

By: Representative Campbell

To: Judiciary B

HOUSE BILL NO. 1289

1 AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO ESTABLISH
2 WRITTEN POLICIES AND PROCEDURES TO BE USED TO INVESTIGATE REPORTS
3 OF MISSING CHILDREN; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) Law enforcement agencies in this state shall
6 adopt written policies that specify the procedures to be used to
7 investigate reports of missing children. The policies must ensure
8 that cases involving missing children are investigated promptly
9 using appropriate resources and are in compliance with the
10 requirements of this section and 42 USCS 5779 and 5780. The
11 policies must include:

12 (a) Procedures for accepting and filing missing child
13 reports;

14 (b) Procedures for initiating, maintaining, closing or
15 referring a missing child investigation;

16 (c) Procedures for the prompt and open transfer of
17 information where multiple jurisdictions and agencies are involved
18 in the investigation; and



19 (d) Standards for maintaining and clearing data
20 concerning a missing child that is stored in the National Crime
21 Information Center. The standards must require, at a minimum, a
22 monthly review of each case and a determination of whether the
23 case should be maintained in the database.

24 (2) A law enforcement agency shall not adopt rules,
25 regulations or policies that prohibit or discourage the filing of
26 a report or the taking of any action on a report that a child is a
27 missing child or that a child is believed to be a missing child.
28 For purposes of this section and in compliance with federal law, a
29 runaway child is a missing child and shall not be excluded as such
30 based solely on the fact the child has voluntarily absented
31 himself from his normal place of residence.

32 (3) A law enforcement agency shall not establish a mandatory
33 waiting period before accepting a missing child report and
34 beginning an investigation to locate a missing child.

35 (4) An entry concerning a missing child may not be removed
36 from the National Crime Information Center database based solely
37 on the age of the missing child.

38 (5) Upon receiving a report that a child is missing, the law
39 enforcement agency having jurisdiction shall immediately:

40 (a) File a report or cause a report to be filed in the
41 county or municipality where the child resides or in which the
42 child was last seen or both. Nothing in this subsection (4) shall



43 preclude a law enforcement agency from accepting a missing child
44 report when jurisdiction cannot be determined;

45 (b) Institute or assist with appropriate search and
46 investigative procedures;

47 (c) Inform all on-duty law enforcement officers within
48 the agency of the missing child report; and

49 (d) Transmit the report for inclusion within the
50 National Crime Information Center database within the time frame
51 required by federal law. Law enforcement agencies having the duty
52 to enter the missing child report into the National Crime
53 Information Center database shall provide any information required
54 by the National Crime Information Center to effectuate the purpose
55 of this section.

56 (6) Upon receiving a missing child report, as provided in
57 subsection (5) of this section, the law enforcement agency that
58 entered the report into the National Crime Information Center
59 shall:

60 (a) No later than thirty (30) days after the original
61 entry of the record into the National Crime Information Center
62 computer networks, verify and update such record with any
63 additional information, including, where available, medical and
64 dental records and a photograph taken during the previous one
65 hundred eighty (180) days;



66 (b) Notify the National Center for Missing and
67 Exploited Children of each report received relating to a missing
68 foster child.

69 (7) Upon receiving a missing child report, the law
70 enforcement agency shall consider whether the circumstances under
71 which the child went missing satisfy the criteria necessary for
72 the issuance of an Amber Alert and, where applicable, shall
73 immediately submit to the Mississippi Bureau of Investigation all
74 required paperwork and documents necessary to request the issuance
75 of an Amber Alert.

76 (8) Any person or institution reporting, in good faith, a
77 child to be missing shall be immune from any liability, civil or
78 criminal, that might otherwise be incurred or imposed.

79 **SECTION 2.** This act shall take effect and be in force from
80 and after July 1, 2016.

