

SENATE BILL REPORT

EHB 2792

As Passed Senate, March 3, 2020

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: Passed House: 2/18/20, 97-0.

Committee Activity: Law & Justice: 2/25/20, 2/27/20 [DP].

Floor Activity:

Passed Senate: 3/03/20, 49-0.

Brief Summary of Bill

- Requires a law enforcement or other investigating agency to enter a missing persons case into the National Crime Information Center system within 30 days.
- Requires a county coroner or county medical examiner investigating the death to submit information regarding the body or remains to the National Missing and Unidentified Persons system.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Tim Ford (786-7423)

Background: When a person is reported missing and 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 sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall:

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- file a missing person's report with the Washington State Patrol Missing and Unidentified Persons Unit;
- initiate the collection of DNA samples from the known missing person and their family members for testing; and
- request written consent to obtain the missing person's dental records.

Biological samples taken for a missing person's investigation must be forwarded to the appropriate laboratory as soon as possible.

Local law enforcement agencies must file an official missing persons report and enter biographical information into the state missing persons computerized network without delay after notification of a missing person's report is received.

Statewide Missing Persons Website. The Washington Association of Sheriffs and Police Chiefs maintain a statewide website available to the public that posts relevant information concerning reported missing persons. For missing persons, the website shall contain, but is not limited to: the person's name, physical description, photograph, and other information that is deemed necessary. This website allows citizens to more broadly disseminate information regarding missing persons for at least 30 days.

National Crime Information Center. Created in 1967, National Crime Information Center (NCIC) is an electronic clearinghouse of crime data that can be tapped into by virtually every criminal justice agency nationwide. It operates under shared management between the United States Federal Bureau of Investigation and federal, state, local, and tribal criminal justice users. The NCIC database consists of 21 files, including one for missing persons cases that have been reported to law enforcement. Criminal justice agencies enter records into NCIC that are accessible to law enforcement agencies nationwide.

National Missing and Unidentified Persons System. National Missing and Unidentified Persons System (NamUs) is a national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States. Funded and administered by the National Institute of Justice all NamUs resources are provided at no cost to law enforcement, medical examiners, coroners, allied forensic professionals, and family members of missing persons. NamUs had separate databases for missing persons and unidentified persons. NamUs is capable of compiling biometric data, such as DNA, fingerprints, and dental records, as well as other identification information.

Summary of Bill: The law enforcement authority or other agency investigating a missing persons case must enter the case into the NCIC system through the Washington State Patrol electronic database when the missing person 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 person being missing.

If the body or human remains are still unidentified 30 days after discovery, the county coroner or county medical examiner investigating the death must, as soon as practicable, submit information regarding the body or remains to the NamUs system. Information submitted to the NamUs system must include, to the extent information is available, a detailed personal description, DNA information, copies of fingerprints on standardized 8 inch

by 8 inch fingerprint cards or the equivalent digital image, forensic dental examination records, and other identifying data, including date and place of death. If the identity of the body or human remains is later established, the county coroner or county medical examiner must notify the NamUs system within 48 hours.

When funded, the Washington Association of Sheriffs and Police Chiefs must regularly transmit information contained within the statewide missing persons web site to the NamUs system.

This act is known as Cody's law.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: No one.