HOUSE BILL NO. 557

INTRODUCED BY J. WINDY BOY

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

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

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

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

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

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

"44-2-408. Missing person reports. (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.

(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.”

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:
(a) inform all on-duty law enforcement officers of the existence of the missing child report;
(b) communicate the report to all other law enforcement authorities having jurisdiction in the
county;
enter the missing child report into the national crime information center computer system; and

(4)(d) if the missing child is enrolled in a Montana public school district, request the child's directory photograph from the superintendent of public instruction pursuant to 20-7-1317. If a directory photograph is available, it must be included with the missing child report.

(2) Within 2 hours of entering the missing child report as required in subsection (1)(c), the law enforcement authority shall report to the county attorney in the county in which the child was believed to have gone missing.

(3) A report of a missing child filed pursuant to this section must be reported to the attorney general as provided in 44-2-408(5)."

NEW SECTION. Section 4. 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].

NEW SECTION. Section 5. Applicability. [This act] applies to reports made about people who are publicly designated as missing by the department of justice on or after [the effective date of this act].

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