

By: Senator(s) Bryan, Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2287

1 AN ACT TO CREATE NEW SECTION 45-1-49, MISSISSIPPI CODE OF  
2 1972, TO REQUIRE ALL MISSISSIPPI LAW ENFORCEMENT AGENCIES TO ADOPT  
3 POLICIES FOR MISSING-CHILD REPORTS THAT CONFORM TO FEDERAL LAW;  
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following shall be codified as Section  
7 45-1-49, Mississippi Code of 1972:

8 45-1-49. **Missing-child reports; duties of law enforcement.**

9 (1) Each state, county and local law enforcement agency in this  
10 state must adopt written policies that specify the procedures to  
11 be used to investigate reports of missing children. A policy must  
12 ensure that cases involving missing children are investigated  
13 promptly using appropriate resources and be in compliance with the  
14 requirements of this section and the requirements of 42 USCA  
15 Section 5779 and 5780. The policies must include:

16 (a) Procedures for accepting and filing missing-child  
17 reports;

18 (b) Procedures for initiating, maintaining, closing or  
19 referring a missing-child investigation;



20 (c) Procedures for the prompt and open transfer of  
21 information where multiple jurisdictions and agencies are involved  
22 in the investigation; and

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

28 (2) A law enforcement agency shall not adopt rules,  
29 regulations or policies that prohibit or discourage the filing of  
30 a report or the taking of any action on a report that a child is a  
31 missing child or that a child is believed to be a missing child.  
32 For purposes of this section and in compliance with federal law, a  
33 runaway child is a missing child and shall not be excluded as such  
34 based solely on the fact the child is voluntarily away from the  
35 child's normal place of residence.

36 (3) A law enforcement agency shall not establish a mandatory  
37 waiting period before accepting a missing-child report and  
38 beginning an investigation to locate a missing child.

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

42 (5) Upon receiving a report that a child is missing, the law  
43 enforcement agency having jurisdiction must immediately:



44           (a) File a report or cause a report to be filed in the  
45 county or municipality where the child resides or in which the  
46 child was last seen or both. Nothing in this subsection precludes  
47 a law enforcement agency from accepting a missing-child report  
48 when jurisdiction cannot be determined;

49           (b) Institute or assist with appropriate search and  
50 investigative procedures;

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

53           (d) Transmit the report for inclusion in the National  
54 Crime Information Center database within the time frame required  
55 by federal law. Law enforcement agencies having the duty to enter  
56 the missing-child report into the National Crime Information  
57 Center database must provide any information required by the  
58 National Crime Information Center to effectuate the purpose of  
59 this section.

60           (6) Upon receipt of a missing-child report, the law  
61 enforcement agency that entered the report into the National Crime  
62 Information Center shall:

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



69                   (b) Notify the National Center for Missing and  
70 Exploited Children of each report received relating to a missing  
71 foster child.

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

79                   (8) A person or institution is immune from any liability,  
80 civil or criminal, that might otherwise be incurred or imposed for  
81 reporting, in good faith, that a child is missing.

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

