



HOUSE BILL 747: NC Missing Person Information Sharing.

2019-2020 General Assembly

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| Committee: | House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | April 26, 2019 |
| Introduced by: | Reps. McNeill, Faircloth, Floyd, C. Smith | Prepared by: | Brad Krehely |
| Analysis of: | PCS to First Edition H747-CSRN-16 | | Committee Co-Counsel |

OVERVIEW: *House Bill 747 requires law enforcement agencies to enter missing or unidentified persons' information into the national missing and unidentified persons system after thirty days have passed and the person has not been found or identified. The Proposed Committee Substitute makes technical changes only.*

CURRENT LAW: The North Carolina Center for Missing Persons (Center) is within the Department of Public Safety (DPS).¹ The Center serves as a central repository for information regarding missing persons, with an emphasis on missing children.² The Center must provide a toll-free telephone line for anyone to report the disappearance or sighting of a missing person.³ The Secretary of DPS is responsible for overseeing the organization and structure of the Center and is authorized to adopt rules.⁴

A parent, spouse, guardian, legal custodian, or person responsible for the supervision of a missing person may submit a report to the Center, after first submitting a report to the proper law enforcement agency that the person is missing.⁵ The law enforcement agency must immediately arrange for information to be entered into the national missing persons file in accordance with criteria set by the Federal Bureau of Investigation/National Crime Information Center (FBI/NCIC), inform on-duty law enforcement, initiate a statewide broadcast to appropriate law enforcement to be on the lookout, and send a copy of the report to the Center.⁶

If the report involves a child, the law enforcement agency must immediately notify the Center and the National Center for Missing and Exploited Children.⁷ No law enforcement agency must establish a policy recognizing the observance of a waiting period before accepting a report regarding a missing person.⁸ The parent, spouse, guardian, legal custodian, or person responsible for the missing person must immediately notify the law enforcement agency and the Center if the missing person has been located.⁹

BILL ANALYSIS: The PCS for House Bill 747 defines "NamUS" as "the National Missing and Unidentified Persons System created by the United States Department of Justice's National Institute of Justice."

¹ G.S. 143B-1010.

² *Id.*

³ G.S. 143B-1019.

⁴ G.S. 143B-1012 and G.S. 143B-1013.

⁵ G.S. 143B-1014.

⁶ G.S. 143B-1015.

⁷ *Id.*

⁸ *Id.*

⁹ G.S. 143B-1017.

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It provides that a law enforcement agency may enter missing or unidentified person information into NamUS at any time, but must enter the information into NamUS in either of the following circumstances:

- A missing person has been missing for more than 30 days.
- An unidentified person has not been identified for more than 30 days following the person's death.

If a law enforcement agency does enter information into NamUS, the law enforcement agency must do both of the following:

- Include all information regarding the missing or unidentified person, including medical records, DNA records, and dental records.
- Enter into NamUS the fact that a missing person has been found or an unidentified person identified if either of these circumstances occurs following the original entry of the person's information into NamUS.

The PCS also makes technical changes.

EFFECTIVE DATE: The act becomes effective October 1, 2019.

Shawn Middlebrooks, Attorney for the Legislative Analysis Division, contributed to the drafting of this summary.