

An Act

ENROLLED HOUSE
BILL NO. 2640

By: Baker, Bush, Boles,
Hasenbeck, Humphrey,
Tadlock, Sims, Randleman,
Conley and Hilbert of the
House

and

Daniels, Bice and Bergstrom
of the Senate

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

SUBJECT: Missing persons

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

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

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

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

A. As used in this section:

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

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

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

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

2. Any forensic dental report or radiology imaging;
3. Detailed personal descriptions;
4. Deoxyribonucleic acid (DNA) information;
5. Radiology imaging and medical data; and
6. All other identifying data, including date and place of death.

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

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

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

3. Utilize NamUs family reference sample (FRS) submission kits, obtain voluntary DNA samples from appropriate family members to submit to an institution of higher education that specializes in DNA identification for a full genetic profile, including testing of mitochondrial DNA (mtDNA), short tandem repeats on the Y-chromosome (Y-STR) and nuclear analyses, to be documented in the NamUs missing persons file and submitted to the FBI's National DNA Index System (NDIS) using the Combined DNA Index System (CODIS). If necessary, the law enforcement agency may request assistance in obtaining FRS DNA samples; and

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 7th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 8th day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____