
HOUSE BILL 2792

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; and creating new sections.

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

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

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

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

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

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

17 (1) When a person reported missing has not been found within
18 thirty days of the report, or at any time the investigating agency
19 suspects criminal activity to be the basis of the victim being
20 missing, the sheriff, chief of police, county coroner or county
21 medical examiner, or other law enforcement authority initiating and
22 conducting the investigation for the missing person shall: (~~(1)~~)

23 (a) File a missing person's report with the Washington state
24 patrol missing and unidentified persons unit; (~~(2) initiate~~)

25 (b) Initiate the collection of DNA samples from the known missing
26 person and their family members for nuclear and mitochondrial DNA
27 testing, along with the necessary consent forms; (~~and (3) ask~~)

28 (c) 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

31 (d) Search the jail booking and reporting system for the missing
32 person and register to be notified if the missing person is later
33 booked into jail.

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

1 chief of police, county coroner or county medical examiner, or other
2 law enforcement authority that the missing person's family or next of
3 kin could not be located in the exercise of due diligence or that the
4 missing person's family or next of kin refuse to consent to the
5 release of the missing person's dental records and there is reason to
6 believe that the missing person's family or next of kin may have been
7 involved in the missing person's disappearance.

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

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

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

23 The files of the dental identification system shall, upon
24 request, be made available to law enforcement agencies attempting to
25 locate missing persons.

26 (6) Within sixty days of receiving a missing persons report,
27 unless the person has been found, the sheriff, chief of police,
28 county coroner or county medical examiner, or other law enforcement
29 authority initiating and conducting the investigation for the missing
30 person shall submit the missing persons case to the national missing
31 and unidentified persons system created by the United States
32 department of justice's national institute of justice. If
33 circumstances indicate that the missing person may be in immediate
34 danger or is missing against his or her will, the case must be
35 submitted within thirty days of the report. Information provided to
36 the national missing and unidentified persons unit shall include,
37 whenever possible, DNA samples from the missing person and his or her
38 family members, copies of fingerprints on standardized eight inch by
39 eight inch fingerprint cards or the equivalent digital image, dental
40 examination records, and other identifying data. The investigating

1 agency is not required to submit information described in this
2 section that would be duplicative of information that has already
3 been submitted to the national missing and unidentified persons
4 system in the case.

5 (7) When a person reported missing has been found, the sheriff,
6 chief of police, coroner or medical examiner, or other law
7 enforcement authority shall report such information to the Washington
8 state patrol, and to the national missing and unidentified persons
9 system if the case has been submitted under subsection (6) of this
10 section, within forty-eight hours.

11 ~~((The dental identification system shall maintain a file of~~
12 ~~information regarding persons reported to it as missing. The file~~
13 ~~shall contain the information referred to in this section and such~~
14 ~~other information as the Washington state patrol finds relevant to~~
15 ~~assist in the location of a missing person.~~

16 ~~The files of the dental identification system shall, upon~~
17 ~~request, be made available to law enforcement agencies attempting to~~
18 ~~locate missing persons.))~~

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

21 If the county coroner or county medical examiner investigating a
22 death is unable to establish the identity of a body or human remains
23 by visual means, fingerprints, or other identifying data, he or she
24 shall have a qualified dentist, as determined by the county coroner
25 or county medical examiner, carry out a dental examination of the
26 body or human remains. If the county coroner or county medical
27 examiner with the aid of the dental examination and other identifying
28 findings is still unable to establish the identity of the body or
29 human remains, he or she shall prepare and forward such dental
30 examination records within thirty days of the date the body or human
31 remains were found to the dental identification system of the state
32 patrol identification and criminal history section on forms supplied
33 by the state patrol for such purposes.

34 The dental identification system shall act as a repository or
35 computer center or both with respect to such dental examination
36 records. It shall compare such dental examination records with dental
37 records filed with it and shall determine which scoring probabilities
38 are the highest for the purposes of identification. It shall then

1 submit such information to the county coroner or county medical
2 examiner who prepared and forwarded the dental examination records.

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

18 NEW SECTION. **Sec. 4.** This act may be known and cited as Cody's
19 law.

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