

---

**Criminal Justice & Corrections  
Committee**

---

**HB 2805**

**Brief Description:** Expanding provisions relating to missing persons.

**Sponsors:** Representatives O'Brien, Ericks, Morrell, Miloscia and Green.

**Brief Summary of Bill**

- Requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to convene a group of various entities to study ways and develop protocols to improve the reporting and investigation of missing persons.
- Requires the Washington State Forensic Investigations Council and other entities to develop training modules that are essential to the effective implementation and use of missing persons protocols.
- Requires the WASPC to create and maintain a statewide public website for the posting of relevant information regarding missing persons.
- Requires investigating agencies to file reports within specified time periods when a person reported missing has not been found within 30 days of the report or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing.
- Requires the storage of evidence collected from the known missing person in the Washington State Patrol missing persons database.
- Requires the Department of Health to must maintain Phenylketonuria (PKU) tests of infants for deoxyribonucleic acid (DNA) testing in the event the infant requires identification at a later date.

**Hearing Date:** 1/24/06

**Staff:** Yvonne Walker (786-7841).

**Background:**

In 1985, the Legislature passed legislation that established the Missing Children Clearinghouse. It required the Washington State Patrol (WSP) to establish a Missing Children Clearinghouse which included the maintenance and operation of a toll-free 24-hour telephone hotline. The clearinghouse distributes information to local law enforcement agencies, school districts, the Department of Social and Health Services, and the general public regarding missing children (under the age of 18 years old). The information includes: pictures, bulletins, training sessions, reports, and biographical materials that assist in local law enforcement efforts in locating missing children. The WSP also maintains a regularly updated computerized link with national and other statewide missing person systems and clearinghouses.

Generally, after a report is taken regarding a missing child, local law enforcement agencies must file an official missing person report and enter biographical information into the state's missing person computerized network, within 12 hours. However, there is no statutory requirement for law enforcement agencies to timely file a missing persons report for a person over the age of 18 years old and enter such information into a statewide database.

The Washington State Forensic Investigations Council (Council) is a 12 member committee appointed by the Governor to oversee death investigations as part of the state's criminal justice system. The Council authorizes expenditures from the Council's Death Investigations Account for the purpose of assisting local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions. The Council also oversees the WSP Bureau of Forensic Laboratory Services (Bureau) and actively prepares and approves the Bureau's budget prior to submission to the Office of Financial Management.

The Bureau provides a wide range of forensic science expertise to city, county, and state law enforcement officers, assisting agencies at crime scenes, preparing evidence for trial, and providing expert testimony. The Bureau coordinates the efforts of the State's Breath Alcohol Test Program, Drug Evaluation and Classification Program, six crime laboratories, the Latent Print Laboratory, and the State Toxicology Laboratory.

Infant Phenylketonuria (PKU) Tests. Phenylketonuria (PKU) is an inherited disorder found in newborn children which prevents them from metabolizing an essential amino acid. It is found by pricking a newborn baby's heel and running a series of tests. If untreated, PKU children suffer severe mental and physical difficulties. By taking a vitamin-enriched formula available without a doctor's prescription, the effects of PKU can be eliminated.

### **Summary of Bill:**

The Legislature finds that there were over 46,000 reports of persons missing nationwide and over 500 missing persons in the State of Washington. The Legislature intends to build upon the past research and findings to aid in the recovery of missing persons and the identification of human remains.

Protocols. The Washington Association of Sheriffs and Police Chiefs (WASPC), in consultation with the Washington Association of County Officials (WACO), the Washington Association of Coroners and Medical Examiners (WACME), the Washington State Forensic Investigations Council (FIC), the WSP, and other interested agencies and individuals, must convene a committee to coordinate the use of the latest technology and science available to improve the: (1) reporting

of missing persons, (2) communication within the state and with national databases, (3) dissemination of information to other agencies and the public, and (4) reporting for missing persons and the collection and preservation of evidence.

Protocols established for the investigation of reported missing persons, the identification of human remains, the reporting and the identification of persons missing as the result of major events (i.e., tsunami, earthquake, or terrorism) must be endorsed by the WASPC, the WACO, the WACME, the FIC, and the WSP. These entities must then seek the voluntary adoption of the same protocols by all local law enforcement agencies, coroners, medical examiners, and others charged with locating missing persons or identifying human remains.

Training Modules. The FIC, in cooperation with the WACME, and other interested agencies, must develop training modules that are essential to the effective implementation and use of missing persons protocols using funds provided in the state's Death Investigations Account. The training modules must provide training through classes and media that will train and educate small departments or those at remote locations with the least disruption. The modules must include but are not limited to such items as the reporting process, the use of forms and protocols, the effective use of resources, the collection and importance of evidence and preservation of biological evidence, and risk assessment of the individuals reported missing.

Missing Person Website. The WASPC must create and maintain a statewide public website for the posting of relevant information concerning persons reported missing in Washington. The website must contain, but is not limited to the missing person's name, physical description, photograph, and other information that is deemed necessary according to the adopted protocols. This website must allow citizens to more broadly disseminate information regarding missing persons for at least 30 days. However, due to the large number of reports received on persons who are overdue and subsequently appear, the information will be removed from the website after 30 days, unless persons filing the report have notified local law enforcement that the person is still missing.

The WSP must establish an interface with local law enforcement and the WASPC missing persons website, the toll-free 24-hour hotline and national and other statewide missing persons systems or clearinghouses. Local law enforcement agencies must file an official missing persons report and enter biographical information into the state missing persons computerized network within 12 hours after notification of a missing person's report is received.

Filing Reports. When a person reported missing has not been found within 30 days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the agency initiating and conducting the investigation for the missing person must, within 48 hours of suspecting the criminal activity, immediately file a report, collect DNA samples from the known missing person, and ask the missing person's family or next of kin to give consent to request the person's dental records.

As soon as possible after collecting the DNA evidence and after conferring with the county coroner or medical examiner, the sheriff, chief of police, or other law enforcement authority must submit the missing person's report, the DNA samples taken, and the missing person's dental records to the WSP's Identification, Child Abuse, Vulnerable Adult Abuse, and Criminal History section on forms supplied by the WSP for such purpose.

DNA Storage. The WSP must store the evidence collected from the known missing person in a missing persons database that is separate and distinct from other DNA databases maintained by the agency. In cases where criminal activity is suspected, the WSP must immediately conduct nuclear DNA testing of the samples and submit the DNA samples and the dental records to the missing persons' database. The WSP must then forward copies of the DNA samples and dental records to the Federal Bureau of Investigation (FBI) for mitochondrial DNA testing within 72 hours upon receipt of the evidence of the known missing person.

The WSP Crime Laboratory must conduct nuclear DNA testing of the biological sample and, in the event additional testing is required, the mitochondrial DNA testing will be conducted through the FBI, as long as it is available on a timely basis and delays do not further endanger the missing person involved. If substantial delays in testing occur or federal testing is no longer available, the Legislature should provide funding to implement mitochondrial technology in Washington.

Infant PKU Tests. The Department of Health (DOH) must maintain PKU tests of infants for DNA testing in the event the infant requires identification at a later date. There must be a repository in every county where voluntary DNA swabs are maintained. The DOH must establish rules governing disclosure of test materials for identifying a missing person or human remains.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, section 4, is null and void unless funded in the budget.