

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas
83rd General Assembly
Regular Session, 2001

As Engrossed: S1/17/01

A Bill

SENATE BILL 32

By: Senator Beebe

For An Act To Be Entitled

AN ACT TO RENAME THE MISSING CHILDREN INFORMATION
CLEARINGHOUSE AS THE MISSING PERSONS INFORMATION
CLEARINGHOUSE; TO EXPAND THE LAW RELATING TO THE
CLEARINGHOUSE; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE MISSING PERSONS
INFORMATION CLEARINGHOUSE TO PROVIDE
INFORMATION ABOUT MISSING PERSONS AND
UNIDENTIFIED BODIES.

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

SECTION 1. Arkansas Code 12-12-205 is amended to read as follows:
12-12-205. Missing ~~Children~~ Persons Information Clearinghouse.

(a) There is hereby created a Missing ~~Children~~ Persons Information
Clearinghouse within the Arkansas Crime Information Center.

(b) The clearinghouse shall be administered by the Director of the
Arkansas Crime Information Center.

(c)(1) The clearinghouse shall establish a computerized ~~file and~~ system
to communicate information on ~~children~~ persons reported to be missing and
unidentified deceased persons.

(2) The clearinghouse shall interface with the National Crime
Information Center for the exchange of information on missing ~~children~~ persons
and unidentified deceased persons.

(3) The clearinghouse shall establish educational services and
publications deemed appropriate to aid in dealing with missing ~~children~~

1 persons.

2 (4) The clearinghouse shall be authorized to issue regulations
3 and procedures for the orderly collection and entry of missing ~~children~~
4 persons and unidentified deceased persons information as well as rules
5 governing access to missing ~~children~~ persons and unidentified deceased persons
6 information.

7 (5) The clearinghouse shall annually compile and make available
8 statistical information on the number of missing ~~children~~ persons and
9 unidentified deceased persons entered into the ~~state and national computer~~
10 ~~files~~ clearinghouse computerized system and, where available, information on
11 the number located.

12 (6) The clearinghouse shall release information upon request to
13 any court in a pending custody proceeding when the court needs information
14 concerning whether the child is reported as missing.

15 (d)(1) Upon receiving notice of a missing child ~~believed to be missing~~,
16 a law enforcement agency shall ~~immediately~~ complete a missing ~~child~~ person
17 report and immediately enter identifying and descriptive information about the
18 missing child into the ~~state and national files~~ clearinghouse computerized
19 system.

20 (2) Upon receiving notice of a missing adult, a law enforcement
21 agency shall complete a missing person report and immediately enter
22 identifying and descriptive information about the missing adult into the
23 clearinghouse computerized system, provided the entering agency has signed
24 documentation from a family member, friend or other authoritative source,
25 including a signed report by an investigating official when other
26 documentation is not reasonably attainable, stating the conditions under which
27 the person is declared missing. Such documentation will aid in the protection
28 of the individual's right of privacy. Missing adults shall be entered based
29 on categories established by the Federal Bureau of Investigation and may
30 include disability, endangered, involuntary, or catastrophe victim.

31 ~~(2)~~ (3) It shall be the duty of the initial investigating law
32 enforcement agency to immediately cancel the computer entry when the missing
33 child or adult is located or returned.

34 (4) No law enforcement agency shall delay an investigation or
35 entry of missing persons information based on an agency rule or policy which
36 specifies an automatic waiting period.

1 (e) A person who knowingly makes a false report of a missing person, or
2 knowingly makes a false statement in any such report, to a law enforcement
3 agency shall be deemed guilty of a class A misdemeanor.

4 (f) When the unidentified body of a deceased individual is found, the
5 law enforcement agency receiving the report shall immediately enter
6 identifying and descriptive information about the unidentified body into the
7 clearinghouse computerized system according to standards established by the
8 Arkansas Crime Information Center and the Federal Bureau of Investigation.

9 (g) When an individual is found whose identity is unknown and cannot be
10 readily determined, the law enforcement agency receiving the report shall
11 immediately enter identifying and descriptive information about the individual
12 into the computerized system according to standards established by the
13 Arkansas Crime Information Center and the Federal Bureau of Investigation.

14 ~~(e)~~ (h) As used in this section, unless the context otherwise requires:

15 (1) "Missing adult" means any person:

16 (A) Who is eighteen (18) years of age or older;

17 (B) Whose residence is in Arkansas or is believed to be in
18 Arkansas; and

19 (C) Who has been reported to a law enforcement agency as
20 missing under circumstances indicating that:

21 (i) The individual has a physical or mental disability
22 as evidenced by written documentation; or

23 (ii) The individual is missing under circumstances
24 indicating that the disappearance was not voluntary; or

25 (iii) The individual is missing under circumstances
26 indicating that the individual's safety may be in danger; or

27 (iv) The individual is missing as a result of a
28 natural or intentionally caused catastrophe;

29 ~~(1)~~ (2) "Missing child" means any person:

30 (A) Who is under the age of eighteen (18) years;

31 (B) Whose residence is in Arkansas or is believed to be in
32 Arkansas;

33 (C) Whose location is unknown or who has been taken,
34 enticed, or kept from any person entitled by law or a court decree or order to
35 the right of custody; and

36 (D) Who has been reported as missing to a law enforcement

1 agency; and

2 ~~(2)~~ (3) "Missing ~~child~~ person report" ~~is~~ means a report prepared
3 on a form designated by the Arkansas Crime Information Center for use by law
4 enforcement agencies to record missing ~~children~~ persons information.

5 (i) The Attorney General shall require each law enforcement agency to
6 comply with the mandatory entry provisions found in subsections (d)(1),
7 (d)(2), (f), and (g) of this section and may seek writs of mandamus or other
8 appropriate remedies to enforce this section.

9 (j) Missing person and unidentified deceased person entries, regardless
10 of age, shall remain in the clearinghouse computerized system indefinitely or
11 until the missing person is located, or returns, or positive identification is
12 obtained and the investigation is complete and closed.

13 (k) The clearinghouse may assist in public notification, and in
14 providing informational resources to families of missing persons and in
15 constructing and distributing missing person flyers.

16
17 SECTION 2. Arkansas Code 12-12-315(a) is amended to read as follows:

18 (a)(1) The county coroner and the chief law enforcement official of the
19 county and municipality in which the death of a human being occurs shall be
20 promptly notified by any physician, law enforcement officer, undertaker or
21 embalmer, jailer or correction officer, or coroner, or by any other person
22 present or with knowledge of the death, if:

23 (A) The death appears to be caused by violence or appears
24 to be the result of a homicide or a suicide or to be accidental;

25 (B) The death appears to be the result of the presence of
26 drugs or poisons in the body;

27 (C) The death appears to be a result of a motor vehicle
28 accident, or the body was found in or near a roadway or railroad;

29 (D) The death appears to be a result of a motor vehicle
30 accident and there is no obvious trauma to the body;

31 (E) The death occurs while the person is in a state mental
32 institution or hospital and there is no previous medical history to explain
33 the death, or while the person is in police custody, a jail, or penal
34 institution;

35 (F) The death appears to be the result of a fire or
36 explosion;

(G) The death of a minor child appears to indicate child abuse prior to death;

(H) Human skeletal remains are recovered or an unidentified deceased person is discovered;

(I) Postmortem decomposition exists to the extent that an external examination of the corpse cannot rule out injury, or where the circumstances of death cannot rule out the commission of a crime;

(J) The death appears to be the result of drowning;

(K) The death is of an infant or minor child in cases where there is no previous medical history to explain the death;

(L) The manner of death appears to be other than natural;

(M) The death is sudden and unexplained;

(N) The death occurs at a work site;

(O) The death is due to a criminal abortion;

(P) The death is of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or, in prediagnosed terminal or bedfast cases, within thirty (30) days;

(Q) A person is admitted to a hospital emergency room unconscious and is unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or, in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital; or

(R) The death occurs in the home.

/s/ Beebe