

HOUSE BILL NO. 54

INTRODUCED BY R. PEPPERS

BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MISSING PERSON REPORTS; REQUIRING ALL STATE, COUNTY, AND MUNICIPAL LAW ENFORCEMENT AUTHORITIES TO ACCEPT A REPORT; PROVIDING EXCEPTIONS; AND AMENDING SECTIONS 44-2-502 AND 44-2-504, MCA."

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

NEW SECTION. **Section 1. Missing person reports -- legislative intent.** (1) All STATE, COUNTY, AND MUNICIPAL law enforcement authorities ~~in the state~~ shall accept, without delay, any report of a missing person unless there are extenuating circumstances, including:

- (a) the law enforcement authority knows the location of the person reported missing;
- (b) the law enforcement authority confirms the safe status of the person reported missing;
- (c) the law enforcement authority confirms that another law enforcement authority has or will accept a 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
- (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) The legislature ~~intends the phrase "law enforcement authority" to be interpreted broadly in this part as inclusive of local, state, tribal, and federal authorities. Although recognizing that the legislature~~ RECOGNIZES THAT IT cannot compel compliance WITH THIS SECTION from federal or tribal authorities, the legislature BUT IT encourages all law enforcement authorities, INCLUDING FEDERAL AND TRIBAL EMPLOYEES, to work cooperatively to report and investigate cases of missing persons in the state.



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Section 2. Section 44-2-502, MCA, is amended to read:

"44-2-502. Definitions -- legislative intent. (1) As used in this part, the following definitions apply:

(~~+~~)(a) "Missing child" means any person who has been reported as missing to a law enforcement authority and:

(~~a~~)(i) who is under 21 years of age;

(~~b~~)(ii) whose temporary or permanent residence is in Montana or is believed to be in Montana; and

(~~e~~)(iii) whose location has not been determined.

(~~2~~)(b) "Missing child report" means a report prepared on a form designed by the department of justice for use by private citizens and law enforcement authorities to report information about missing children to the missing children information program provided for in 44-2-503.

(2) The legislature intends the phrase "law enforcement authority" to be interpreted broadly in this part as inclusive of local, state, tribal, and federal authorities. Although recognizing that the legislature RECOGNIZES THAT IT cannot compel compliance WITH THIS PART from federal or tribal authorities, the legislature BUT IT encourages all law enforcement authorities, INCLUDING FEDERAL AND TRIBAL EMPLOYEES, to work cooperatively to report and investigate cases of missing persons in the state."

Section 3. Section 44-2-504, MCA, is amended to read:

"44-2-504. Reports to missing children information program. (1) All ~~state, county, and municipal~~ STATE, COUNTY, AND MUNICIPAL law enforcement authorities ~~in the state~~ shall submit information regarding a missing child to the missing children information program provided for in 44-2-503 ~~any missing child report and other information required by 44-2-401.~~

(2) Any parent, guardian, or legal custodian may submit a missing child report to the missing children information program on any child whose whereabouts is unknown, regardless of the circumstances, subsequent to making a report to the appropriate law enforcement authority ~~within the county in which the child became~~ missing.

(3) The parent, guardian, or legal custodian responsible for notifying the missing children information program or a law enforcement authority of a missing child shall immediately notify the authority and the program ~~of any child whose~~ if the child's location has been determined."

1 NEW SECTION. SECTION 4. NOTIFICATION TO FEDERAL GOVERNMENT. THE SECRETARY OF STATE SHALL SEND
2 A COPY OF [THIS ACT] TO THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION AND THE ASSISTANT SECRETARY
3 OF INDIAN AFFAIRS AT THE UNITED STATES DEPARTMENT OF THE INTERIOR.

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5 NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a
6 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
7 Chippewa tribe.

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9 NEW SECTION. Section 6. Codification instruction. [Section 1] is intended to be codified as an
10 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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