

1 HOUSE BILL NO. 557

2 INTRODUCED BY J. WINDY BOY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MISSING PERSONS;
5 REQUIRING A PERSON WITH ACTUAL KNOWLEDGE OF A MISSING PERSON TO REPORT TO CERTAIN
6 LAW ENFORCEMENT AUTHORITIES; REQUIRING A REPORT OF A MISSING PERSON TO BE
7 TRANSMITTED TO THE COUNTY ATTORNEY IN THE COUNTY IN WHICH THE PERSON IS BELIEVED TO
8 HAVE GONE MISSING; REQUIRING THE COUNTY ATTORNEY TO REPORT THE STATUS OF MISSING
9 PERSONS CASES TO THE ATTORNEY GENERAL; AMENDING SECTIONS 44-2-408 AND 44-2-505, MCA;
10 AND PROVIDING AN APPLICABILITY DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 NEW SECTION. **Section 1. Mandatory report of missing person -- penalty.** (1) A person with
15 actual knowledge of the whereabouts of a person publicly designated as missing by the Montana department of
16 justice shall immediately report the date, time, location, and general circumstances of the missing person to a
17 local law enforcement authority or the department of justice.

18 (2) (a) A person who knowingly or purposely fails to provide law enforcement authorities with a timely
19 report is guilty of a misdemeanor and shall be imprisoned in the county jail for a term not to exceed 1 year or
20 fined an amount not to exceed \$1,000.

21 (b) If the person who was publicly designated as missing dies as a result of an activity that could have
22 been avoided through a timely report, the person who knowingly or purposely fails to provide law enforcement
23 authorities with the timely report is guilty of a felony and shall be imprisoned in the state prison for a term not to
24 exceed 5 years or fined an amount not to exceed \$10,000, or both.

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26 **Section 2.** Section 44-2-408, MCA, is amended to read:

27 **"44-2-408. Missing person reports.** (1) All law enforcement authorities in the state shall accept,
28 without delay, any report of a missing person unless there are extenuating circumstances, including:

- 1 (a) the law enforcement authority knows the location of the person reported missing;
- 2 (b) the law enforcement authority confirms the safe status of the person reported missing;
- 3 (c) the law enforcement authority confirms that another law enforcement authority has or will accept a
- 4 missing person report for the person; or
- 5 (d) other circumstances documented by the law enforcement authority.

6 (2) All missing person reports must be entered into the database of the national crime information

7 center of the United States department of justice within:

- 8 (a) 2 hours of receipt for persons under 21 years of age; or
- 9 (b) 8 hours of receipt for persons 21 years of age or older.

10 (3) If a missing person is not located within 30 days of being reported missing, the law enforcement

11 authority that took the report shall ensure a complete and accurate record of information is compiled for the

12 missing person, including a photograph if one is available.

13 (4) A missing person report must be transmitted to the county attorney in the county in which the

14 person was believed to have gone missing within 2 hours after entry into the database of the national crime

15 information center of the United States department of justice.

16 (5) By January 1 and July 1 of each year, each county attorney shall provide a written summary to the

17 Montana department of justice of the prosecution response made, if any, as the result of missing person reports

18 received by a law enforcement authority in the county. The summary must be made on a form prescribed by the

19 attorney general and must designate the status of each prosecution response as closed, open-pending

20 investigation, or open-pending prosecution, and give an explanation for each status."

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22 **Section 3.** Section 44-2-505, MCA, is amended to read:

23 **"44-2-505. Duties of law enforcement authority. (1)** Whenever a parent, guardian, or legal

24 custodian of a child files a report with a law enforcement authority that the child is missing, the law enforcement

25 authority shall within 2 hours of the report:

26 ~~(1)~~(a) inform all on-duty law enforcement officers of the existence of the missing child report;

27 ~~(2)~~(b) communicate the report to all other law enforcement authorities having jurisdiction in the

28 county;

