

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2640

By: Baker

COMMITTEE SUBSTITUTE

An Act relating to missing persons; creating Francine's Law; defining terms; directing the Chief Medical Examiner and Oklahoma State Bureau of Investigation (OSBI) to input certain data into the National Missing and Unidentified Persons System (NamUs); directing law enforcement agencies to initiate certain procedures upon receiving a missing persons report; providing for confidentiality of medical and dental records; directing the OSBI to locate and submit to NamUs certain information upon request by law enforcement agencies; prohibiting law enforcement agencies from requiring a delay when taking missing persons reports and mandating the appearance of next of kin before initiating an investigation; directing the OSBI to maintain missing persons case file; providing for the promulgation of rules for dissemination and retention of records; making information in files of the OSBI available to the medical examiner and law enforcement agencies; prohibiting law enforcement agencies from establishing waiting periods prior to accepting missing child reports; directing law enforcement agencies to enter name of missing child into the National Crime Information Center (NCIC); requiring agencies to submit reports of persons who have been found or identified to NamUs; authorizing law enforcement agencies or medical examiner to maintain case files; stating authority of the Office of the Chief Medical Examiner to obtain certain information; directing Council on Law Enforcement Education and Training to establish training resources for unidentified and missing persons cases; requiring law enforcement officers to complete training; providing

1 for noncodification; providing for codification; and
2 providing an effective date.

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4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 This act shall be known and may be cited as "Francine's Law".

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 151.3 of Title 74, unless there
10 is created a duplication in numbering, reads as follows:

11 A. As used in this section:

12 1. "Missing person" means any person, including a child under
13 eighteen (18) years of age, reported to Oklahoma law enforcement as
14 missing and unaccounted for from expected and normal activities; and

15 2. "Unidentified person" means any person living or deceased
16 who is unidentified after all available methods have been exhausted.
17 This includes any decedent released to the Office of the Chief
18 Medical Examiner (OCME) where the identity of the decedent cannot be
19 established to the satisfaction of the Chief Medical Examiner.

20 B. Unidentified Persons. The OCME and the Oklahoma State
21 Bureau of Investigation (OSBI) shall input the following data, if
22 available for unidentified persons, into the National Missing and
23 Unidentified Persons System (NamUs), created by the National
24 Institute of Justice of the United States Department of Justice:

1 1. Copies of fingerprints on standardized eight inch by eight
2 inch (8" x 8") fingerprint cards or the equivalent digital image;
3 prints or partial prints of any fingers;

4 2. Any forensic dental report or radiology imaging;

5 3. Detailed personal descriptions;

6 4. Deoxyribonucleic acid (DNA) information;

7 5. Radiology imaging and medical data; and

8 6. All other identifying data, including date and place of
9 death.

10 C. Missing Persons. Once a missing persons report is received,
11 the law enforcement agency shall initiate the following procedures
12 within thirty (30) days of receiving the report:

13 1. Submit the missing persons case to NamUs and to any database
14 of missing persons currently required by the agency, providing all
15 appropriate data;

16 2. Locate and obtain biometric records, including medical and
17 dental records, medical and dental x-rays or other medical imaging,
18 and enter the records into NamUs. All medical and dental records
19 obtained shall be considered confidential and shall not be released
20 to the public;

21 3. Utilize NamUs family reference sample (FRS) submission kits,
22 obtain voluntary DNA samples from appropriate family members to
23 submit to an institution of higher education that specializes in DNA
24 identification for a full genetic profile, including testing of

1 mitochondrial DNA (mtDNA), short tandem repeats on the Y-chromosome
2 (Y-STR) and nuclear analyses, to be documented in the NamUs missing
3 persons file and submitted to the FBI's National DNA Index System
4 (NDIS) using the Combined DNA Index System (CODIS). If necessary,
5 the law enforcement agency may request assistance in obtaining FRS
6 DNA samples; and

7 4. Attempt to locate any fingerprints from available resources
8 and submit those records to NamUs.

9 D. Upon request by local law enforcement, the OSBI shall
10 attempt to locate any fingerprints and photographs from the
11 available resources and submit those records to NamUs.

12 E. No Oklahoma law enforcement agency shall require a delay in
13 the taking of a report of a missing person when reliable information
14 has been provided to the law enforcement agency that the person is
15 missing. No law enforcement agency shall mandate the appearance of
16 a next of kin before initiating a missing persons investigation.

17 F. If the OSBI receives a report of a missing person from
18 another law enforcement agency or medical examiner, the OSBI shall
19 maintain a record of the case file. The OSBI shall promulgate rules
20 relating to the dissemination and retention of the records. The
21 rules shall require that the process of releasing the records shall
22 occur as soon as practicable from the time the OSBI receives a
23 report that a person, for whom there is a previous record, is
24 missing.

1 G. The information contained in the missing persons files of
2 the OSBI shall be available to the OCME and law enforcement agencies
3 attempting to identify unidentified persons.

4 H. No law enforcement agency shall establish or maintain any
5 policy which requires the observance of a waiting period before
6 accepting and investigating a missing child report. Upon receipt of
7 a report of a missing child, a law enforcement agency shall enter
8 the child into the National Crime Information Center (NCIC) pursuant
9 to a mandate by the Federal Bureau of Investigation which requires
10 the name of the missing child to be entered within two (2) hours
11 from the time the child is reported missing to the law enforcement
12 agency.

13 I. When a person previously reported missing has been found or
14 when an unidentified person has been identified, the reporting
15 agency or OCME shall report to NamUs within twenty-four (24) hours
16 that the person has been found and that the case can be archived
17 within NamUs.

18 J. Nothing in this section prohibits a law enforcement agency
19 or the OCME from maintaining case files related to missing persons
20 or unidentified bodies.

21 K. Nothing in this section supersedes the authority of the OCME
22 to obtain dental or medical records, including x-rays, in cases in
23 which these records are necessary for the identification of human
24 remains.

1 L. The Council on Law Enforcement Education and Training
2 (CLEET) shall establish appropriate training resources focused on
3 the investigations of unidentified and missing persons and shall
4 require all CLEET-certified law enforcement officers to complete
5 such training on a regular basis to be determined by CLEET. Such
6 training may be conducted in conjunction with resources available
7 through NamUs.

8 SECTION 3. This act shall become effective November 1, 2019.

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10 57-1-8388 GRS 02/28/19
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