

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/28/19

A Bill

HOUSE BILL 1881

5 By: Representative Petty
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE INVESTIGATION INTO A MISSING OR
10 UNIDENTIFIED PERSON; CONCERNING THE NATIONAL MISSING
11 AND UNIDENTIFIED PERSONS SYSTEM; AND FOR OTHER
12 PURPOSES.
13
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Subtitle

15 CONCERNING THE INVESTIGATION INTO A
16 MISSING OR UNIDENTIFIED PERSON; AND
17 CONCERNING THE NATIONAL MISSING AND
18 UNIDENTIFIED PERSONS SYSTEM.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 12, Chapter 9, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 12-9-122. Missing and unidentified persons training.

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

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

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

3 12-12-110. Missing or unidentified persons.

4 (a) As used in this section:

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

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

13 (b)(1) To the extent that this section is not duplicative with § 12-
14 12-205, the actions under this section shall be undertaken by the law
15 enforcement agency with jurisdiction in the event of a report of a missing
16 person or unidentified person.

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

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

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

26 (2) Forensic dental report or radiology imaging;

27 (3) Detailed personal descriptions;

28 (4) Deoxyribonucleic acid (DNA) information;

29 (5) Radiology imaging and medical data; and

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

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

35 (1) Submit the missing person or unidentified person case to the
36 National Missing and Unidentified Persons System and to any database of

1 missing persons or unidentified persons currently required by the law
2 enforcement agency, providing all appropriate data;

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

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

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

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

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

24 *(e)(1) A law enforcement agency shall not require a delay before*
25 *accepting or investigating a report of a missing person when reliable*
26 *information has been provided to the law enforcement agency that the person*
27 *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 *(f)(1) If a law enforcement agency receives a report of a missing*
31 *person from another law enforcement agency or from a medical examiner, the*
32 *law enforcement agency shall maintain a record of the case file.*

33 *(2) The information contained in a report of a missing person*
34 *from another law enforcement agency or from a medical examiner shall be*
35 *available to a law enforcement agency attempting to identify unidentified*
36 *persons.*

