

Assembly Bill No. 33

Passed the Assembly August 27, 2010

Chief Clerk of the Assembly

Passed the Senate August 24, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 14202 of, and to add Section 13519.07 to, the Penal Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 33, Nava. Child abduction: sex offender identification.

Existing law requires that the Attorney General establish and maintain within the Violent Crime Information Center an investigative support unit to assist in the identification and the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults.

This bill would require the investigative support unit to make available, within 2 hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based on the method of operation, if available, of the sex offenders or the specified geographical location from which the child was taken.

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Under existing law, the commission is required to develop and implement training for peace officers relative to certain areas of criminal law or procedure.

This bill would require the department to make accessible to law enforcement agencies, via a department bulletin and the California Law Enforcement Web, the commission's "Guidelines For Handling Missing Persons Investigations" or any subsequent similar guidelines created by the commission, relating to the investigation of missing persons.

The bill would also require law enforcement agencies, by January 1, 2012, to adopt a checklist document directing peace officers on investigation guidelines and resources available to them in the early hours of a missing person investigation; to adopt a policy, regulations, or guidelines on missing persons investigations that are consistent with state and federal law; and to utilize the department's missing person reporting form for the initial contact with the parent or family member reporting a missing person. Because the bill would impose new duties on local agencies with

respect to missing person investigations, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to encourage law enforcement agencies to obtain and utilize the list, created pursuant to Section 14202 of the Penal Code, of registered sex offenders from the Violent Crime Information Center in the event of a reported stranger abduction of a child.

SEC. 2. Section 13519.07 is added to the Penal Code, to read:

13519.07. (a) The Department of Justice shall make accessible to law enforcement agencies, via a department bulletin and the California Law Enforcement Web, the commission's "Guidelines For Handling Missing Persons Investigations" or any subsequent similar guidelines created by the commission, relating to the investigation of missing persons.

(b) By January 1, 2012, law enforcement agencies shall adopt a checklist document directing peace officers on investigation guidelines and resources available to them in the early hours of a missing person investigation. The commission's "Guidelines For Handling Missing Persons Investigations" should be used as a model policy or example in developing the checklist document.

(c) By January 1, 2012, law enforcement agencies shall adopt a policy, regulations, or guidelines on missing persons investigations that are consistent with state and federal law. The commission's "Guidelines For Handling Missing Persons Investigations" should be used as a model policy or example in developing the policy, regulations, or guidelines.

(d) By January 1, 2012, law enforcement agencies shall utilize, at a minimum, the department's missing person reporting form for

the initial contact with the parent or family member reporting a missing person.

(e) As necessary and appropriate, the commission shall modify its missing persons investigations guidelines and curriculum with contemporary information. Specifically, the commission should consider including and revising their guidelines to include both of the following:

(1) Steps for law enforcement agencies in the first few hours after the reporting of a missing person.

(2) Information on the availability of the department task forces, the SAFE Task Force Regional Teams, and other entities that can assist in the search for a missing person.

SEC. 3. Section 14202 of the Penal Code is amended to read:

14202. (a) The Attorney General shall establish and maintain within the center an investigative support unit and an automated violent crime method of operation system to facilitate the identification and apprehension of persons responsible for murder, kidnap, including parental abduction, false imprisonment, or sexual assault. This unit shall be responsible for identifying perpetrators of violent felonies collected from the center and analyzing and comparing data on missing persons in order to determine possible leads which could assist local law enforcement agencies. This unit shall only release information about active investigations by police and sheriffs' departments to local law enforcement agencies.

(b) The Attorney General shall make available to the investigative support unit files organized by category of offender or victim and shall seek information from other files as needed by the unit. This set of files may include, among others, the following:

(1) Missing or unidentified, deceased persons' dental files filed pursuant to this title, Section 27521 of the Government Code, or Section 102870 of the Health and Safety Code.

(2) Child abuse reports filed pursuant to Section 11169.

(3) Sex offender registration files maintained pursuant to Section 290.

(4) State summary criminal history information maintained pursuant to Section 11105.

(5) Information obtained pursuant to the parent locator service maintained pursuant to Section 11478.1 of the Welfare and Institutions Code.

(6) Information furnished to the Department of Justice pursuant to Section 11107.

(7) Other Attorney General's office files as requested by the investigative support unit.

(c) The investigative support unit shall make available, within two hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based upon the modus operandi, if available, or the specified geographical location from which the child was abducted.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2010

Governor