

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 747
Committee Substitute Favorable 4/26/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H747-PCS10664-BQ-32

Short Title: NC Missing Person Information Sharing. (Public)

Sponsors:

Referred to:

April 16, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO ENTER MISSING CHILD,
3 MISSING PERSONS, OR UNIDENTIFIED PERSONS INFORMATION INTO THE
4 NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM AFTER THIRTY
5 DAYS HAVE PASSED AND THE PERSON HAS NOT BEEN FOUND OR IDENTIFIED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Subpart B of Part 5 of Article 13 of Chapter 143B of the General
8 Statutes reads as rewritten:

9 "Subpart B. North Carolina Center for Missing Persons.

10 ...
11 **"§ 143B-1011. Definitions.**

12 For the purpose of this Part:

- 13 (1) ~~"Missing child" means a~~ Missing child. – A juvenile as defined in G.S. 7B-101
14 whose location has not been determined, who has been reported as missing to
15 a law-enforcement agency, and whose parent's, spouse's, guardian's or legal
16 custodian's temporary or permanent residence is in North Carolina or is
17 believed to be in North Carolina.
- 18 (2) ~~"Missing person" means any~~ Missing person. – Any individual who is 18
19 years of age or older, whose temporary or permanent residence is in North
20 Carolina, or is believed to be in North Carolina, whose location has not been
21 determined, and who has been reported as missing to a law-enforcement
22 agency.
- 23 (3) ~~"Missing person report" is a~~ Missing person report. – A report prepared on a
24 prescribed form for transmitting information about a missing person or a
25 missing child to an appropriate law-enforcement agency.
- 26 (4) NamUs. – The National Missing and Unidentified Persons System created by
27 the United States Department of Justice's National Institute of Justice.

28 ...
29 **"§ 143B-1013. Secretary to adopt rules.**

30 The Secretary shall adopt rules ~~prescribing~~ prescribing all of the following:

- 31 (1) ~~procedures~~ Procedures for accepting and disseminating information
32 maintained at the ~~Center~~ Center.
- 33 (2) ~~the~~ The confidentiality of the data and information, including the missing
34 person report, maintained by the ~~Center~~ Center.



- 1 (3) ~~the~~The proper disposition of all obsolete data, including the missing person
2 report; provided, data for an individual who has reached the age of 18 and
3 remains missing must be ~~preserved;~~preserved.
- 4 (4) ~~procedures~~Procedures allowing a communication link with the Police
5 Information Network and the FBI/NCIC's missing person file to ensure
6 compliance with FBI/NCIC ~~policies;~~ and policies.
- 7 (5) ~~forms,~~ Forms, including but not limited to a missing person report, considered
8 necessary for the efficient and proper operation of the Center.

9 ...
10 **"§ 143B-1015. Dissemination of missing persons data by law-enforcement agencies.**

11 (a) A law-enforcement agency, upon receipt of a missing person report by a parent,
12 spouse, guardian, legal custodian, or person responsible for the supervision of the missing
13 individual shall immediately make arrangements for the entry of data about the missing person
14 or missing child into the national missing persons file in accordance with criteria set forth by the
15 FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person
16 report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the
17 lookout for the individual, and transmit a copy of the report to the Center. No law enforcement
18 agency shall establish or maintain any policy which requires the observance of any waiting period
19 before accepting a missing person report.

20 If the report involves a missing child and the report meets the criteria established in
21 G.S. 143B-1021(b), as soon as practicable after receipt of the report, the law enforcement agency
22 shall notify the Center and the National Center for Missing and Exploited Children of the relevant
23 data about the missing child.

24 (b) A law-enforcement agency may enter information from a missing person report or
25 about an unidentified person into NamUs at any time.

26 (c) A law-enforcement agency shall enter information from a missing person report or
27 about an unidentified person into NamUs in any of the following circumstances:

- 28 (1) A missing person has been missing for more than 30 days.
29 (2) An unidentified person has not been identified for more than 30 days
30 following the person's death.
31 (3) A missing child has been missing for more than 30 days.

32 (d) If a law-enforcement agency enters information into NamUs pursuant to subsection
33 (b) or (c) of this section, the law-enforcement agency shall do all of the following:

- 34 (1) Include all information regarding the missing child or person, or unidentified
35 person, including medical records, DNA records, and dental records.
36 (2) Enter into NamUs the fact that (i) a missing child or person has been found or
37 (ii) an unidentified person has been identified, if either of these circumstances
38 occurs following the original entry of the person's information into NamUs.

39 **"§ 143B-1016. Responsibilities of Center.**

40 The Center ~~shall~~shall do all of the following:

- 41 (1) Assist local law-enforcement agencies with entering data about missing
42 persons or missing children into the national missing persons file, ensure that
43 proper entry criteria have been met as set forth by the FBI/NCIC, and confirm
44 entry of the data about the missing persons or missing ~~children;~~children.
- 45 (2) Gather and distribute information and data on missing children and missing
46 ~~persons;~~persons.
- 47 (3) Encourage research and study of missing children and missing persons,
48 including the prevention of child abduction and the prevention of the
49 exploitation of missing ~~children;~~children.

- 1 (4) Serve as a statewide resource center to assist local communities in programs
2 and initiatives to prevent child abduction and the exploitation of missing
3 ~~children;children.~~
4 (5) Continue increasing public awareness of the reasons why children are missing
5 and vulnerability of missing ~~children;children.~~
6 (6) Achieve maximum cooperation with other agencies of the State, with agencies
7 of other states and the federal government and with the National Center for
8 Missing and Exploited Children in rendering assistance to missing children
9 and missing persons and their parents, guardians, spouses, or legal ~~eustodians;~~
10 ~~custodians.~~
11 (6a) ~~and cooperate~~ Cooperate with interstate and federal efforts to identify
12 deceased ~~individuals;individuals.~~
13 (7) Develop and maintain the AMBER Alert System as created by
14 G.S. 143B-1021.
15 (8) Forward the appropriate information to the Police Information Network to
16 assist it in maintaining and publishing a bulletin of currently missing children
17 and missing ~~persons;persons.~~
18 (9) Maintain a directory of existing public and private agencies, groups, and
19 individuals that provide effective assistance to families in the areas of
20 prevention of child abduction, location of missing children and missing
21 persons, and follow-up services to the child or person and family, as
22 determined by the Secretary of Public ~~Safety;Safety.~~
23 (10) Annually compile and publish reports on the actual number of children and
24 persons missing each year, listing the categories and causes, when known, for
25 the ~~disappearances;disappearances.~~
26 (11) Provide follow-up referrals for services to missing children or persons and
27 their ~~families;families.~~
28 (12) Maintain a toll-free 1-800 telephone service that will be in service at all ~~times;~~
29 ~~andtimes.~~
30 (13) Perform such other activities that the Secretary of Public Safety considers
31 necessary to carry out the intent of its mandate.

32"

33

SECTION 2. This act becomes effective October 1, 2019.