

CHAPTER 37  
HOUSE BILL No. 2626

AN ACT relating to missing and unidentified persons; amending K.S.A. 75-712b, 75-712c and 75-712d and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 75-712b is hereby amended to read as follows: 75-712b. (a) The Kansas bureau of investigation shall establish a missing *and unidentified* person system which shall be a central repository of information received by law enforcement agencies *and coroners* in this state relating to persons who have been reported missing or *are* unidentified ~~deceased persons~~. Such information shall be maintained for the purpose of ~~and in a form enabling comparison of reports of unidentified deceased persons with reports of missing~~ *improving the ability of law enforcement to locate and return missing persons, identify persons or human remains and inform and notify, in a timely manner, family members of missing or unidentified persons.*

(b) All law enforcement agencies *and coroners* in this state shall report to the missing *and unidentified* person system established pursuant to this section all information received relating to missing persons or unidentified ~~deceased persons or human remains~~. Such reports shall be made in accordance with rules and regulations adopted pursuant to this section.

(c) The information in the missing *and unidentified* person system established pursuant to this section shall be available to all law enforcement ~~agencies officers and coroners in this state and all governmental entities in this state which have a need for information relating to missing persons or unidentified persons or human remains~~ in this state, in accordance with rules and regulations adopted pursuant to this section. ~~Such information may also be made available to the federal bureau of investigation, U.S. department of justice, in accordance with the rules and regulations adopted pursuant to this section.~~

(d) The director of the Kansas bureau of investigation may apply for, accept and expend grants, gifts and bequests from any source for the purpose of carrying out the provisions of this section.

(e) The director of the Kansas bureau of investigation shall adopt rules and regulations prescribing:

(1) Procedures and forms for reports made to the missing *and unidentified* person system established pursuant to this section; and

(2) procedures for disseminating information maintained in the missing person system to law enforcement agencies and the federal bureau of investigation as authorized by this section.

(f) Any law enforcement agency *or coroner* that willfully fails to make any report required by this section shall be liable to the state for the payment of a civil penalty, recoverable in an action brought by the attorney general, in an amount not exceeding \$500 for each report not made. Any civil penalty recovered under this subsection shall be paid into the state general fund.

Sec. 2. K.S.A. 75-712c is hereby amended to read as follows: 75-712c. (a) All law enforcement agencies in any political subdivision of this state shall receive reports of any ~~child who is unaccounted for or whose location has not been determined and who is reported missing by a parent, guardian or foster parent, next of kin or other family member or other authoritative source who is concerned for such child's health, safety or well-being.~~ *person who is reported missing. Except when the law enforcement agency knows the location of the person reported missing,* the reports shall be entered immediately into the missing person ~~systems~~ *system* of the national crime information center and *the missing and unidentified person system* of the Kansas bureau of investigation. ~~An immediate investigation shall be commenced~~ *The law enforcement agency immediately shall commence an investigation* based upon the elements of the initial reports. Within a reasonable period of time, *and in no case longer than 30 calendar days,* follow-up forms from the national crime information center ~~and~~ *or* the Kansas bureau of investigation, *or both,* shall be given to the reporting party ~~for completion and return, to be completed and returned to the law enforcement agency. This data shall be entered~~ *The data reported on the follow-up forms shall be entered*

*immediately* into the missing person ~~systems~~ *system* of the national crime information center and *the missing and unidentified person system* of the Kansas bureau of investigation ~~at the earliest possible time.~~

(b) The reporting party shall be advised to immediately notify the law enforcement agency in the event the missing ~~child~~ *person* returns or is located. *Except as provided further*, the law enforcement agency shall immediately notify the reporting party if the missing ~~child~~ *person* is located or contacted. *The law enforcement agency investigating the report shall not give information to the reporting party if the law enforcement agency has reason to believe the missing person is an adult or an emancipated minor and is staying at or has made contact with a domestic violence or sexual assault program and does not expressly consent to the release of this information.* Upon location of or contact by the missing person, the law enforcement agency shall clear the case in the national crime information center and Kansas bureau of investigation databases.

~~(c) As used in this section, "child" means a person under 18 years of age.~~

New Sec. 3. (a) Any person or entity which has legal guardianship of a person or legal custody of a person, or both, pursuant to the Kansas code for care of children, the Kansas juvenile justice code, the care and treatment act for mentally ill persons or the act for obtaining a guardian or a conservator, or both, shall notify a law enforcement agency immediately, and in no case later than two hours, if such person is unaccounted for or if such person's location is unknown.

(b) A person or entity required to notify a law enforcement agency pursuant to this section shall notify the law enforcement agency not later than 24 hours after the missing person returns or is located.

New Sec. 4. (a) Any law enforcement agency of a political subdivision of this state shall receive reports of any unidentified persons or human remains. The law enforcement agency shall enter the report immediately, and in no case later than 24 hours after receipt of the report, into the missing person system of the national crime information system and the missing and unidentified person system of the Kansas bureau of investigation.

(b) Notwithstanding any other action deemed appropriate for the handling of unidentified human remains, the coroner, in conjunction with the law enforcement agencies involved, shall make reasonable attempts to promptly identify such remains. Such attempts may include, but are not limited to, obtaining: Photographs of the human remains, prior to an autopsy; dental or skeletal x-rays; photographs of items found with the human remains; fingerprints from the remains, if possible; samples of tissue suitable for DNA typing, if possible; samples of whole bone or hair, or both, suitable for DNA typing; and any other information that may support identification efforts.

(c) The coroner shall submit any photos, dental x-rays, skeletal x-rays, fingerprints and other evidence relevant to identification to the reporting law enforcement agency within one week of obtaining them, if identification efforts have otherwise failed.

(d) If unidentified human remains have not been identified by other means within 30 days, the law enforcement agency shall make reasonable efforts to obtain prompt DNA analysis of biological samples by submitting the DNA biological samples to the Kansas bureau of investigation laboratory for analysis.

(e) No coroner or other person shall dispose of, or engage in actions that will materially affect, unidentified human remains before the coroner obtains samples suitable for DNA identification and archiving, photographs of the unidentified person or human remains and all other appropriate steps for identification have been exhausted.

(f) Cremation of unidentified human remains is prohibited.

Sec. 5. K.S.A. 75-712d is hereby amended to read as follows: 75-712d. (a) The Kansas bureau of investigation shall establish a missing ~~children~~ *and unidentified person* information clearinghouse. Such clearinghouse shall be a central repository of information relating to missing ~~children~~ *and unidentified persons* and shall include all information currently entered in the missing *and unidentified person system* of the Kansas bureau of investigation pursuant to K.S.A. 75-712c and amendments thereto.

(b) The missing ~~children~~ *and unidentified persons* information clearinghouse shall:

(1) Collect, process, maintain and disseminate statistics and other information relating to missing ~~children~~ *and unidentified persons* in this state;

(2) develop and maintain a system of communication, cooperation and coordination among organizations and agencies within this state which deal with missing ~~children~~ *persons or unidentified persons or human remains*;

(3) cooperate and coordinate with organizations and agencies in other states and agencies of the federal government in efforts to locate missing ~~children~~ *persons and identify unidentified persons or human remains*;

(4) establish such educational services and information as appropriate to aid organizations, agencies and persons dealing with missing ~~children~~ *persons*;

(5) maintain a listing of agencies, individuals and materials pertaining to missing ~~children~~ *persons* activities and programs;

(6) ~~coordinate training efforts to aid in the reduction of the incidence of missing children~~ *assist in the training of law enforcement and other professionals on issues relating to missing persons and unidentified persons or human remains*; and

(7) perform any other services appropriate to aid in the location of missing ~~children~~ *persons and identification of unidentified persons or human remains*.

(c) The director of the Kansas bureau of investigation may apply for, accept and expend grants, gifts and bequests from any source for the purpose of carrying out the provisions of this section.

(d) The director of the Kansas bureau of investigation shall adopt such rules and regulations as necessary to implement the provisions of this section.

~~(e) As used in this section, "child" means a person under 18 years of age.~~

Sec. 6. K.S.A. 75-712b, 75-712c and 75-712d are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 23, 2006.

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