

AMENDED IN SENATE AUGUST 19, 2010
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 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, determined by the Department of Justice,~~ *make accessible to the National Missing and Unidentified Persons System specific information authorized for dissemination and as determined appropriate by the center that is 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, 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 2 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 bill would provide that its provisions shall become operative on January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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 specific information,~~
- 4 ~~determined by the Department of Justice, contained in law~~
- 5 ~~enforcement reports regarding missing or unidentified persons to~~
- 6 ~~the National Missing and Unidentified Persons System to assist~~
- 7 ~~in the search for the missing person or persons.~~ *make accessible*
- 8 *to the National Missing and Unidentified Persons System specific*

1 *information authorized for dissemination and as determined*
2 *appropriate by the center that is contained in law enforcement*
3 *reports regarding missing or unidentified persons. The information*
4 *shall be accessible in a manner and format approved by the center*
5 *and shall be used to assist in the search for the missing person or*
6 *persons. The center shall not permit the transmission or sharing*
7 *of information, or portions of information, to the National Missing*
8 *and Unidentified Persons System unless the reporting agency, as*
9 *specified in Section 14205, or the reporting party, with respect to*
10 *the information submitted to the center, submits authorization to*
11 *the center to transmit or share that information.*

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

13 14205. (a) All local police and sheriffs' departments shall
14 accept any report, including any telephonic report, of a missing
15 person, including runaways, without delay and shall give priority
16 to the handling of these reports over the handling of reports relating
17 to crimes involving property. In cases where the person making a
18 report of a missing person or runaway, contacts, including by
19 telephone, the California Highway Patrol, the California Highway
20 Patrol may take the report, and shall immediately advise the person
21 making the report of the name and telephone number of the police
22 or sheriff's department having jurisdiction of the residence address
23 of the missing person and of the name and telephone number of
24 the police or sheriff's department having jurisdiction of the place
25 where the person was last seen. In cases of reports involving
26 missing persons, including, but not limited to, runaways, the local
27 police or sheriff's department shall immediately take the report
28 and make an assessment of reasonable steps to be taken to locate
29 the person. If the missing person is under 16 years of age, or there
30 is evidence that the person is at risk, the department shall broadcast
31 a "Be On the Look-Out" bulletin, without delay, within its
32 jurisdiction.

33 (b) If the person reported missing is under 21 years of age, or
34 if there is evidence that the person is at risk, the law enforcement
35 agency receiving the report shall, within two hours after the receipt
36 of the report, transmit the report to the Department of Justice for
37 inclusion in the Violent Crime Information Center and the National
38 Crime Information Center databases.

39 (c) In cases where the report is taken by a department, other
40 than that of the city or county of residence of the missing person

1 or runaway, the department, or division of the California Highway
2 Patrol taking the report shall, without delay, and, in the case of
3 children under 16 years of age or where there was evidence that
4 the missing person was at risk, within no more than 24 hours,
5 notify, and forward a copy of the report to the police or sheriff's
6 department or departments having jurisdiction of the residence
7 address of the missing person or runaway and of the place where
8 the person was last seen. The report shall also be submitted by the
9 department or division of the California Highway Patrol which
10 took the report to the center.

11 (d) The requirements imposed by this section on local police
12 and ~~sheriff's~~ *sheriffs'* departments shall not be operative if the
13 governing body of that local agency, by a majority vote of the
14 members of that body, adopts a resolution expressly making those
15 requirements inoperative.

16 *SEC. 3. This act shall become operative on January 1, 2012.*