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SECOND SUBSTITUTE HOUSE BILL 2805

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State of Washington                      59th Legislature                      2006 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ericks, Morrell, Miloscia and Green)

READ FIRST TIME 2/7/06.

1            AN ACT Relating to missing persons; amending RCW 68.50.320; adding  
2 new sections to chapter 36.28A RCW; adding a new section to chapter  
3 43.103 RCW; adding a new section to chapter 43.43 RCW; and creating new  
4 sections.

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

6            NEW SECTION.    **Sec. 1.**    The legislature finds that there were over  
7 forty-six thousand reports of persons missing nationwide and over five  
8 hundred missing persons in the state of Washington. Major catastrophic  
9 events in other parts of the United States this year have also  
10 emphasized that identifying victims in mass disasters is often  
11 impossible, due to the deficiency in planning by communities and  
12 governments. It is the intent of this act to build upon the research  
13 and findings of the Washington state missing persons task force,  
14 assembled by the state attorney general in 2003, the United States  
15 department of justice, and others to aid in recovery of missing persons  
16 and the identification of human remains.

17            NEW SECTION.    **Sec. 2.**    A new section is added to chapter 36.28A RCW  
18 to read as follows:

1 The Washington association of county officials, in consultation  
2 with the Washington association of sheriffs and police chiefs, the  
3 Washington association of coroners and medical examiners, the forensic  
4 investigations council, the Washington state patrol, and other  
5 interested agencies and individuals, shall convene a committee to  
6 coordinate the use of the latest technology and available science to  
7 improve reporting of missing persons, to improve the communication  
8 within the state and with national data bases, to enhance the  
9 dissemination of information to other agencies and the public, and to  
10 improve reporting for missing persons and the collection and  
11 preservation of evidence.

12 Protocols for the investigation of reported missing persons,  
13 identification of human remains, and recommended protocols for the  
14 reporting and identification of persons missing as the result of major  
15 events not limited to tsunami, earthquake, or acts of terrorism shall  
16 be endorsed by the groups named in this section who shall then seek the  
17 voluntary adoption of the same by all local law enforcement agencies,  
18 coroners, medical examiners, and others charged with locating missing  
19 persons or identifying human remains.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.103 RCW  
21 to read as follows:

22 The Washington state forensic investigations council, in  
23 cooperation with the Washington association of coroners and medical  
24 examiners and other interested agencies, shall develop training modules  
25 that are essential to the effective implementation and use of missing  
26 persons protocols using funds provided in RCW 43.79.445. The training  
27 modules must provide training through classes and media that will train  
28 and educate small departments or those at remote locations with the  
29 least disruption. The modules will include, but will not be limited  
30 to: The reporting process, the use of forms and protocols, the  
31 effective use of resources, the collection and importance of evidence  
32 and preservation of biological evidence, and risk assessment of the  
33 individuals reported missing.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.28A RCW  
35 to read as follows:

36 The Washington association of sheriffs and police chiefs shall

1 create and maintain a statewide web site, which shall be available to  
2 the public. The web site shall post relevant information concerning  
3 persons reported missing in the state of Washington. For missing  
4 persons, the web site shall contain, but is not limited to: The  
5 person's name, physical description, photograph, and other information  
6 that is deemed necessary according to the adopted protocols. This web  
7 site shall allow citizens to more broadly disseminate information  
8 regarding missing persons for at least thirty days. Due to the large  
9 number of reports received on persons who are overdue and subsequently  
10 appear, the information will be removed from the web site after thirty  
11 days, unless persons filing the report have notified local law  
12 enforcement that the person is still missing.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.28A RCW  
14 to read as follows:

15 The Washington state patrol shall establish an interface with local  
16 law enforcement and the Washington association of sheriffs and police  
17 chiefs missing persons web site, the toll-free twenty-four hour  
18 hotline, and national and other statewide missing persons systems or  
19 clearinghouses.

20 Local law enforcement agencies shall file an official missing  
21 persons report and enter biographical information into the state  
22 missing persons computerized network within twelve hours after  
23 notification of a missing person's report is received under this  
24 chapter.

25 **Sec. 6.** RCW 68.50.320 and 2001 c 223 s 1 are each amended to read  
26 as follows:

27 When a person reported missing has not been found within thirty  
28 days of the report, or at any time the investigating agency suspects  
29 criminal activity to be the basis of the victim being missing, the  
30 sheriff, chief of police, county coroner or county medical examiner, or  
31 other law enforcement authority initiating and conducting the  
32 investigation for the missing person shall: (1) File a missing  
33 person's report with the Washington state patrol missing and  
34 unidentified persons unit; (2) initiate the collection of DNA samples  
35 from the known missing person and their family members for nuclear and  
36 mitochondrial DNA testing along with the necessary consent forms; and

1 (3) ask the missing person's family or next of kin to give written  
2 consent to contact the dentist or dentists of the missing person and  
3 request the person's dental records.

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

14 As soon as possible after collecting the DNA samples and obtaining  
15 the dental records, the sheriff, chief of police, or other law  
16 enforcement authority shall submit the DNA samples for nuclear DNA  
17 testing to the Washington state patrol crime laboratory in their  
18 jurisdiction. The DNA samples for mitochondrial DNA testing shall be  
19 submitted to the federal bureau of investigation. Dental records shall  
20 be submitted as soon as possible to the Washington state patrol missing  
21 and unidentified persons unit.

22 The descriptive information from missing person's reports and  
23 dental data submitted to the state patrol missing persons and  
24 unidentified persons unit shall be recorded and maintained by the  
25 Washington state patrol missing and unidentified persons unit in the  
26 applicable dedicated missing person's data bases.

27 In cases where criminal activity is suspected, the state patrol  
28 shall conduct nuclear DNA typing for entry into the state missing  
29 person's DNA data base as soon as possible.

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

33 The dental identification system shall maintain a file of  
34 information regarding persons reported to it as missing. The file  
35 shall contain the information referred to in this section and such  
36 other information as the state patrol finds relevant to assist in the  
37 location of a missing person.

1       The files of the dental identification system shall, upon request,  
2 be made available to law enforcement agencies attempting to locate  
3 missing persons.

4       NEW SECTION.   **Sec. 7.** A new section is added to chapter 43.43 RCW  
5 to read as follows:

6       Biological samples taken for a missing person's investigation under  
7 RCW 68.50.320 shall be forwarded as appropriate to the federal bureau  
8 of investigation upon receipt of the DNA samples and to the Washington  
9 state patrol crime lab as soon as possible. The crime laboratory of  
10 the state patrol will provide guidance to agencies regarding where  
11 samples should be sent, conduct nuclear DNA testing of the biological  
12 sample where appropriate and, in the event additional testing is  
13 required, the mitochondrial DNA testing will be conducted through the  
14 federal bureau of investigation. Priority for testing shall be given  
15 to active criminal cases. If substantial delays in testing occur or  
16 federal testing is no longer available, the legislature should provide  
17 funding to implement mitochondrial technology in the state of  
18 Washington.

19       NEW SECTION.   **Sec. 8.** If specific funding for the purposes of  
20 section 4 of this act, referencing this act and section 4 of this act  
21 by bill or chapter number and section number, is not provided by June  
22 30, 2006, in the omnibus appropriations act, section 4 of this act is  
23 null and void.

24       NEW SECTION.   **Sec. 9.** If specific funding for the purposes of  
25 section 5 of this act, referencing this act and section 5 of this act  
26 by bill or chapter number and section number, is not provided by June  
27 30, 2006, in the omnibus appropriations act, section 5 of this act is  
28 null and void.

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