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**ENGROSSED HOUSE BILL 2792**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Mosbrucker, Orwall, Steele, Lovick, Goehner, Sells, Rude, Ybarra, Dye, Davis, Pollet, and Lekanoff

Read first time 01/22/20. Referred to Committee on Public Safety.

1       AN ACT Relating to missing and unidentified persons; amending RCW  
2 68.50.320 and 68.50.330; adding a new section to chapter 36.28A RCW;  
3 and creating new sections.

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

5       NEW SECTION.   **Sec. 1.** The legislature finds that a recent search  
6 of available missing and unidentified persons data for Washington  
7 state returned one thousand nine hundred twenty-six pending missing  
8 persons cases and one hundred seventy-two records of full or partial  
9 unidentified remains throughout the state. Every one of these  
10 individuals is someone's family member or loved one.

11       The legislature further finds that more can be done to reduce the  
12 number of missing and unidentified Washingtonians through the  
13 utilization of national resources. The national missing and  
14 unidentified persons system is a publicly searchable resource  
15 developed by the national institute of justice that contains  
16 databases of missing persons and unidentified persons cases from  
17 across the country. Cases entered into these databases are verified  
18 with local authorities and are automatically searched against one  
19 another. The national missing and unidentified persons system also  
20 has the ability to compile potentially identifiable information and  
21 available biometric data, such as DNA, including family reference

1 samples, dental records, and fingerprints. Participation in the  
2 national missing and unidentified persons system is free, and  
3 biometric sample kits are funded through the national missing and  
4 unidentified persons system, alleviating the burden on contributing  
5 local governments. At the close of 2019, the national missing and  
6 unidentified persons system databases included nearly seventeen  
7 thousand published outstanding missing persons cases, and over  
8 thirteen thousand published unidentified persons cases. In addition,  
9 over nineteen thousand missing persons cases and over four thousand  
10 unidentified persons cases that were included in the national missing  
11 and unidentified persons system have been resolved.

12 The legislature recognizes that participating in this centralized  
13 and nationally based system is to the advantage of the citizens of  
14 the state, and intends to establish a system of consistent statewide  
15 participation in order to achieve its full benefit.

16 **Sec. 2.** RCW 68.50.320 and 2007 c 10 s 5 are each amended to read  
17 as follows:

18 When a person reported missing has not been found within thirty  
19 days of the report, or at any time the investigating agency suspects  
20 criminal activity to be the basis of the victim being missing, the  
21 sheriff, chief of police, county coroner or county medical examiner,  
22 or other law enforcement authority initiating and conducting the  
23 investigation for the missing person shall: (1) File a missing  
24 person's report with the Washington state patrol missing and  
25 unidentified persons unit; (2) initiate the collection of DNA samples  
26 from the known missing person and their family members for nuclear  
27 and mitochondrial DNA testing along with the necessary consent forms;  
28 ~~((and))~~ (3) ask the missing person's family or next of kin to give  
29 written consent to contact the dentist or dentists of the missing  
30 person and request the person's dental records; and (4) enter the  
31 case into the national crime information center system through the  
32 Washington state patrol electronic database.

33 The missing person's dentist or dentists shall provide diagnostic  
34 quality copies of the missing person's dental records or original  
35 dental records to the sheriff, chief of police, county coroner or  
36 county medical examiner, or other law enforcement authority, when  
37 presented with the written consent from the missing person's family  
38 or next of kin or with a statement from the sheriff, chief of police,  
39 county coroner or county medical examiner, or other law enforcement

1 authority that the missing person's family or next of kin could not  
2 be located in the exercise of due diligence or that the missing  
3 person's family or next of kin refuse to consent to the release of  
4 the missing person's dental records and there is reason to believe  
5 that the missing person's family or next of kin may have been  
6 involved in the missing person's disappearance.

7 As soon as possible after collecting the DNA samples, the  
8 sheriff, chief of police, or other law enforcement authority shall  
9 submit the DNA samples to the appropriate laboratory. Dental records  
10 shall be submitted as soon as possible to the Washington state patrol  
11 missing and unidentified persons unit.

12 The descriptive information from missing person's reports and  
13 dental data submitted to the Washington state patrol missing and  
14 unidentified persons unit shall be recorded and maintained by the  
15 Washington state patrol missing and unidentified persons unit in the  
16 applicable dedicated missing person's databases.

17 When a person reported missing has been found, the sheriff, chief  
18 of police, coroner or medical examiner, or other law enforcement  
19 authority shall report such information to the Washington state  
20 patrol.

21 The dental identification system shall maintain a file of  
22 information regarding persons reported to it as missing. The file  
23 shall contain the information referred to in this section and such  
24 other information as the Washington state patrol finds relevant to  
25 assist in the location of a missing person.

26 The files of the dental identification system shall, upon  
27 request, be made available to law enforcement agencies attempting to  
28 locate missing persons.

29 **Sec. 3.** RCW 68.50.330 and 2001 c 172 s 1 are each amended to  
30 read as follows:

31 If the county coroner or county medical examiner investigating a  
32 death is unable to establish the identity of a body or human remains  
33 by visual means, fingerprints, or other identifying data, he or she  
34 shall have a qualified dentist, as determined by the county coroner  
35 or county medical examiner, carry out a dental examination of the  
36 body or human remains. If the county coroner or county medical  
37 examiner with the aid of the dental examination and other identifying  
38 findings is still unable to establish the identity of the body or  
39 human remains, he or she shall prepare and forward such dental

1 examination records within thirty days of the date the body or human  
2 remains were found to the dental identification system of the state  
3 patrol identification and criminal history section on forms supplied  
4 by the state patrol for such purposes.

5 The dental identification system shall act as a repository or  
6 computer center or both with respect to such dental examination  
7 records. It shall compare such dental examination records with dental  
8 records filed with it and shall determine which scoring probabilities  
9 are the highest for the purposes of identification. It shall then  
10 submit such information to the county coroner or county medical  
11 examiner who prepared and forwarded the dental examination records.

12 If the body or human remains are still unidentified thirty days  
13 after discovery, the county coroner or county medical examiner  
14 investigating the death must, as soon as practicable, submit  
15 information regarding the body or remains to the national missing and  
16 unidentified persons system created by the United States department  
17 of justice's national institute of justice. Information submitted to  
18 the national missing and unidentified persons system must include, to  
19 the extent information is available, a detailed personal description,  
20 DNA information, copies of fingerprints on standardized eight inch by  
21 eight inch fingerprint cards or the equivalent digital image,  
22 forensic dental examination records, and other identifying data,  
23 including date and place of death. If the identity of the body or  
24 human remains is later established, the county coroner or county  
25 medical examiner must notify the national missing and unidentified  
26 persons system within forty-eight hours.

27 NEW SECTION. Sec. 4. A new section is added to chapter 36.28A  
28 RCW to read as follows:

29 When funded, the Washington association of sheriffs and police  
30 chiefs must regularly transmit information contained within the  
31 statewide missing persons web site created pursuant to RCW 36.28A.110  
32 to the national missing and unidentified persons system created by  
33 the United States department of justice's national institute of  
34 justice.

35 NEW SECTION. Sec. 5. This act may be known and cited as Cody's  
36 law.

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