

Assembly Bill No. 34

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 14205 of, and to add Section 14201.3 to, the Penal Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, 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 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.

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

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

14201.3. The center shall 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. The information shall be accessible in a manner and format approved by the center and shall be used to assist in the search for the missing person or persons. The center shall not permit the transmission or sharing of information, or portions of information, to the National Missing and Unidentified Persons System unless the reporting agency, as specified in Section 14205, or the reporting party, with respect to the information submitted to the center, submits authorization to the center to transmit or share that information.

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

14205. (a) All local police and sheriffs' departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. In cases where the person making a report of a missing person or runaway, contacts, including by telephone, the California Highway Patrol, the California Highway Patrol may take the report, and shall immediately advise the person making the report of the name and telephone number of the police or sheriff's department having jurisdiction of the residence address of the missing person and of the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen. In cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff's department shall immediately take the report

and make an assessment of reasonable steps to be taken to locate the person. If the missing person is under 16 years of age, or there is evidence that the person is at risk, the department shall broadcast a “Be On the Look-Out” bulletin, without delay, within its jurisdiction.

(b) 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.

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

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

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

Approved _____, 2010

Governor