

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1881

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 for law
enforcement officers, all law enforcement officers in the state shall
complete additional continuing education and training as needed relating 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.



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2 SECTION 2. Arkansas Code Title 12, Chapter 12, Subchapter 1, is
3 amended to add an additional section to read as follows:

4 12-12-110. Missing or unidentified persons.

5 (a) As used in this section:

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

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

14 (b) To the extent that this section is not duplicative with § 12-12-
15 205, the actions under this section shall be undertaken by the law
16 enforcement agency with jurisdiction in the event of a report of a missing
17 person or unidentified person.

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

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

24 (2) Forensic dental report or radiology imaging;

25 (3) Detailed personal descriptions;

26 (4) Deoxyribonucleic acid (DNA) information;

27 (5) Radiology imaging and medical data; and

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

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

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

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

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

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

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

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

21 (e) Upon request by a law enforcement agency with jurisdiction, the
22 Department of Arkansas State Police shall attempt to locate any fingerprints
23 and photographs from the available resources and submit the fingerprints and
24 photographs to the National Missing and Unidentified Persons System.

25 (f)(1) A law enforcement agency shall not require a delay in the
26 taking of a report of a missing person when reliable information has been
27 provided to the law enforcement agency that the person is missing.

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

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

33 (2) The department shall promulgate rules relating to the
34 dissemination and retention of reports of a missing person from another law
35 enforcement agency or medical examiner and the rules shall require that the
36 process of releasing a report of a missing person from another law

1 enforcement agency or medical examiner shall occur as soon as practicable
2 from the time the department receives a report that a person for whom there
3 is a previous record is missing.

4 (3) The information contained in a report of a missing person
5 from another law enforcement agency or medical examiner shall be available to
6 the department and law enforcement agencies attempting to identify
7 unidentified persons.

8 (h)(1) A law enforcement agency shall not establish or maintain a
9 policy that requires the observance of a waiting period before accepting and
10 investigating a report of a missing child.

11 (2) Upon receipt of a report of a missing child, a law
12 enforcement agency shall enter the child into the National Missing and
13 Unidentified Persons System within two (2) hours from the time the child is
14 reported missing to the law enforcement agency.

15 (i) When a person previously reported missing has been found or when
16 an unidentified person has been identified, the reporting agency or the
17 department shall report to the National Missing and Unidentified Persons
18 System within twenty-four (24) hours that the person has been found and that
19 the case can be archived within the National Missing and Unidentified Persons
20 System.

21 (j) This section does not prohibit a law enforcement agency or the
22 department from maintaining case files related to missing persons or
23 unidentified bodies.

24 (k) This section does not supersede the authority of the department to
25 obtain dental or medical records, including X-rays, in cases in which dental
26 or medical records are necessary for the identification of human remains.