

AMENDED IN SENATE JUNE 10, 2010  
AMENDED IN SENATE MAY 18, 2010  
AMENDED IN SENATE SEPTEMBER 3, 2009  
AMENDED IN SENATE JULY 23, 2009  
AMENDED IN ASSEMBLY JUNE 1, 2009  
AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 34**

---

---

**Introduced by Assembly Members Nava and Cook**

December 1, 2008

---

---

An act to ~~add Sections 14201.3 and 14205.5 to amend Section 14205 of, and to add Section 14201.3 to,~~ the Penal Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, as amended, Nava. Reports of missing persons: Violent Crime Information Center.

Existing law requires the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults. Existing law also requires the Attorney General to provide information on reports of missing persons to law enforcement agencies, as provided.

This bill would require the Violent Crime Information Center to release *specific* information ~~contained in law enforcement reports~~

concerning missing persons to nonprofit organizations that are registered with the Attorney General's office, and that may, *determined by the Department of Justice, contained in law enforcement reports regarding missing or unidentified persons to the National Missing and Unidentified Persons System* to assist in the search for the missing person or persons.

Existing law imposes certain requirements on law enforcement agencies with respect to the reporting of missing persons. Under existing law, if the person reported missing is under 16 years of age, or there is evidence that the person is at risk, as defined, the local police, sheriff's department, or the California Highway Patrol is required to submit the report to the Attorney General's office within 4 hours after accepting the report. *Existing law authorizes the governing body of a local agency to adopt a resolution to make these provisions inoperative as to the local police or sheriff's department under its jurisdiction, as specified.*

~~This bill would, notwithstanding any other provision of law, upon the filing of a report that a person is missing, require the law enforcement agency receiving the report to, within 2 hours after the receipt of the report, transmit the report to the Attorney General for inclusion in the Violent Crime Information Center and the National Crime Information Center databases. By imposing new duties on local law enforcement agencies, this bill would impose a state-mandated local program: subject to the authority of the local governing body to adopt a resolution to make the provisions inoperative as to its police or sheriff's department, provide that if the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, the law enforcement agency receiving the report shall, within two hours after the receipt of the report, transmit the report to the Department of Justice for inclusion in the Violent Crime Information Center and the National Crime Information Center databases.~~

~~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.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

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

1 SECTION 1. Section 14201.3 is added to the Penal Code, to  
2 read:

3 14201.3. The center shall release ~~information contained in law~~  
4 ~~enforcement reports concerning missing persons to nonprofit~~  
5 ~~organizations that are registered with the Attorney General's office,~~  
6 ~~and that may assist in the search for the missing person or persons.~~  
7 *specific information, determined by the Department of Justice,*  
8 *contained in law enforcement reports regarding missing or*  
9 *unidentified persons to the National Missing and Unidentified*  
10 *Persons System to assist in the search for the missing person or*  
11 *persons.*

12 ~~SEC. 2. Section 14205.5 is added to the Penal Code, to read:~~

13 ~~14205.5. Notwithstanding any other provision of law, upon~~  
14 ~~the filing of a report that a person is missing, the law enforcement~~  
15 ~~agency receiving the report shall, within two hours after the receipt~~  
16 ~~of the report, transmit the report to the Attorney General for~~  
17 ~~inclusion in the Violent Crime Information Center and the National~~  
18 ~~Crime Information Center databases.~~

19 *SEC. 2. Section 14205 of the Penal Code is amended to read:*

20 14205. (a) All local police and sheriffs' departments shall  
21 accept any report, including any telephonic report, of a missing  
22 person, including runaways, without delay and shall give priority  
23 to the handling of these reports over the handling of reports relating  
24 to crimes involving property. In cases where the person making a  
25 report of a missing person or runaway, contacts, including by  
26 telephone, the California Highway Patrol, the California Highway  
27 Patrol may take the report, and shall immediately advise the person  
28 making the report of the name and telephone number of the police  
29 or sheriff's department having jurisdiction of the residence address  
30 of the missing person and of the name and telephone number of  
31 the police or sheriff's department having jurisdiction of the place  
32 where the person was last seen. In cases of reports involving  
33 missing persons, including, but not limited to, runaways, the local  
34 police or sheriff's department shall immediately take the report  
35 and make an assessment of reasonable steps to be taken to locate  
36 the person. If the missing person is under 16 years of age, or there  
37 is evidence that the person is at risk, the department shall broadcast

1 a “Be On the Look-Out” bulletin, without delay, within its  
2 jurisdiction.

3 (b) If the person reported missing is under ~~16~~ 21 years of age,  
4 or if there is evidence that the person is at risk, the ~~local police,~~  
5 ~~sheriff’s department, or the California Highway Patrol shall submit~~  
6 ~~the report to the Attorney General’s office within four hours after~~  
7 ~~accepting the report. After the California Law Enforcement~~  
8 ~~Telecommunications System online missing person registry~~  
9 ~~becomes operational, the reports shall be submitted, within four~~  
10 ~~hours after accepting the report, to the Attorney General’s office~~  
11 ~~through the use of the California Telecommunications System law~~  
12 ~~enforcement agency receiving the report shall, within two hours~~  
13 ~~after the receipt of the report, transmit the report to the Department~~  
14 ~~of Justice for inclusion in the Violent Crime Information Center~~  
15 ~~and the National Crime Information Center databases.~~

16 (c) In cases where the report is taken by a department, other  
17 than that of the city or county of residence of the missing person  
18 or runaway, the department, or division of the California Highway  
19 Patrol taking the report shall, without delay, and, in the case of  
20 children under 16 years of age or where there was evidence that  
21 the missing person was at risk, within no more than 24 hours,  
22 notify, and forward a copy of the report to the police or sheriff’s  
23 department or departments having jurisdiction of the residence  
24 address of the missing person or runaway and of the place where  
25 the person was last seen. The report shall also be submitted by the  
26 department or division of the California Highway Patrol which  
27 took the report to the center.

28 (d) The requirements imposed by this section on local police  
29 and sheriff’s departments shall not be operative if the governing  
30 body of that local agency, by a majority vote of the members of  
31 that body, adopts a resolution expressly making those requirements  
32 inoperative.

33 ~~SEC. 3. If the Commission on State Mandates determines that~~  
34 ~~this act contains costs mandated by the state, reimbursement to~~  
35 ~~local agencies and school districts for those costs shall be made~~  
36 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
37 ~~4 of Title 2 of the Government Code.~~

O