

HOUSE BILL REPORT

HB 2792

As Reported by House Committee On:
Public Safety

Title: An act relating to missing and unidentified persons.

Brief Description: Concerning missing and unidentified persons.

Sponsors: Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet and Lekanoff.

Brief History:

Committee Activity:

Public Safety: 2/3/20, 2/6/20 [DP].

Brief Summary of Bill

- Requires investigating agencies to submit missing persons cases, and requires coroners and medical examiners to submit unidentified human remains cases, to the National Missing and Identified Persons System under certain circumstances.
- Requires an agency investigating a report of a missing person to search the Jail Booking and Reporting System for the missing person, and to register to be notified if the missing person is later booked into jail.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Appleton, 2nd Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

Background:

Missing Persons and Unidentified Remains.

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.

Missing persons cases are typically reported to local law enforcement agencies. 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 investigating agency must: file a missing persons report with the Washington State Patrol (WSP); initiate collection of deoxyribonucleic acid (DNA) samples from the missing person and his or her family members for nuclear and mitochondrial DNA testing; and ask the missing person's family or next of kin for consent to request the person's dental records.

The investigating law enforcement agency must submit DNA samples to the appropriate laboratory as soon as possible after collection. The missing person's descriptive information and dental data must be submitted to, and maintained by, the WSP. If the missing person is found, the investigating agency must report that information to the WSP.

When unidentified human remains are discovered, law enforcement or the coroner or medical examiner must record the deceased person's fingerprints and any other identifying information and furnish that information to the WSP for possible identification. If the remains cannot be identified, the coroner or medical examiner must arrange for a dental examination. If identity is still not established within 30 days of the discovery the remains, the dental examination records must be forwarded to the WSP for entry into the dental identification system for comparison with other records.

The Washington Association of Sheriffs and Police Chiefs (WASPC) maintains a statewide public website for the posting of relevant information regarding missing persons. The website must allow citizens to broadly disseminate information regarding missing persons for at least 30 days. The WSP maintains an interface system with local law enforcement and the WASPC missing persons website, a toll-free 24-hour hotline, and national and other statewide missing persons systems and clearinghouses.

The National Missing and Unidentified Persons System.

The National Missing and Unidentified Persons System (NamUs) is a nationwide repository and resource center for missing and unidentified persons. The system was created by the Department of Justice in 2007 and is available to the public. NamUs is divided into separate databases for missing persons and unidentified persons. The missing persons database allows criminal justice professionals or any other person to upload verified information about missing persons cases. The unidentified persons database is composed of information on unidentified persons or remains provided by coroners, medical examiners, and law enforcement. The missing person and unidentified remains databases are publicly searchable and are designed to search for matches against one another. NamUs is also capable of compiling biometric data, such as DNA, fingerprints, and dental records, as well as other identification information.

The Jail Booking and Reporting System.

The Jail Booking and Reporting System (JBRS) is an electronic central repository and information source for statewide city and county jail booking information. The JBRS contains descriptive information of each offender booked into jail, such as the offender's name, vital statistics, address, and mugshot, along with other information. The JBRS is capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies.

Summary of Bill:

A law enforcement agency or other agency investigating a missing persons case must submit the case to NamUs within 60 days of receiving the missing persons report. If circumstances indicate that the person is in immediate danger or is missing against his or her will, the case must be submitted within 30 days. To the extent that it is available, the law enforcement agency must provide NamUs with DNA from the missing person and his or her family members, as well as the missing person's fingerprints, dental examination records, and other identifying data. The investigating agency is not required to submit information to NamUs that would be duplicative of information that has already been submitted to NamUs in the case.

An agency investigating a report of a missing person must also search the JBRS for the missing person, and register to be notified if the missing person is later booked into jail.

When unidentified human remains are not identified within the first 30 days after discovery, the coroner or medical examiner must submit the case to NamUs as soon as is practicable. Information that must be submitted, to the extent available, includes: a detailed personal description, DNA information, copies of fingerprints, forensic dental examination records, and other identifying data including date and place of death.

With respect to cases that have been submitted to NamUs, if the identity of previously unidentified human remains is later established, or when a missing person is found, NamUs must be notified within 48 hours.

The official name of the act is "Cody's Law."

Appropriation: None.

Fiscal Note: Requested on February 1, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are missing persons we are not able to find. This proposal helps ensure the right investigation tools are in place for these cases. There have been measures aimed at addressing these issues over the years, and the next steps are critical to help families heal and have closure.

(Opposed) None.

Persons Testifying: Representative Orwall.

Persons Signed In To Testify But Not Testifying: None.