



AN ACT REVISING LAWS RELATED TO MISSING PERSON REPORTS; REQUIRING ALL LAW ENFORCEMENT AUTHORITIES IN THE STATE 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:

**Section 1. Missing person reports -- legislative intent.** (1) All 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.

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

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

(1)(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  
~~(c)(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."

**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~~ 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."

**Section 4. Notification to federal government.** The secretary of state shall send a copy of [this act] to the director of the federal bureau of investigation and the assistant secretary of Indian affairs at the United States department of the interior.

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

**Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 44, chapter 2, part 4, and the provisions of Title 44, chapter 2, part 4, apply to [section 1].

- END -

I hereby certify that the within bill,  
HB 0054, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

HOUSE BILL NO. 54  
INTRODUCED BY R. PEPPERS  
BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

AN ACT REVISING LAWS RELATED TO MISSING PERSON REPORTS; REQUIRING ALL LAW ENFORCEMENT AUTHORITIES IN THE STATE TO ACCEPT A REPORT; PROVIDING EXCEPTIONS; AND AMENDING SECTIONS 44-2-502 AND 44-2-504, MCA.