NEW SECTION. Sec. 5. This act may be known and cited as Cody's
36 law.

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