

SENATE BILL REPORT

SB 5191

As Reported By Senate Committee On:
Judiciary, January 19, 2007

Title: An act relating to missing persons.

Brief Description: Modifying missing persons provisions.

Sponsors: Senators Hatfield, Brandland, Sheldon and Delvin.

Brief History:

Committee Activity: Judiciary: 1/17/2007, 1/19/07 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach.

Staff: Lidia Mori (786-7755)

Background: The Washington State Forensic Investigations Council is a 12 member committee appointed by the Governor to oversee death investigations as part of the state's criminal justice system. HB 2805, which passed during the 2006 session, directed the Forensics Investigation Council, in cooperation with the Washington Association of Coroners and Medical Examiners, to develop training modules essential to the effective implementation and use of missing persons protocols. The modules encompass such topics 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.

Generally, after a report is taken regarding a missing person, 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. If a person reported missing has not been found within 30 days or if criminal activity is suspected, the Sheriff, Chief of Police, County Coroner, or County Medical Examiner is directed to initiate the collection of DNA samples from the missing person and their family members for testing. In addition, the missing person's family or next of kin is asked for written consent to contact the dentist of the missing person and request dental records. The DNA samples and the dental records are submitted for nuclear DNA testing to the Washington State Patrol crime laboratory. The DNA samples for mitochondrial DNA testing are submitted to the Federal Bureau of Investigation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The training modules developed by the Washington State Forensics Investigations Council, the Washington Association of Coroners and Medical Examiners, and other interested agencies are required to provide training at the Basic Law Enforcement Academy at the Criminal Justice Training Commission. The statewide website that is created and maintained by the Washington Association of Sheriffs and Police Chiefs is not required to remove information about missing persons from the web site after 30 days. Local law enforcement agencies are directed to file an official missing persons report and enter biographical information into the state missing persons computerized network without delay after being notified of the receipt of a missing person's report. After collecting DNA samples from a missing person and their family members, the Sheriff, Chief of Police, or other law enforcement authority is directed to submit the samples to the appropriate laboratory. Biological samples taken for a missing person's investigation are to be forwarded to the appropriate laboratory as soon as possible.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Judiciary): The original bill states that the training modules must provide training at the basic law enforcement academy at the criminal justice training commission through classes and media that will train and educate small departments or those at remote locations with the least disruption. The proposed substitute directs the Criminal Justice Training Commission to make the training modules available to small departments or those at remote locations with the least disruption. This allows the training to be accomplished by making use of technology.

Appropriation: None.

Fiscal Note: Requested on January 15, 2007.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: HB 2805 passed during the 2006 Session and this bill is a clean up. All interested parties support it. The bill will need to be altered so that the training is not required to be at the basic law enforcement academy at the Criminal Justice Training Commission. There is almost no fiscal impact because resources that are already available can be used. The National Crime Information Center updates the missing persons databases automatically. Washington State is very progressive in this area.

Persons Testifying: PRO: Debbie Wilke, Washington Association of County Officials; Dave Johnson, Washington Coalition of Crime Victims Advocates; Mary Miller, Family and Friends of Missing Persons.