

As Amended by Senate Committee

Session of 2013

SENATE BILL No. 118

By Senator Smith

2-4

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to reporting and investigation of missing persons; amending K.S.A.
3 2012 Supp. 75-712b and 75-712c and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2012 Supp. 75-712b is hereby amended to read as
7 follows: 75-712b. (a) The Kansas bureau of investigation shall establish a
8 missing and unidentified person system which shall be a central repository
9 of information received by law enforcement agencies and coroners in this
10 state relating to persons who have been reported missing or are
11 unidentified. Such information shall be maintained for the purpose of
12 improving the ability of law enforcement to locate and return missing
13 persons, identify persons or human remains and inform and notify, in a
14 timely manner, family members of missing or unidentified persons.

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

20 (c) The information in the missing and unidentified person system
21 established pursuant to this section shall be available to all law
22 enforcement officers and coroners in this state and all governmental
23 entities in this state which have a need for information relating to missing
24 persons or unidentified persons or human remains in this state, in
25 accordance with rules and regulations adopted pursuant to this section.

26 (d) *Upon receiving information that any person is a high-risk missing
27 person, as described in K.S.A. 75-712c, and amendments thereto, the
28 director of the missing and unidentified person system shall immediately
29 provide information concerning such missing person to every law
30 enforcement agency within the state.*

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

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

36 (1) Procedures and forms for reports made to the missing and

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

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

11 Sec. 2. K.S.A. 2012 Supp. 75-712c is hereby amended to read as
12 follows: 75-712c. (a) (1) All law enforcement agencies ~~in of the state of~~
13 ~~Kansas, or any political subdivision of this state thereof,~~ shall ~~receive~~
~~reports of any person who is reported missing accept and process, without~~
14 ~~delay, any report of a missing person by any person at any time pursuant~~
15 ~~to K.S.A. 75-712b through 75-712e, and amendments thereto, and K.S.A.~~
16 ~~2012 Supp. 75-712f through 75-712h, and amendments thereto.~~

17 (2) No law enforcement agency shall refuse or otherwise fail to
18 accept a missing person report for any reason: except when the law
19 enforcement agency:

20 (A) Knows the location of the person reported missing;
21 (B) ~~has confirmed the safe status of the person reported missing; or~~
22 (C) ~~has confirmed that another law enforcement agency has~~
23 ~~already completed a report on the missing person incident.~~

24 (3) The reports shall be entered ~~immediatelyas soon as practical~~ into
25 the missing person system of the national crime information center and the
26 missing and unidentified person system of the Kansas bureau of
27 investigation.

28 (4) The law enforcement agency immediately shall commence an
29 investigation based upon the elements of the initial reports.

30 (b) (1) ~~At the time such report is made the law enforcement agency~~
31 ~~shall attempt to gather a photograph of the missing person and any~~
32 ~~relevant information concerning the missing person, including, but not~~
33 ~~limited to, such person's:~~

34 (A) ~~Name and any nicknames or alternate names;~~
35 (B) ~~date of birth;~~
36 (C) ~~identifying marks such as birthmarks, tattoos and scars;~~
37 (D) ~~height and weight;~~
38 (E) ~~gender;~~
39 (F) ~~race and ethnicity;~~
40 (G) ~~hair color;~~
41 (H) ~~eye color;~~
42 (I) ~~prosthetics, surgical implants or cosmetic implants;~~

- 1 (J) physical anomalies;
2 (K) blood type;
3 (L) driver's license number and social security number;
4 (M) clothing and any items or accessories worn or possessed by such
5 person at the time of disappearance;
6 (N) electronic communications information such as email addresses
7 and mobile phone numbers;
8 (O) primary care physician's or dentist's contact information;
9 (P) employer or school's contact information;
10 (Q) vehicle information, including make, model, color, license and
11 vehicle identification number; and
12 (R) any information concerning credit or debit card usage or cellular
13 phone records.
- 14 (2) ~~The law enforcement agency shall attempt to gather information
15 concerning any known or possible abductor and any other person last
16 seen with such missing person, including, but not limited to:~~
- 17 (A) Physical description;
18 (B) date of birth;
19 (C) identifying marks such as birthmarks, tattoos and scars;
20 (D) possible means of transportation including make, model, color,
21 license and vehicle identification number;
22 (E) known associates; and
23 (F) any other information that could lead to the location of the
24 missing person.
- 25 (3) ~~If such person remains missing, the law enforcement agency shall
26 continue to accept and gather information concerning the missing person
27 at all times.~~
- 28 (e) The law enforcement agency shall inquire about any
29 circumstances which:
- 30 (1) ~~Lead the reporting person to believe such person is missing;~~
31 (2) ~~may indicate that the missing person's disappearance was not
32 voluntary; and~~
33 (3) ~~may indicate that the missing person may be at risk of injury or
34 death.~~
- 35 (f) (b) The law enforcement agency shall provide the person making
36 such report with contact information and information concerning the
37 national center for missing and exploited children and the national center
38 for missing adults.
- 39 (f) (c) Within a reasonable period of time, and in no case longer than
40 30 calendar days, follow-up forms from the national crime information
41 center or the Kansas bureau of investigation, or both, shall be given to the
42 reporting party, to be completed and returned to the law enforcement
43 agency. The data reported on the follow-up forms shall be entered

1 immediately into the missing person system of the national crime
2 information center and the missing and unidentified person system of the
3 Kansas bureau of investigation.

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

16 *(g)(e) (1) Upon receipt of a missing person report, the law
17 enforcement agency shall immediately determine whether such person
18 may be a high-risk missing person.*

19 *(2) Upon obtaining any new information concerning the missing
20 person at any time, the law enforcement agency shall evaluate whether
21 such person may be a high-risk missing person.*

22 *(3) A high-risk missing person means any person who is at
23 heightened risk of bodily harm or death, including, but not limited to,
24 persons missing:*

- 25 (A) As a result of an abduction;
- 26 (B) under suspicious or known dangerous circumstances;
- 27 (C) more than 30 days;
- 28 (D) who have been designated as high-risk missing persons by
29 another law enforcement agency; or

30 *(E) under any facts or circumstances that would lead the law
31 enforcement agency to believe such person may be at risk of bodily harm
32 or death.*

33 *(4) Upon a determination that a missing person is a high-risk missing
34 person, the law enforcement agency shall immediately and specifically
35 make such determination known to the missing and unidentified person
36 system of the Kansas bureau of investigation and the missing person
37 system of the national crime information center.*

38 Sec. 3. K.S.A. 2012 Supp. 75-712b and 75-712c are hereby repealed.
39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.