## **Unofficial Draft Copy**

67th Legislature LC 3269

1	BILL NO
2	INTRODUCED BY
3	(Primary Sponsor)
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:



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1	(a)	the law enforcement authority know	vs the location of the	person reported missing	

- (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
  - (d) other circumstances documented by the law enforcement authority.
  - (2) All missing person reports must be entered into the database of the national crime information center of the United States department of justice within:
    - (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.
  - (3) If a missing person is not located within 30 days of being reported missing, the law enforcement authority that took the report shall ensure a complete and accurate record of information is compiled for the missing person, including a photograph if one is available.
  - (4) A missing person report must be transmitted to the county attorney in the county in which the person was believed to have gone missing within 2 hours after entry into the database of the national crime information center of the United States department of justice.
  - (5) By January 1 and July 1 of each year, each county attorney shall provide a written summary to the Montana department of justice of the prosecution response made, if any, as the result of missing person reports received by a law enforcement authority in the county. The summary must be made on a form prescribed by the attorney general and must designate the status of each prosecution response as closed, open-pending investigation, or open-pending prosecution, and give an explanation for each status."

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- **Section 3.** Section 44-2-505, MCA, is amended to read:
- "44-2-505. Duties of law enforcement authority. (1) Whenever a parent, guardian, or legal custodian of a child files a report with a law enforcement authority that the child is missing, the law enforcement authority shall within 2 hours of the report:
- (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 county;



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1	(3)(c) enter the missing child report into the national crime information center computer system; and
2	(4)(d) if the missing child is enrolled in a Montana public school district, request the child's directory
3	photograph from the superintendent of public instruction pursuant to 20-7-1317. If a directory photograph is
4	available, it must be included with the missing child report.
5	(2) Within 2 hours of entering the missing child report as required in subsection (1)(c), the law
6	enforcement authority shall report to the county attorney in the county in which the child was believed to have
7	gone missing.
8	(3) A report of a missing child filed pursuant to this section must be reported to the attorney general
9	as provided in 44-2-408(5)."
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11	NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
12	integral part of Title 44, chapter 2, part 4, and the provisions of Title 44, chapter 2, part 4, apply to [section 1].
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14	NEW SECTION. Section 5. Applicability. [This act] applies to reports made about people who are
15	publicly designated as missing by the department of justice on or after [the effective date of this act].
16	- END -

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