
HOUSE BILL 2805

State of Washington 59th Legislature 2006 Regular Session

By Representatives O'Brien, Ericks, Morrell, Miloscia and Green

Read first time 01/13/2006. Referred to Committee on Criminal Justice & Corrections.

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; adding a new
4 section to chapter 43.70 RCW; and creating new 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 sheriffs and police chiefs, in
2 consultation with the Washington association of county officials, 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 tsunamis, earthquakes, 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, within forty-eight hours of
33 suspecting the criminal activity, immediately file a report, collect
34 DNA samples from the known missing person, and ask the missing person's
35 family or next of kin to give written consent to contact the dentist or
36 dentists of the missing person and request the 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 and criminal history section~~
10 ~~on forms supplied by the state patrol for such purpose.))~~

11 As soon as possible after collecting the DNA evidence and after
12 conferring with the county coroner or medical examiner, the sheriff,
13 chief of police, or other law enforcement authority shall submit the
14 missing person's report, the DNA samples taken, and the missing
15 person's dental records to the state patrol identification, child
16 abuse, vulnerable adult abuse, and criminal history section on forms
17 supplied by the state patrol for such purpose.

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

23 In cases where criminal activity is suspected, the state patrol
24 shall immediately conduct nuclear DNA testing of the samples and submit
25 the DNA samples and the dental records to the missing persons data
26 base, and shall forward copies of the DNA samples and dental records to
27 the federal bureau of investigation for mitochondrial DNA testing
28 within seventy-two hours upon receipt of the evidence of the known
29 missing person.

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 Any biological sample taken from a known missing person under RCW
7 68.50.320 shall be forwarded to the federal bureau of investigation
8 within seventy-two hours upon receipt of the DNA samples. The crime
9 laboratory of the state patrol will conduct nuclear DNA testing of the
10 biological sample and, in the event additional testing is required, the
11 mitochondrial DNA testing will be conducted through the federal bureau
12 of investigation, as long as it is available on a timely basis and
13 delays do not further endanger the missing person involved. If
14 substantial delays in testing occur or federal testing is no longer
15 available, the legislature should provide funding to implement
16 mitochondrial technology in the state of Washington.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.70 RCW
18 to read as follows:

19 The department of health shall maintain PKU tests of infants for
20 DNA testing in the event the infant requires identification at a later
21 date. There shall be a repository in every county where voluntary DNA
22 swabs are maintained.

23 The department shall establish rules governing disclosure of test
24 materials solely for the purpose of identification of a missing person
25 or identification of human remains and to prohibit their use for any
26 other purpose.

27 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
28 section 4 of this act, referencing this act and section 4 of this act
29 by bill or chapter number and section number, is not provided by June
30 30, 2006, in the omnibus appropriations act, section 4 of this act is
31 null and void.

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