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HOUSE BILL 1943

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State of Washington

59th Legislature

2005 Regular Session

By Representatives O'Brien, Miloscia, Morrell and Ericks

Read first time 02/11/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to missing persons; amending RCW 68.50.320; adding  
2 a new section to chapter 68.50 RCW; adding a new section to chapter  
3 43.43 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that there were over  
6 forty-six thousand reports of persons missing nationwide and over five  
7 hundred missing persons in the state of Washington.

8 The legislature has learned that the federal bureau of  
9 investigation has a data base where law enforcement can send DNA  
10 (deoxyribonucleic acid) testing samples of unidentified remains and  
11 have it analyzed. The federal bureau of investigation also accepts DNA  
12 samples that are known to come from a missing person in the hopes to  
13 match those records with those remains that are found in the future.  
14 The legislature further finds that there is a poor record nationwide in  
15 regards to persons submitting DNA samples of a known missing person to  
16 the federal bureau of investigation or a local crime lab in a timely  
17 manner before the evidence disappears. There is much work to be done  
18 in the areas of unidentified remains and missing persons in helping  
19 families to put closure to the loss of a loved one.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 68.50 RCW  
2 to read as follows:

3        (1) When a person reported missing has not been found and criminal  
4 activity is suspected to be the basis of the victim being missing, the  
5 sheriff, chief of police, county coroner, or county medical examiner,  
6 or other law enforcement authority initiating and conducting the  
7 investigation for the missing person shall, within forty-eight hours of  
8 suspecting the criminal activity immediately file a report, collect DNA  
9 samples from the known missing person, and ask the missing person's  
10 family or next of kin to give written consent to contact the dentist or  
11 dentists of the missing person and request the person's dental records.

12        (2) No later than forty-eight hours after collecting the DNA  
13 evidence and after conferring with the county coroner or medical  
14 examiner, the sheriff, chief of police, or other law enforcement  
15 authority shall submit the missing person's report, the DNA samples  
16 taken, and the missing person's dental records to the state patrol  
17 identification, child abuse, vulnerable adult abuse, and criminal  
18 history section on forms supplied by the state patrol for such purpose.

19        (3) The state patrol identification, child abuse, vulnerable adult  
20 abuse, and criminal history section shall store the evidence collected  
21 from the known missing person in a missing person data base.    The  
22 missing person data base shall be a separate and distinct data base  
23 from the other DNA data bases maintained by the agency.

24        (4) The state patrol identification, child abuse, vulnerable adult  
25 abuse, and criminal history section shall forward copies of the DNA  
26 samples and dental records to the federal bureau of investigation  
27 within seventy-two hours upon receipt of the evidence of the known  
28 missing person.

29        **Sec. 3.**    RCW 68.50.320 and 2001 c 223 s 1 are each amended to read  
30 as follows:

31        When a person reported missing has not been found within thirty  
32 days of the report, the sheriff, chief of police, county coroner or  
33 county medical examiner, or other law enforcement authority initiating  
34 and conducting the investigation for the missing person shall ask the  
35 missing person's family or next of kin to give written consent to  
36 contact the dentist or dentists of the missing person and request the  
37 person's dental records.

1           When a person reported missing has not been found within thirty  
2 days, the sheriff, chief of police, or other law enforcement authority  
3 initiating and conducting the investigation for the missing person  
4 shall confer with the county coroner or medical examiner prior to the  
5 preparation of a missing person's report. After conferring with the  
6 coroner or medical examiner, the sheriff, chief of police, or other law  
7 enforcement authority shall submit a missing person's report and the  
8 dental records received under this section to the dental identification  
9 system of the state patrol identification, child abuse, vulnerable  
10 adult abuse, and criminal history section on forms supplied by the  
11 state patrol for such purpose.

12           In cases where criminal activity is suspected, the state patrol  
13 shall immediately submit the DNA samples and the dental records in the  
14 missing person data base and shall forward copies of the DNA samples  
15 and dental records to the federal bureau of investigation within  
16 seventy-two hours upon receipt of the evidence of the known missing  
17 person.

18           When a person reported missing has been found, the sheriff, chief  
19 of police, coroner or medical examiner, or other law enforcement  
20 authority shall report such information to the state patrol.

21           The dental identification system shall maintain a file of  
22 information regarding persons reported to it as missing. The file  
23 shall contain the information referred to in this section and such  
24 other information as the state patrol finds relevant to assist in the  
25 location of a missing person.

26           The files of the dental identification system shall, upon request,  
27 be made available to law enforcement agencies attempting to locate  
28 missing persons.

29           NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW  
30 to read as follows:

31           Any biological sample taken from a known missing person pursuant to  
32 section 2 of this act shall be forwarded to the federal bureau of  
33 investigation within seventy-two hours upon receipt of the DNA samples.

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