Stricken language would be deleted from and underlined language would be added to present law.

Act 920 of the Regular Session

State of Arkansas
As Engrossed: H3/28/19

A Bill

HOUSE BILL 1881

92nd General Assembly
Regular Session, 2019

By: Representative Petty
By: Senator Hester

For An Act To Be Entitled

AN ACT CONCERNING THE INVESTIGATION INTO A MISSING OR UNIDENTIFIED PERSON; CONCERNING THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE INVESTIGATION INTO A MISSING OR UNIDENTIFIED PERSON; AND CONCERNING THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 12, Chapter 9, Subchapter 1, is amended to add an additional section to read as follows:

12-9-122. Missing and unidentified persons training.

(a)(1) In accordance with the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training, all law enforcement officers in the state shall complete training related to the investigation of unidentified and missing persons.

(2) Practicum training shall also be sufficient for the requirement under subdivision (a)(1) of this section.

(b) Training under subsection (a) of this section may include training conducted in conjunction with resources available through the National Missing and Unidentified Persons System.
SECTION 2. Arkansas Code Title 12, Chapter 12, Subchapter 1, is amended to add an additional section to read as follows:

12-12-110. Missing or unidentified persons.

(a) As used in this section:

(1) "Missing person" means a person, including a child under eighteen (18) years of age, reported to a law enforcement agency as missing and unaccounted for from expected and normal activities; and

(2) "Unidentified person" means a person living or deceased who is unidentified after all available methods used to identify a person have been exhausted, including a decedent released to the State Crime Laboratory in which the identity of the decedent cannot be established to the satisfaction of the State Medical Examiner.

(b)(1) To the extent that this section is not duplicative with § 12-12-205, the actions under this section shall be undertaken by the law enforcement agency with jurisdiction in the event of a report of a missing person or unidentified person.

(2) Entry of missing person or unidentified person information into the National Missing and Unidentified Persons System does not relieve the obligations of a law enforcement agency under § 12-12-205.

(c) A law enforcement agency shall input the following data, if available for an unidentified person, into the National Missing and Unidentified Persons System:

(1) Copies of fingerprints on standardized fingerprint cards measuring eight inches by eight inches (8" x 8") or the equivalent digital image, including partial prints of any fingers;

(2) Forensic dental report or radiology imaging;

(3) Detailed personal descriptions;

(4) Deoxyribonucleic acid (DNA) information;

(5) Radiology imaging and medical data; and

(6) All other identifying data, including date and place of death.

(d) When a missing person or unidentified person report is received, a law enforcement agency shall initiate the following procedures within thirty (30) days of receiving the missing person or unidentified person report:

(1) Submit the missing person or unidentified person case to the National Missing and Unidentified Persons System and to any database of
missing persons or unidentified persons currently required by the law
enforcement agency, providing all appropriate data;

(2)(A) Locate and obtain biometric records, including medical
and dental records, medical and dental X-rays, or other medical imaging, and
enter those records into the National Missing and Unidentified Persons
System.

(B) Records described under subdivision (d)(2)(A) of this
section are considered confidential and shall not be released to the public;

(3)(A) Utilize the National Missing and Unidentified Persons
System’s family reference sample submission kits and obtain voluntary DNA
samples from appropriate family members to submit to the laboratory for DNA
testing and to an institution of higher education that specializes in DNA
identification for a full genetic profile, including testing of mitochondrial
DNA, short tandem repeats on the Y-chromosome, and nuclear analyses, to be
documented in the National Missing and Unidentified Persons System missing
persons or unidentified persons file, and submitted to the Federal Bureau of
Investigation’s National DNA Index System using the Combined DNA Index
System.

(B) If necessary, the law enforcement agency may request
assistance in obtaining family reference DNA samples; and

(4) Attempt to locate any fingerprints from available resources
and submit the fingerprints to the National Missing and Unidentified Persons
System.

(e)(1) A law enforcement agency shall not require a delay before
accepting or investigating a report of a missing person when reliable
information has been provided to the law enforcement agency that the person
is missing.

(2) A law enforcement agency shall not mandate the appearance of
a next of kin before initiating a missing persons investigation.

(f)(1) If a law enforcement agency receives a report of a missing
person from another law enforcement agency or from a medical examiner, the
law enforcement agency shall maintain a record of the case file.

(2) The information contained in a report of a missing person
from another law enforcement agency or from a medical examiner shall be
available to a law enforcement agency attempting to identify unidentified
persons.
(g)(1) A law enforcement agency shall not establish or maintain a policy that requires the observance of a waiting period before accepting and investigating a report of a missing child.

(2) Upon receipt of a report of a missing child, a law enforcement agency shall enter the child into the National Missing and Unidentified Persons System.

(h) When a person previously reported missing has been found or when an unidentified person has been identified, the reporting law enforcement agency or the Department of Arkansas State Police shall report to the National Missing and Unidentified Persons System.

(i) This section does not prohibit a law enforcement agency from maintaining case files related to missing persons or unidentified bodies.

/s/Petty

APPROVED: 4/11/19