

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1066

Introduced by Senator Galgiani

February 18, 2014

An act to amend Sections 38139 and 49068.5 of the Education Code, to amend Section 17506 of the Family Code, to amend Sections 6276.30, 13974.1, 27521, and 27521.1 of the Government Code, to amend Sections 168, 273j, and 14200 of, to amend and renumber Sections 14201, 14201.1, 14201.3, 14201.5, 14201.6, 14201.8, 14202, 14202.1, 14202.2, 14203, 14205, 14206, 14207, 14208, 14210, and 14213 of, and to repeal Sections 14204 and 14209 of, the Penal Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1066, as amended, Galgiani. Missing or unidentified persons.

Existing law requires a postmortem examination or autopsy that is conducted at the discretion of the coroner to include certain procedures, including, among others, taking available fingerprints and palm prints and a dental examination including dental charts and dental X-rays, as specified. Existing law requires the coroner to prepare a final report of investigation containing information collected pursuant to the postmortem examination or autopsy. Existing law, subject to exception, prohibits cremation or burying of an unidentified deceased person until the jaws and other tissue samples are retained by the coroner.

This bill would extend the application of these provisions to a medical examiner or other agency responsible for a postmortem examination or autopsy.

Existing law requires a coroner to submit dental charts and dental X-rays of an unidentified deceased person to the Department of Justice,

if the coroner is unable to establish the identity of the body or human remains, within 45 days of the date the body or human remains were discovered and to submit the final report of investigation to the department within 180 days of the date the body or human remains were discovered. Existing law requires a law enforcement agency to report the death of an unidentified person to the department no later than 10 days after the date the body or human remains were discovered.

This bill would reorganize and also apply these provisions to a police department, sheriff's office, medical examiner, or other law enforcement agency investigating the death of an unidentified person. The bill would require the report to be made using the department's Unidentified Deceased Person Reporting Form. The bill would require the department to serve as a statewide repository for final reports of investigation and to maintain dental records in the Violent Crime Information Center database and the National Crime Information Center database. The bill would require a final report of investigation from a postmortem examination or autopsy to additionally include any homicide report, anthropology report, fingerprints, photographs, and autopsy report.

By increasing the responsibilities of local government agencies, this bill would impose a state-mandated local program.

Existing law requires the Attorney General to establish and maintain the Violent Crime Information Center 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. Existing law requires the Attorney General to establish within the center and to maintain an online, automated computer system designed to effect an immediate law enforcement response to reports of missing persons, and requires the center to make information authorized for dissemination that is contained in law enforcement reports regarding missing or unidentified persons accessible to the National Missing and Unidentified Persons System.

~~This bill would express the intent of the Legislature to enact legislation relating to missing persons.~~

This bill would reorganize and recast these and other provisions relating to missing persons, and would make conforming and technical changes.

Existing law requires the Department of Justice to establish and maintain a publicly accessible computer Internet directory of

information relating to, among other things, missing children who are “at risk,” as defined, and unsolved homicides.

This bill would expand those provisions to include persons who are at risk, as defined, and unidentified persons, as defined.

Existing law requires a police department or sheriff’s department to broadcast, without delay, a “Be On the Look-Out” bulletin within its jurisdiction if the person reported missing is under 16 years of age. Existing law also requires that in cases where the missing person is under 16 years of age, and the report is taken by a the Department of the California Highway Patrol, or a department other than that of the city or county of residence of the missing person or runaway, the department taking the report shall, within 24 hours, notify, and forward a copy of the report to the police or sheriff’s departments having jurisdiction of the residence address of the missing person and of the place where the person was last seen. Existing law also requires that the report be submitted to the Violent Crime Information Center, if the report was taken by the Department of the California Highway Patrol. Existing law requires, if the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, that 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. Existing law provides that these requirements on local police and sheriffs’ departments shall not be operative if the governing body of the local agency adopts a resolution expressly making those requirements inoperative.

This bill would extend the above-described requirements that are applicable to missing persons under 16 years of age to missing persons under 21 years of age. The bill would require the report transmitted to the Department of Justice to be done electronically using the California Law Enforcement Communications System. The bill would also require that information not immediately available for electronic transmission to the department be obtained by the investigating agency and provided as a supplement to the original entry as soon as possible, but in no event later than 60 days after the original electronic entry. The bill would specify the supplemental information to be provided.

Existing law requires that a report of a missing person to a police department, sheriff’s department, district attorney’s office, Department of the California Highway Patrol, or other law enforcement agency be given in person or by mail, on a form approved by the Attorney General.

Existing law requires the form to contain a release to secure dental or skeletal X-rays, or both, of the missing person.

This bill would delete the requirement that the report be made in person or by mail and would require the form to include release of the treatment notes related to the X-rays. The bill would require the center’s database to serve as a statewide database for those X-rays, and would require the Attorney General to forward the information to the National Crime Information Center.

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: ~~no~~yes.
 State-mandated local program: ~~no~~yes.

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

- 1 SECTION 1. Section 38139 of the Education Code is amended
- 2 to read:
- 3 38139. (a) Public primary schools shall post at an appropriate
- 4 area restricted to adults information regarding missing children
- 5 provided by the Department of Justice pursuant to Section ~~14208~~
- 6 14210 of the Penal Code.
- 7 (b) Public secondary schools shall post at an appropriate area
- 8 information regarding missing children provided by the Department
- 9 of Justice pursuant to Section ~~14208~~ 14210 of the Penal Code.
- 10 SEC. 2. Section 49068.5 of the Education Code is amended to
- 11 read:
- 12 49068.5. Upon the initial enrollment of a pupil in a public or
- 13 private elementary ~~school;~~ school, or whenever an elementary
- 14 school pupil ~~(a)~~ transfers from one school district to another, ~~(b)~~
- 15 transfers to an elementary school within the same district, ~~(c)~~
- 16 transfers from one private elementary school to another, ~~(d)~~
- 17 transfers from a private elementary school to a public elementary
- 18 school, or ~~(e)~~ transfers from a public elementary school to a private
- 19 elementary school, the principal of the school that the child enters

1 or to which he or she transfers is urged to check to see if the child
2 resembles a child listed as missing by the bulletins provided by
3 the Department of Justice pursuant to Section ~~14201~~ 14204 of the
4 Penal Code.

5 *SEC. 3. Section 17506 of the Family Code is amended to read:*

6 17506. (a) There is in the department a California Parent
7 Locator Service and Central Registry that shall collect and
8 disseminate all of the following, with respect to any parent, putative
9 parent, spouse, or former spouse:

10 (1) The full and true name of the parent together with any known
11 aliases.

12 (2) Date and place of birth.

13 (3) Physical description.

14 (4) Social security number.

15 (5) Employment history and earnings.

16 (6) Military status and Veterans Administration or military
17 service serial number.

18 (7) Last known address, telephone number, and date thereof.

19 (8) Driver's license number, driving record, and vehicle
20 registration information.

21 (9) Criminal, licensing, and applicant records and information.

22 (10) (A) Any additional location, asset, and income information,
23 including income tax return information obtained pursuant to
24 Section ~~19285.1~~ 19548 of the Revenue and Taxation Code, and to
25 the extent permitted by federal law, the address, telephone number,
26 and social security number obtained from a public utility, cable
27 television corporation, a provider of electronic digital pager
28 communication, or a provider of mobile telephony services that
29 may be of assistance in locating the parent, putative parent,
30 abducting, concealing, or detaining parent, spouse, or former
31 spouse, in establishing a parent and child relationship, in enforcing
32 the child support liability of the absent parent, or enforcing the
33 spousal support liability of the spouse or former spouse to the
34 extent required by the state plan pursuant to Section 17604.

35 (B) For purposes of this subdivision, "income tax return
36 information" means all of the following regarding the taxpayer:

37 (i) Assets.

38 (ii) Credits.

39 (iii) Deductions.

40 (iv) Exemptions.

- 1 (v) Identity.
- 2 (vi) Liabilities.
- 3 (vii) Nature, source, and amount of income.
- 4 (viii) Net worth.
- 5 (ix) Payments.
- 6 (x) Receipts.
- 7 (xi) Address.
- 8 (xii) Social security number.
- 9 (b) Pursuant to a letter of agreement entered into between the
- 10 Department of Child Support Services and the Department of
- 11 Justice, the Department of Child Support Services shall assume
- 12 responsibility for the California Parent Locator Service and Central
- 13 Registry. The letter of agreement shall, at a minimum, set forth all
- 14 of the following:
 - 15 (1) Contingent upon funding in the Budget Act, the Department
 - 16 of Child Support Services shall assume responsibility for leadership
 - 17 and staff of the California Parent Locator Service and Central
 - 18 Registry commencing July 1, 2003.
 - 19 (2) All employees and other personnel who staff or provide
 - 20 support for the California Parent Locator Service and Central
 - 21 Registry shall, at the time of the transition, at their option, become
 - 22 the employees of the Department of Child Support Services at
 - 23 their existing or equivalent classification, salaries, and benefits.
 - 24 (3) Until the department's automation system for the California
 - 25 Parent Locator Service and Central Registry functions is fully
 - 26 operational, the department shall use the automation system
 - 27 operated by the Department of Justice.
 - 28 (4) Any other provisions necessary to ensure continuity of
 - 29 function and meet or exceed existing levels of service.
- 30 (c) To effectuate the purposes of this section, the California
- 31 Child Support Automation System, the California Parent Locator
- 32 Service and Central Registry, and the Franchise Tax Board shall
- 33 utilize the federal Parent Locator Service to the extent necessary,
- 34 and may request and shall receive from all departments, boards,
- 35 bureaus, or other agencies of the state, or any of its political
- 36 subdivisions, and those entities shall provide, that assistance and
- 37 data that will enable the Department of Child Support Services
- 38 and other public agencies to carry out their powers and duties to
- 39 locate parents, spouses, and former spouses, and to identify their
- 40 assets, to establish parent-child relationships, and to enforce

1 liability for child or spousal support, and for any other obligations
2 incurred on behalf of children, and shall also provide that
3 information to any local child support agency in fulfilling the duties
4 prescribed in Section 270 of the Penal Code, and in Chapter 8
5 (commencing with Section 3130) of Part 2 of Division 8 of this
6 code, relating to abducted, concealed, or detained children and to
7 any county child welfare agency or county probation department
8 in fulfilling the duties prescribed in Article 5.5 (commencing with
9 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare
10 and Institutions Code, and prescribed in Article 6 (commencing
11 with Section 300) of Chapter 2 of Part 1 of Division 2 of the
12 Welfare and Institutions Code to identify, locate, and notify parents
13 of children who are the subject of juvenile court proceedings, to
14 establish parent and child relationships pursuant to Section 316.2
15 of the Welfare and Institutions Code, and to assess the
16 appropriateness of placement of a child with a noncustodial parent
17 pursuant to Section 361.2 of the Welfare and Institutions Code.
18 County child welfare agencies and probation departments shall be
19 entitled to that information regardless of whether an all-county
20 letter or similar instruction is issued pursuant to subparagraph (C)
21 of paragraph (8) of subdivision (c) of Section 11478.1 of the
22 Welfare and Institutions Code. The California Child Support
23 Automation System shall be entitled to the same cooperation and
24 information as the California Parent Locator Service and Central
25 Registry to the extent allowed by law. The California Child Support
26 Automation System shall be allowed access to criminal record
27 information only to the extent that access is allowed by state and
28 federal law.

29 (d) (1) To effectuate the purposes of this section, and
30 notwithstanding any other ~~provision of California~~ law, regulation,
31 or tariff, and to the extent permitted by federal law, the California
32 Parent Locator Service and Central Registry and the California
33 Child Support Automation System may request and shall receive
34 from public utilities, as defined in Section 216 of the Public
35 Utilities Code, customer service information, including the full
36 name, address, telephone number, date of birth, employer name
37 and address, and social security number of customers of the public
38 utility, to the extent that this information is stored within the
39 computer database of the public utility.

1 (2) To effectuate the purposes of this section, and
2 notwithstanding any other ~~provision of California~~ law, regulation,
3 or tariff, and to the extent permitted by federal law, the California
4 Parent Locator Service and Central Registry and the California
5 Child Support Automation System may request and shall receive
6 from cable television corporations, as defined in Section 216.4 of
7 the Public Utilities Code, the providers of electronic digital pager
8 communication, as defined in Section 629.51 of the Penal Code,
9 and the providers of mobile telephony services, as defined in
10 Section 224.4 of the Public Utilities Code, customer service
11 information, including the full name, address, telephone number,
12 date of birth, employer name and address, and social security
13 number of customers of the cable television corporation, customers
14 of the providers of electronic digital pager communication, and
15 customers of the providers of mobile telephony services.

16 (3) In order to protect the privacy of utility, cable television,
17 electronic digital pager communication, and mobile telephony
18 service customers, a request to a public utility, cable television
19 corporation, provider of electronic digital pager communication,
20 or provider of mobile telephony services for customer service
21 information pursuant to this section shall meet the following
22 requirements:

23 (A) Be submitted to the public utility, cable television
24 corporation, provider of electronic digital pager communication,
25 or provider of mobile telephony services in writing, on a transmittal
26 document prepared by the California Parent Locator Service and
27 Central Registry or the California Child Support Automation
28 System and approved by all of the public utilities, cable television
29 corporations, providers of electronic digital pager communication,
30 and providers of mobile telephony services. The transmittal shall
31 be deemed to be an administrative subpoena for customer service
32 information.

33 (B) Have the signature of a representative authorized by the
34 California Parent Locator Service and Central Registry or the
35 California Child Support Automation System.

36 (C) Contain at least three of the following data elements
37 regarding the person sought:

38 (i) First and last name, and middle initial, if known.

39 (ii) Social security number.

40 (iii) Driver's license number.

- 1 (iv) Birth date.
- 2 (v) Last known address.
- 3 (vi) Spouse's name.

4 (D) The California Parent Locator Service and Central Registry
5 and the California Child Support Automation System shall ensure
6 that each public utility, cable television corporation, provider of
7 electronic digital pager communication services, and provider of
8 mobile telephony services has at all times a current list of the names
9 of persons authorized to request customer service information.

10 (E) The California Child Support Automation System and the
11 California Parent Locator Service and Central Registry shall ensure
12 that customer service information supplied by a public utility, cable
13 television corporation, provider of electronic digital pager
14 communication, or provider of mobile telephony services is
15 applicable to the person who is being sought before releasing the
16 information pursuant to subdivision (d).

17 (4) During the development of the California Child Support
18 Automation System, the department shall determine the necessity
19 of additional locate sources, including those specified in this
20 section, based upon the cost-effectiveness of those sources.

21 (5) The public utility, cable television corporation, electronic
22 digital pager communication provider, or mobile telephony service
23 provider may charge a fee to the California Parent Locator Service
24 and Central Registry or the California Child Support Automation
25 System for each search performed pursuant to this subdivision to
26 cover the actual costs to the public utility, cable television
27 corporation, electronic digital pager communication provider, or
28 mobile telephony service provider for providing this information.

29 (6) No public utility, cable television corporation, electronic
30 digital pager communication provider, or mobile telephony service
31 provider or official or employee thereof, shall be subject to criminal
32 or civil liability for the release of customer service information as
33 authorized by this subdivision.

34 (e) Notwithstanding ~~Section 14202~~ *14203* of the Penal Code,
35 any records established pursuant to this section shall be
36 disseminated only to the Department of Child Support Services,
37 the California Child Support Automation System, the California
38 Parent Locator Service and Central Registry, the parent locator
39 services and central registries of other states as defined by federal
40 statutes and regulations, a local child support agency of any county

1 in this state, and the federal Parent Locator Service. The California
2 Child Support Automation System shall be allowed access to
3 criminal offender record information only to the extent that access
4 is allowed by law.

5 (f) (1) At no time shall any information received by the
6 California Parent Locator Service and Central Registry or by the
7 California Child Support Automation System be disclosed to any
8 person, agency, or other entity, other than those persons, agencies,
9 and entities specified pursuant to Section 17505, this section, or
10 any other provision of law.

11 (2) This subdivision shall not otherwise affect discovery between
12 parties in any action to establish, modify, or enforce child, family,
13 or spousal support, that relates to custody or visitation.

14 (g) (1) The Department of Justice, in consultation with the
15 Department of Child Support Services, shall promulgate rules and
16 regulations to facilitate maximum and efficient use of the California
17 Parent Locator Service and Central Registry. Upon implementation
18 of the California Child Support Automation System, the
19 Department of Child Support Services shall assume all
20 responsibility for promulgating rules and regulations for use of
21 the California Parent Locator Service and Central Registry.

22 (2) The Department of Child Support Services, the Public
23 Utilities Commission, the cable television corporations, providers
24 of electronic digital pager communication, and the providers of
25 mobile telephony services shall develop procedures for obtaining
26 the information described in subdivision (c) from public utilities,
27 cable television corporations, providers of electronic digital pager
28 communication, and providers of mobile telephony services and
29 for compensating the public utilities, cable television corporations,
30 providers of electronic digital pager communication, and providers
31 of mobile telephony services for providing that information.

32 (h) The California Parent Locator Service and Central Registry
33 may charge a fee not to exceed eighteen dollars (\$18) for any
34 service it provides pursuant to this section that is not performed
35 or funded pursuant to Section 651 and following of Title 42 of the
36 United States Code.

37 (i) This section shall be construed in a manner consistent with
38 the other provisions of this article.

39 *SEC. 4. Section 6276.30 of the Government Code is amended*
40 *to read:*

- 1 6276.30. Managed care health plans, confidentiality of
2 proprietary information, Section ~~14091.3~~, *14091.3 of the Welfare*
3 *and Institutions Code*.
- 4 Managed Risk Medical Insurance Board, negotiations with
5 entities contracting or seeking to contract with the board,
6 subdivisions (v) and (y) of Section 6254.
- 7 Mandated blood testing and confidentiality to protect public
8 health, prohibition against compelling identification of test subjects,
9 Section ~~120975~~, *120975 of the Health and Safety Code*.
- 10 Mandated blood testing and confidentiality to protect public
11 health, unauthorized disclosures of identification of test subjects,
12 Sections 1603.1, 1603.3, and ~~121022~~, *121022 of the Health and*
13 *Safety Code*.
- 14 Mandated blood testing and confidentiality to protect public
15 health, disclosure to patient's spouse, sexual partner, needle sharer,
16 or county health officer, Section ~~121015~~, *121015 of the Health*
17 *and Safety Code*.
- 18 Manufactured home, mobilehome, floating home, confidentiality
19 of home address of registered owner, Section ~~18081~~, *18081 of the*
20 *Health and Safety Code*.
- 21 Marital confidential communications, Sections 980, 981, 982,
22 983, 984, 985, 986, and ~~987~~, *987 of the Evidence Code*.
- 23 Market reports, confidential, subdivision ~~(e)~~, *(e) of Section 6254*.
- 24 Marketing of commodities, confidentiality of financial
25 information, Section ~~58781~~, *58781 of the Food and Agricultural*
26 *Code*.
- 27 Marketing orders, confidentiality of processors' or distributors'
28 information, Section ~~59202~~, *59202 of the Food and Agricultural*
29 *Code*.
- 30 Marriage, confidential, certificate, Section 511, Family Code.
- 31 Medi-Cal Benefits Program, confidentiality of information,
32 Section ~~14100.2~~, *14100.2 of the Welfare and Institutions Code*.
- 33 Medi-Cal Benefits Program, Request of Department for Records
34 of Information, Section ~~14124.89~~, *14124.89 of the Welfare and*
35 *Institutions Code*.
- 36 Medi-Cal Fraud Bureau, confidentiality of complaints, Section
37 12528.
- 38 Medi-Cal managed care program, exemption from disclosure
39 for financial and utilization data submitted by Medi-Cal managed

1 care health plans to establish rates, Section ~~14301.1~~, *14301.1 of*
2 *the Welfare and Institutions Code.*

3 Medi-Cal program, exemption from disclosure for best price
4 contracts between the State Department of Health Care Services
5 and drug manufacturers, Section ~~14105.33~~, *14105.33 of the Welfare*
6 *and Institutions Code.*

7 Medical information, disclosure by provider unless prohibited
8 by patient in writing, Section ~~56.16~~, *56.16 of the Civil Code.*

9 Medical information, types of information not subject to patient
10 prohibition of disclosure, Section ~~56.30~~, *56.30 of the Civil Code.*

11 Medical and other hospital committees and peer review bodies,
12 confidentiality of records, Section ~~1157~~, *1157 of the Evidence*
13 *Code.*

14 Medical or dental licensee, action for revocation or suspension
15 due to illness, report, confidentiality of, Section ~~828~~, *828 of the*
16 *Business and Professions Code.*

17 Medical or dental licensee, disciplinary action, denial or
18 termination of staff privileges, report, confidentiality of, Sections
19 805, 805.1, and ~~805.5~~, *805.5 of the Business and Professions Code.*

20 Meetings of state agencies, disclosure of agenda, Section
21 11125.1.

22 Mentally abnormal sex offender committed to state hospital,
23 confidentiality of records, Section ~~4135~~, *4135 of the Welfare and*
24 *Institutions Code.*

25 Mentally disordered and developmentally disabled offenders,
26 access to criminal histories of, Section ~~1620~~, *1620 of the Penal*
27 *Code.*

28 Mentally disordered persons, court-ordered evaluation,
29 confidentiality of reports, Section ~~5202~~, *5202 of the Welfare and*
30 *Institutions Code.*

31 Mentally disordered or mentally ill person, confidentiality of
32 written consent to detainment, Section ~~5326.4~~, *5326.4 of the*
33 *Welfare and Institutions Code.*

34 Mentally disordered or mentally ill person, voluntarily or
35 involuntarily detained and receiving services, confidentiality of
36 records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
37 5328.8, and ~~5328.9~~, *5328.9 of the Welfare and Institutions Code.*

38 Mentally disordered or mentally ill person, weapons restrictions,
39 confidentiality of information about, Section ~~8103~~, *8103 of the*
40 *Welfare and Institutions Code.*

- 1 Milk marketing, confidentiality of records, Section ~~61443~~, *61443*
- 2 *of the Food and Agricultural Code.*
- 3 Milk product certification, confidentiality of, Section ~~62121~~,
- 4 *62121 of the Food and Agricultural Code.*
- 5 Milk, market milk, confidential records and reports, Section
- 6 ~~62243~~, *62243 of the Food and Agricultural Code.*
- 7 Milk product registration, confidentiality of information, Section
- 8 ~~38946~~, *38946 of the Food and Agricultural Code.*
- 9 Milk equalization pool plan, confidentiality of producers' voting,
- 10 Section ~~62716~~, *62716 of the Food and Agricultural Code.*
- 11 Mining report, confidentiality of report containing information
- 12 relating to mineral production, reserves, or rate of depletion of
- 13 mining operation, Section ~~2207~~, *2207 of the Public Resources*
- 14 *Code.*
- 15 Minor, criminal proceeding testimony closed to public, Section
- 16 ~~859.1~~, *859.1 of the Penal Code.*
- 17 Minors, material depicting sexual conduct, records of suppliers
- 18 to be kept and made available to law enforcement, Section ~~1309.5~~,
- 19 *1309.5 of the Labor Code.*
- 20 Misdemeanor and felony reports by police chiefs and sheriffs
- 21 to Department of Justice, confidentiality of, Sections 11107 and
- 22 ~~11107.5~~, *11107.5 of the Penal Code.*
- 23 Monetary instrument transaction records, confidentiality of,
- 24 Section ~~14167~~, *14167 of the Penal Code.*
- 25 Missing persons' information, disclosure of, Sections ~~14201 and~~
- 26 ~~14203~~, *14204 and 14205 of the Penal Code.*
- 27 Morbidity and mortality studies, confidentiality of records,
- 28 Section ~~100330~~, *100330 of the Health and Safety Code.*
- 29 Motor vehicle accident reports, disclosure, Sections 16005,
- 30 20012, and ~~20014~~, *20014 of the Vehicle Code.*
- 31 Motor vehicles, department of, public records, exceptions,
- 32 Sections 1808 to 1808.7, ~~inclusive~~, *inclusive of the Vehicle Code.*
- 33 Motor vehicle insurance fraud reporting, confidentiality of
- 34 information acquired, Section ~~1874.3~~, *1874.3 of the Insurance*
- 35 *Code.*
- 36 Motor vehicle liability insurer, data reported to Department of
- 37 Insurance, confidentiality of, Section ~~11628~~, *11628 of the Insurance*
- 38 *Code.*
- 39 Multijurisdictional drug law enforcement agency, closed sessions
- 40 to discuss criminal investigation, Section 54957.8.

1 *SEC. 5. Section 13974.1 of the Government Code is amended*
2 *to read:*

3 13974.1. (a) The board shall ~~utilize the~~ *use the applicable*
4 *provisions of this article, insofar as they may be made applicable,*
5 *to establish a claim and reward procedure to reward persons*
6 *providing information leading to the location of any child listed*
7 *in the missing children registry compiled pursuant to former*
8 *Section 11114 of the Penal Code or maintained pursuant to the*
9 *system maintained pursuant to Sections ~~14201 and 14202~~ 14203*
10 *and 14204 of the Penal Code.*

11 (b) Awards shall be made upon recommendation of the
12 Department of Justice in an amount of not to exceed five hundred
13 dollars (\$500) to any one individual. However, as a condition to
14 an award, in any particular case, an amount equal to or greater in
15 nonstate funds shall have been first offered as a reward for
16 information leading to the location of that missing child.

17 (c) The Missing Children Reward Fund is hereby created in the
18 State Treasury and is continuously appropriated to the California
19 Victim Compensation and Government Claims Board to make
20 awards pursuant to this section.

21 *SEC. 6. Section 27521 of the Government Code is amended to*
22 *read:*

23 27521. (a) ~~Any~~ *A postmortem examination or autopsy*
24 *conducted at the discretion of a coroner, medical examiner, or*
25 *other agency responsible for a postmortem examination or autopsy,*
26 *upon an unidentified body or human remains shall be is subject to*
27 *this section.*

28 (b) A postmortem examination or autopsy shall include, but
29 shall not be limited to, the following procedures:

30 (1) Taking of all available fingerprints and palms prints.

31 (2) A dental examination consisting of dental charts and dental
32 X-rays of the deceased person's teeth, which may be conducted
33 on the body or human remains by a qualified dentist as determined
34 by the coroner.

35 (3) The collection of tissue, including a hair sample, or body
36 fluid samples for future DNA testing, if necessary.

37 (4) Frontal and lateral facial photographs with the scale
38 indicated.

1 (5) Notation and photographs, with a scale, of significant scars,
2 marks, tattoos, clothing items, or other personal effects found with
3 or near the body.

4 (6) Notations of observations pertinent to the estimation of the
5 time of death.

6 (7) Precise documentation of the location of the remains.

7 (c) The postmortem examination or autopsy of the unidentified
8 body or remains may include full body X-rays.

9 (d) The coroner, *medical examiner, or other agency responsible*
10 *for a postmortem examination or autopsy* shall prepare a final
11 report of investigation in a format established by the Department
12 of Justice. The final report shall list or describe the information
13 collected pursuant to the postmortem examination or autopsy
14 conducted under subdivision (b).

15 (e) The body of an unidentified deceased person may not be
16 cremated or buried until the jaws (maxilla and mandible with teeth)
17 and other tissue samples are retained for future possible use. Unless
18 the coroner, *medical examiner, or other agency responsible for a*
19 *postmortem examination or autopsy* has determined that the body
20 of the unidentified deceased person has suffered significant
21 deterioration or decomposition, the jaws shall not be removed until
22 immediately before the body is cremated or buried. The coroner,
23 *medical examiner, or other agency responsible for a postmortem*
24 *examination or autopsy* shall retain the jaws and other tissue
25 samples for one year after a positive identification is made, and
26 no civil or criminal challenges are pending, or indefinitely.

27 ~~(f) If the coroner with the aid of the dental examination and any~~
28 ~~other identifying findings is unable to establish the identity of the~~
29 ~~body or human remains, the coroner shall submit dental charts and~~
30 ~~dental X-rays of the unidentified deceased person to the Department~~
31 ~~of Justice on forms supplied by the Department of Justice within~~
32 ~~45 days of the date the body or human remains were discovered.~~

33 ~~(g) If the coroner with the aid of the dental examination and~~
34 ~~other identifying findings is unable to establish the identity of the~~
35 ~~body or human remains, the coroner shall submit the final report~~
36 ~~of investigation to the Department of Justice within 180 days of~~
37 ~~the date the body or human remains were discovered.~~

38 *SEC. 7. Section 27521.1 of the Government Code is amended*
39 *to read:*

1 27521.1. ~~The~~ (a) A police department, sheriff's office, coroner,
2 medical examiner, or other law enforcement agency investigating
3 the death of an unidentified person shall report the death to the
4 Department of Justice, ~~in a format acceptable to the Department~~
5 ~~of Justice~~, using the department's Unidentified Deceased Person
6 Reporting Form no later than 10 calendar days after the date the
7 body or human remains were discovered.

8 (b) Pursuant to Section 102870 of the Health and Safety Code,
9 the department shall serve as a statewide repository for final
10 reports of investigations and shall maintain dental records in the
11 databases of both the Violent Crime Information Center and the
12 National Crime Information Center.

13 (c) If a police department, sheriff's office, coroner, medical
14 examiner, or other law enforcement agency investigating the death
15 of an unidentified person, with the aid of the dental examination
16 and any other identifying findings, is unable to establish the identity
17 of the body or human remains, the investigating agency shall
18 submit dental charts and dental X-rays of the unidentified deceased
19 person to the Department of Justice on forms supplied by the
20 Department of Justice within 45 days of the date the body or human
21 remains were discovered.

22 (d) If a police department, sheriff's office, coroner, medical
23 examiner, or other law enforcement agency investigating the death
24 of an unidentified person, with the aid of the dental examination
25 and any other identifying findings, is unable to establish the identity
26 of the body or human remains, the investigating agency shall
27 submit the final report of investigation to the Department of Justice
28 within 180 days of the date the body or human remains were
29 discovered. The final report of investigation shall list or describe
30 the information collected pursuant to the postmortem examination
31 or autopsy conducted under subdivision (b) of Section 27521, and
32 any homicide report, anthropology report, fingerprints,
33 photographs, and autopsy report.

34 SEC. 8. Section 168 of the Penal Code is amended to read:

35 168. (a) Every district attorney, clerk, judge, or peace officer
36 who, except by issuing or in executing a search warrant or warrant
37 of arrest for a felony, willfully discloses the fact of the warrant
38 prior to execution for the purpose of preventing the search or
39 seizure of property or the arrest of any person shall be punished

1 by imprisonment in a county jail for not exceeding one year or
2 pursuant to subdivision (h) of Section 1170.

3 (b) This section shall not prohibit the following:

4 (1) A disclosure made by a district attorney or the Attorney
5 General for the sole purpose of securing voluntary compliance
6 with the warrant.

7 (2) Upon the return of an indictment and the issuance of an
8 arrest warrant, a disclosure of the existence of the indictment and
9 arrest warrant by a district attorney or the Attorney General to
10 assist in the apprehension of a defendant.

11 (3) The disclosure of an arrest warrant pursuant to paragraph
12 (1) of subdivision (a) of Section ~~14201.6~~ 14207.

13 *SEC. 9. Section 273j of the Penal Code is amended to read:*

14 273j. (a) (1) Any parent or guardian having the care, custody,
15 or control of a child under 14 years of age who knows or should
16 have known that the child has died shall notify a public safety
17 agency, as defined in Section 53102 of the Government Code,
18 within 24 hours of the time that the parent or guardian knew or
19 should have known that the child has died.

20 (2) This subdivision shall not apply when a child is otherwise
21 under the immediate care of a physician at the time of death, or if
22 a public safety agency, a coroner, or a medical examiner is
23 otherwise aware of the death.

24 (b) (1) Any parent or guardian having the care, custody, or
25 control of a child under 14 years of age shall notify law
26 enforcement within 24 hours of the time that the parent or guardian
27 knows or should have known that the child is a missing person
28 and there is evidence that the child is a person at risk, as those
29 terms are defined in Section ~~14213~~ 14215.

30 (2) This subdivision shall not apply if law enforcement is
31 otherwise aware that the child is a missing person.

32 (c) A violation of this section is a misdemeanor punishable by
33 imprisonment in a county jail for not more than one year, or by a
34 fine not exceeding one thousand dollars (\$1,000), or by both that
35 fine and imprisonment.

36 (d) Nothing in this section shall preclude prosecution under any
37 other provision of law.

38 *SEC. 10. Section 14200 of the Penal Code is amended to read:*

39 14200. (a) The Attorney General shall establish and maintain
40 the Violent Crime Information Center to assist in the identification

1 and the apprehension of persons responsible for specific violent
 2 crimes and for the disappearance and exploitation of persons,
 3 particularly children and ~~dependent at-risk~~ adults. ~~The~~

4 (b) ~~The center shall establish and maintain programs which~~
 5 ~~include, but are not limited to, all of the following: developing~~
 6 ~~violent offender profiles; assisting local law enforcement agencies~~
 7 ~~and county district attorneys by providing investigative information~~
 8 ~~on persons responsible for specific violent crimes and missing~~
 9 ~~person cases; providing physical description information and~~
 10 ~~photographs, if available, of missing persons to county district~~
 11 ~~attorneys, nonprofit missing persons organizations, and schools;~~
 12 ~~and providing statistics on missing dependent adults and on missing~~
 13 ~~children, including, as may be applicable, family abductions,~~
 14 ~~nonfamily abductions, voluntary missing, and lost children or lost~~
 15 ~~dependent adults.~~

16 (1) *Developing violent offender profiles.*

17 (2) *Assisting local law enforcement agencies and county district*
 18 *attorneys by providing investigative information on persons*
 19 *responsible for specific violent crimes and missing person cases,*

20 (3) *Providing physical description information and photographs,*
 21 *if available, of missing persons to county district attorneys,*
 22 *nonprofit missing persons organizations, and schools.*

23 (4) *Providing statistics on missing at risk adults and on missing*
 24 *children, including, as may be applicable, family abductions,*
 25 *nonfamily abductions, voluntary missing, and lost children or lost*
 26 *at-risk adults*

27 (c) *The Attorney General shall provide training on the services*
 28 *provided by the center to line personnel, supervisors, and*
 29 *investigators in the following fields: law enforcement, district*
 30 *attorneys' offices, the Department of Corrections and*
 31 *Rehabilitation, probation departments, court mediation services,*
 32 *and the judiciary.*

33 *SEC. 11. Section 14201 of the Penal Code is amended and*
 34 *renumbered to read:*

35 ~~14201.~~

36 *14204. (a) The Attorney General shall establish within the*
 37 *center and shall maintain an online, automated computer system*
 38 *designed to effect an immediate law enforcement response to*
 39 *reports of missing persons. The Attorney General shall design the*
 40 *computer system, using any existing system, including the*

1 California Law Enforcement Telecommunications System, to
2 include an active file of information concerning persons reported
3 to it as missing and who have not been reported as found. The
4 computer system shall also include a confidential historic-~~data~~
5 ~~base~~ *database*. The Attorney General shall develop a system of
6 cataloging missing person reports according to a variety of
7 characteristics in order to facilitate locating particular categories
8 of reports as needed.

9 (b) The Attorney General's active files described in subdivision
10 (a) shall be made available to law enforcement agencies. The
11 Attorney General shall provide to these agencies the name and
12 personal description data of the missing person including, but not
13 limited to, the person's date of birth, color of eyes and hair, sex,
14 height, weight, and race, the time and date he or she was reported
15 missing, the reporting agency, and any other data pertinent to the
16 purpose of locating missing persons. However, the Attorney
17 General shall not release the information if the reporting agency
18 requests the Attorney General in writing not to release the
19 information because it would impair a criminal investigation.

20 (c) The Attorney General shall distribute a missing children and
21 ~~dependent at-risk~~ adults bulletin on a quarterly basis to local law
22 enforcement agencies, district attorneys, and public schools. The
23 Attorney General shall also make this information accessible to
24 other parties involved in efforts to locate missing children and
25 ~~dependent at-risk~~ adults and to those other persons as the Attorney
26 General deems appropriate.

27 ~~This section shall become operative on July 1, 1989.~~

28 *SEC. 12. Section 14201.1 of the Penal Code is amended and*
29 *renumbered to read:*

30 ~~14201.1.~~

31 *14201.* The Attorney General shall establish and maintain,
32 upon appropriation of funds by the Legislature, the Violent Crime
33 Information Network within the center to enable the Department
34 of Justice crime analysts with expertise in child abuse, missing
35 persons, child abductions, and sexual assaults to electronically
36 share their data, analysis, and findings on violent crime cases with
37 each other, and to electronically provide law enforcement agencies
38 with information to assist in the identification, tracking, and
39 apprehension of violent offenders. The Violent Crime Information

1 Network shall ~~serve to~~ integrate existing state, federal, and civilian
2 data bases into a single comprehensive network.

3 *SEC. 13. Section 14201.3 of the Penal Code is amended and*
4 *renumbered to read:*

5 ~~14201.3.~~

6 *14209.* The center shall make accessible to the National Missing
7 and Unidentified Persons System specific information authorized
8 for dissemination and as determined appropriate by the center that
9 is contained in law enforcement reports regarding missing or
10 unidentified persons. The information shall be accessible in a
11 manner and format approved by the center and shall be used to
12 assist in the search for the missing person or persons. The center
13 shall not permit the transmission or sharing of information, or
14 portions of information, to the National Missing and Unidentified
15 Persons System unless the reporting agency, as specified in Section
16 ~~14205~~ *14211*, or the reporting party, with respect to the information
17 submitted to the center, submits authorization to the center to
18 transmit or share that information.

19 *SEC. 14. Section 14201.5 of the Penal Code is amended and*
20 *renumbered to read:*

21 ~~14201.5.~~

22 *14206.* (a) The Attorney General shall establish within the
23 Department of Justice the Missing and Exploited Children's
24 Recovery Network by July 31, 1995.

25 (b) This network shall consist of an automated computerized
26 system that shall have the capability to electronically transmit to
27 all state and local law enforcement agencies, and all cooperating
28 news media services, either by facsimile or computer modem, a
29 missing child poster that includes the name, personal description
30 data, and picture of the missing child. The information contained
31 in this poster shall include, but not be limited to, the child's date
32 of birth, color of eyes and hair, sex, height, weight, race, the time
33 and date he or she was reported missing, the reporting agency,
34 including contact person at reporting agency if known, and any
35 other data pertinent to the purpose of locating missing persons.

36 (c) The Department of Justice shall work in cooperation with
37 the National Center for Missing and Exploited Children to develop
38 and implement a network that can electronically interface with the
39 National Missing and Exploited Children's Network.

1 (d) The Attorney General shall implement this network within
2 existing Department of Justice resources.

3 *SEC. 15. Section 14201.6 of the Penal Code is amended and*
4 *renumbered to read:*

5 ~~14201.6.~~

6 *14207.* (a) The Department of Justice shall establish and
7 maintain a publicly accessible computer internet directory of
8 information relating to the following:

9 (1) Persons for whom an arrest warrant has been issued pursuant
10 to an alleged violation of any offense defined as a violent felony
11 in subdivision (c) of Section 667.5.

12 ~~(2) Critical At-risk missing children persons.~~

13 (3) Unsolved homicides *and unidentified persons.*

14 (b) The Attorney General may determine the extent of
15 information and the priority of cases to be included in the directory.

16 (c) The department shall keep confidential, and not enter into
17 the directory, either of the following:

18 (1) Information regarding any case for which the Attorney
19 General has determined that disclosure pursuant to this section
20 would endanger the safety of a person involved in an investigation
21 or the successful completion of the investigation or a related
22 investigation.

23 (2) Information regarding an arrest warrant for which the issuing
24 magistrate has determined that disclosure pursuant to this section
25 would endanger the safety of a person involved in an investigation
26 or the successful completion of the investigation or a related
27 investigation.

28 ~~(d) For purposes of this section, "critical missing child" includes,~~
29 ~~but is not limited to, any case of a missing child for which there~~
30 ~~is evidence or indications that the child is at risk, as specified in~~
31 ~~subdivision (b) of Section 14213.~~

32 *SEC. 16. Section 14201.8 of the Penal Code is amended and*
33 *renumbered to read:*

34 ~~14201.8.~~

35 *14208.* (a) There shall be within the Department of Justice a
36 director responsible for coordinating California's response to
37 missing persons. This position is hereby established for all of the
38 following purposes:

39 (1) To assist law enforcement agencies, at their request, with
40 the timely search and recovery of ~~at-risk abducted~~ *missing* children.

1 (2) To maintain up-to-date knowledge and expertise of those
2 protocols, best practices, and technologies that are most effective
3 for recovering missing children in a timely manner.

4 (3) To maintain relationships with federal, state, and local law
5 enforcement agencies and other entities responsible for the
6 investigation of missing persons in the state.

7 (4) To maintain records and make the Commission on Peace
8 Officer Standards and Training Guidelines for Handling Missing
9 Persons Investigations document available to law enforcement
10 agencies upon request.

11 (b) The director shall utilize existing resources and expertise
12 within the Attorney General's office to the maximum extent
13 possible to accomplish the purposes specified in subdivision (a).

14 *SEC. 17. Section 14202 of the Penal Code is amended and*
15 *renumbered to read:*

16 ~~14202.~~

17 *14203.* (a) The Attorney General shall establish and maintain
18 within the center an investigative support unit and an automated
19 violent crime method of operation system to facilitate the
20 identification and apprehension of persons responsible for murder,
21 kidnap, including parental abduction, false imprisonment, or sexual
22 assault. This unit shall be responsible for identifying perpetrators
23 of violent felonies collected from the center and analyzing and
24 comparing data on missing persons in order to determine possible
25 leads which could assist local law enforcement agencies. This unit
26 shall only release information about active investigations by police
27 and sheriffs' departments to local law enforcement agencies.

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

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

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

36 (3) Sex offender registration files maintained pursuant to Section
37 290.

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

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

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

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

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

13 *SEC. 18. Section 14202.1 of the Penal Code is amended and*
14 *renumbered to read:*

15 ~~14202.1.~~

16 *14202.* The Attorney General shall establish and maintain,
17 upon appropriation of funds by the Legislature, within the center
18 the Violent Crime Information System to track and monitor violent
19 offenders and their activities. The Violent Crime Information
20 System shall use computer technology to compare unsolved crime
21 scene and methods of operation information against the file of
22 known violent sexual assault, kidnapping, and homicide offenders,
23 ~~containing over 40,000 violent, kidnapping, and homicide~~
24 ~~offenders.~~ The system shall provide local law enforcement agencies
25 with investigative leads to assist in the resolution of violent crimes.

26 *SEC. 19. Section 14202.2 of the Penal Code is amended and*
27 *renumbered to read:*

28 ~~14202.2.~~

29 *14216.* (a) The Department of Justice, in conjunction with the
30 Department of Corrections and Rehabilitation, shall update any
31 supervised release file that is available to law enforcement on the
32 California Law Enforcement Telecommunications System every
33 10 days to reflect the most recent inmates paroled from facilities
34 under the jurisdiction of the Department of Corrections and
35 Rehabilitation.

36 (b) Commencing on July 1, 2001, The Department of Justice,
37 in consultation with the State Department of Mental Health, or its
38 successor, the State Department of State Hospitals, shall also
39 update any supervised release file that is available to law
40 enforcement on the California Law Enforcement

1 Telecommunications System every 10 days to reflect patients
 2 undergoing community mental health treatment and supervision
 3 through the Forensic Conditional Release Program administered
 4 by the State Department of Mental Health, or its successor, the
 5 State Department of State Hospitals, other than individuals
 6 committed as incompetent to stand trial pursuant to Chapter 6
 7 (commencing with Section 1367) of Title 10 of Part 2.

8 *SEC. 20. Section 14203 of the Penal Code is amended and*
 9 *renumbered to read:*

10 ~~14203.~~

11 *14205.* (a) The online missing persons registry shall accept
 12 and generate complete information on a missing person.

13 (b) The information on a missing person shall be retrievable by
 14 any of the following:

15 (1) The person's name.

16 (2) The person's date of birth.

17 (3) The person's social security number.

18 (4) Whether a dental chart has been received, coded, and entered
 19 into the National Crime Information Center Missing Person System
 20 by the Attorney General.

21 (5) The person's physical description, including hair and eye
 22 color and body marks.

23 (6) The person's known associates.

24 (7) The person's last known location.

25 (8) The name or assumed name of the abductor, if applicable,
 26 other pertinent information relating to the abductor or the assumed
 27 abductor, or both.

28 (9) Any other information, as deemed appropriate by the
 29 Attorney General.

30 (c) The Attorney General, in consultation with local law
 31 enforcement agencies and other user groups, shall develop the
 32 form in which information shall be entered into the system.

33 (d) The Attorney General shall establish and maintain within
 34 the center a separate, confidential historic database relating to
 35 missing children and ~~dependent~~ *at-risk* adults. The historic database
 36 may be used only by the center for statistical and research purposes.
 37 The historic database shall be set up to categorize cases relating
 38 to missing children and ~~dependent~~ *at-risk* adults by type. These
 39 types shall include the following: ~~runaways, voluntary missing,~~
 40 ~~lost, abduction involving movement of the victim in the~~

1 ~~commission of the crime or sexual exploitation of the victim,~~
2 ~~nonfamily abduction, family abduction, and any other categories~~
3 ~~as determined by the Attorney General. In~~

4 (1) *Runaways.*

5 (2) *Voluntary missing.*

6 (3) *Lost.*

7 (4) *Abduction involving movement of the victim in the*
8 *commission of the crime or sexual exploitation.*

9 (5) *Nonfamily abduction.*

10 (6) *Family abduction*

11 (7) *Any other categories as determined by the Attorney General.*

12 (e) *In addition, the data shall include the number of missing*
13 *children and missing-dependent at-risk adults in this state and the*
14 *category of each case.*

15 (e)

16 (f) *The center may supply information about specific cases from*
17 *the historic database to a local police department, sheriff's*
18 *department, or district attorney, only in connection with an*
19 *investigation by the police department, sheriff's department, or*
20 *district attorney of a missing person case or a violation or attempted*
21 *violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any*
22 *sex offense listed in Section 290, except for the offense specified*
23 *in subdivision (d) of Section 243.4.*

24 *SEC. 21. Section 14204 of the Penal Code is repealed.*

25 ~~14204. The Attorney General shall provide training on the~~
26 ~~services provided by the center to line personnel, supervisors, and~~
27 ~~investigators in the following fields: law enforcement, district~~
28 ~~attorneys' offices, the Department of Corrections and~~
29 ~~Rehabilitation, probation departments, court mediation services,~~
30 ~~and the judiciary.~~

31 *SEC. 22. Section 14205 of the Penal Code is amended and*
32 *renumbered to read:*

33 ~~14205.~~

34 *14211. (a) All local police and sheriffs' departments shall*
35 *accept any report, by any party, including any telephonic report,*
36 *of a missing person, including runaways, without delay and shall*
37 *give priority to the handling of these reports over the handling of*
38 *reports relating to crimes involving property. In*

39 *(b) In cases where the person making a report of a missing*
40 *person or runaway, contacts, including by telephone, the*

1 *Department of the California Highway Patrol, the Department of*
2 *the California Highway Patrol may take the report, and shall*
3 *immediately advise the person making the report of the name and*
4 *telephone number of the police or sheriff's department having*
5 *jurisdiction of the residence address of the missing person and of*
6 *the name and telephone number of the police or sheriff's*
7 *department having jurisdiction of the place where the person was*
8 *last seen.* ~~It~~

9 (c) *In cases of reports involving missing persons, including, but*
10 *not limited to, runaways, the local police or sheriff's department*
11 *shall immediately take the report and make an assessment of*
12 *reasonable steps to be taken to locate the person.* ~~If person by using~~
13 *the report forms, checklists, and guidelines required under Section*
14 *13519.07.*

15 (d) *If the missing person is under* ~~16~~ *21 years of age, or there*
16 *is evidence that the person is at risk, the police department or*
17 *sheriff's department shall broadcast a "Be On the Look-Out"*
18 *bulletin, without delay, within its jurisdiction.*

19 ~~(b)~~

20 (e) *If the person reported missing is under 21 years of age, or*
21 *if there is evidence that the person is at risk, the law enforcement*
22 *agency receiving the report shall, within two hours after the receipt*
23 *of the report, electronically transmit the report to the Department*
24 *of Justice via the California Law Enforcement Telecommunications*
25 *System for inclusion in the Violent Crime Information Center and*
26 *the National Crime Information Center databases.*

27 (f) *Information not immediately available for electronic*
28 *transmission to the department shall be obtained by the*
29 *investigating agency and provided as a supplement to the original*
30 *entry as soon as possible, but in no event later than 60 days after*
31 *the original electronic entry. Supplemental information may*
32 *include, but is not limited to, the following:*

33 (1) *Dental records and treatment notes.*

34 (2) *Fingerprints.*

35 (3) *Photographs.*

36 (4) *Description of physical characteristics.*

37 (5) *Description of clothing the person was wearing when last*
38 *seen.*

39 (6) *Vehicle information.*

1 (7) *Other information describing any person or vehicle believed*
2 *to be involved in taking, abducting, or retaining the missing person.*

3 (e)

4 (g) In cases where the report is taken by a department, other
5 than that of the city or county of residence of the missing person
6 or runaway, the department, or division of the *Department of the*
7 *California Highway Patrol* taking the report shall, without delay,
8 and, in the case of ~~children~~ *persons* under ~~16~~ *21* years of age or
9 where there was evidence that the missing person was at risk,
10 within no more than 24 hours, notify, and forward a copy of the
11 report to the police or sheriff's department or departments having
12 jurisdiction of the residence address of the missing person or
13 runaway and of the place where the person was last seen. The
14 report shall also be submitted by the department or division of the
15 *Department of the California Highway Patrol* which took the report
16 to the center. *The initial California Law Enforcement*
17 *Telecommunications System record may only be removed after the*
18 *receiving agency has accepted the report.*

19 (d)

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

25 *SEC. 23. Section 14206 of the Penal Code is amended and*
26 *renumbered to read:*

27 ~~14206.~~

28 *14212.* (a) ~~(1)~~—When any person makes a report of a missing
29 person to a police department, sheriff's department, district
30 attorney's office, *Department of the California Highway Patrol*,
31 or other law enforcement agency, ~~the report shall be given in person~~
32 ~~or by mail in a format acceptable to agency shall use~~ the Attorney
33 ~~General~~ *General's form as required under Section 13519.07.* That
34 form shall include a statement authorizing the release of the dental
35 or skeletal X-rays, or both, *and treatment notes*, of the person
36 reported missing and authorizing the release of a recent photograph
37 of a person reported missing who is under 18 years of age. ~~Included~~

38 (b) *Included* with the form shall be instructions which state that
39 if the person reported missing is still missing 30 days after the
40 report is made, the release form signed by a member of the family

1 or next of kin of the missing person shall be taken by the family
2 member or next of kin to the dentist, physician and surgeon, or
3 medical facility in order to obtain the release of the dental or
4 skeletal X-rays, or both, *and treatment notes*, of that person or
5 may be taken by a peace officer, if others fail to take action, to
6 secure those X-rays *and treatment notes*. ~~Notwithstanding~~

7 (c) *Notwithstanding* any other provision of law, dental or skeletal
8 X-rays, or both, *and treatment notes*, shall be released by the
9 dentist, physician and surgeon, or medical facility to the person
10 presenting the request and shall be submitted within 10 days by
11 that person to the police or sheriff's department or other law
12 enforcement agency having jurisdiction over the investigation.

13 ~~When~~

14 (d) *When* the person reported missing has *been determined by*
15 *the agency to be an at-risk person, has not been found within 30*
16 *days and no family or next of kin exists or can be located*, the law
17 enforcement agency may execute a written declaration, stating that
18 an active investigation seeking the location of the missing person
19 is being conducted, and that the dental or skeletal X-rays, or both,
20 *and treatment notes*, are necessary for the exclusive purpose of
21 furthering the investigation. ~~Notwithstanding~~

22 (e) *Notwithstanding* any other provision of law, the written
23 declaration, signed by a peace officer, is sufficient authority for
24 the dentist, physician and surgeon, or medical facility to
25 *immediately* release the missing person's dental or skeletal X-rays,
26 or both.

27 ~~(2) The form provided under this subdivision shall also state~~
28 ~~that if the person reported missing is under 18 years of age, the~~
29 ~~completed form shall be taken to the dentist, physician and surgeon,~~
30 ~~or medical facility immediately when the law enforcement agency~~
31 ~~determines that the disappearance involves evidence that the person~~
32 ~~is at risk or when the law enforcement agency determines that the~~
33 ~~person missing is under 16 years of age and has been missing at~~
34 ~~least 14 days. The form shall further provide that the dental or~~
35 ~~skeletal X-rays, or both, and a recent photograph of the missing~~
36 ~~child shall be submitted immediately to the law enforcement~~
37 ~~agency. Whenever authorized under this subdivision to execute a~~
38 ~~written declaration to obtain the release of dental or skeletal X-rays,~~
39 ~~or both, is provided, the investigating law enforcement agency~~
40 ~~may obtain those X-rays when a person reported missing is under~~

1 18 years of age and the law enforcement agency determines that
2 the disappearance involves evidence that the person is at risk. In
3 each case, the law enforcement agency may confer immediately
4 with the coroner or medical examiners and may submit its report
5 including the dental or skeletal X-rays, or both, within 24 hours
6 thereafter to the Attorney General. The

7 (f) The Attorney General's office shall code and enter the dental
8 or skeletal X-rays, or both, into the ~~center~~ center's database, which
9 shall serve as the statewide database for those X-rays, and shall
10 forward the information to the National Crime Information Center.

11 (b)

12 (g) When a person reported missing has not been found within
13 45 30 days, the sheriff, chief of police, or other law enforcement
14 agency conducting the investigation for the missing person may
15 confer with the coroner or medical examiner prior to the
16 preparation of a missing person report. The coroner or medical
17 examiner shall cooperate with the law enforcement agency. After
18 conferring with the coroner or medical examiner, the sheriff, chief
19 of police, or other law enforcement agency initiating and
20 conducting the investigation for the missing person may submit a
21 missing person report and the dental or skeletal X-rays, or both,
22 and photograph received pursuant to subdivision (a) to the Attorney
23 General's office in a format acceptable to the Attorney General.

24 (e)

25 (h) Nothing in this section prohibits a parent or guardian of a
26 child, reported to a law enforcement agency as missing, from
27 voluntarily submitting fingerprints, and other documents, to the
28 law enforcement agency accepting the report for inclusion in the
29 report which is submitted to the Attorney General.

30 (d)

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

36 SEC. 24. Section 14207 of the Penal Code is amended and
37 renumbered to read:

38 14207.

39 14213. (a) When a person reported missing has been found,
40 the sheriff, chief of police, coroner or medical examiner, or the

1 law enforcement agency locating the missing person shall
2 immediately report that information to the Attorney General's
3 office. *The Attorney General's office shall then notify the National
4 Crime Information Center that the missing person has been found.*

5 (b) ~~When a child under 12 years of age or a missing person,
6 where there was evidence that the person was at risk, missing
7 person is found, the report indicating that the person is found shall
8 be made not later than 24 hours after the person is found. A report
9 shall also be made to the law enforcement agency that made the
10 initial missing person report. The Attorney General's office shall
11 then notify the National Crime Information Center that the missing
12 person has been found.~~

13 (c) In the event that a missing person is found alive or dead in
14 less than 24 hours and the local police or sheriff's department has
15 reason to believe that the person had been abducted, the department
16 shall submit a report to the center in a format established by the
17 Attorney General. In the event that a missing person has been
18 found before he or she has been reported missing to the center, the
19 information related to the incident shall be submitted to the center.

20 (d) *A law enforcement agency shall not establish or maintain
21 any policy that requires the removal of a missing person entry
22 from the center database or the National Crime Information Center
23 database.*

24 *SEC. 25. Section 14208 of the Penal Code is amended and
25 renumbered to read:*

26 ~~14208.~~

27 *14210.* (a) The Department of Justice shall operate a statewide,
28 toll-free telephone hotline 24 hours per day, seven days per week
29 to receive information regarding missing children and ~~dependent~~
30 *at-risk* adults and relay this information to the appropriate law
31 enforcement authorities.

32 (b) The Department of Justice shall select up to six children per
33 month from the ~~missing children registry maintained pursuant to~~
34 ~~former Section 11114 or pursuant to the system persons publicly~~
35 *maintained computer Internet directory* maintained pursuant to
36 ~~Sections 14201 and 14202~~ *Section 14207* and shall produce posters
37 with photographs and information regarding these children,
38 including the missing children hotline telephone number and
39 reward information. The department shall make these posters

1 available to parties as prescribed and as the department deems
2 appropriate.

3 (c) *The Department of Justice shall provide appropriate local*
4 *reporting agencies with a list of persons still listed as missing who*
5 *are under 21 years of age, and with an appropriate waiver form*
6 *in order to assist the reporting agency in obtaining a photograph*
7 *of each of the missing children.*

8 (d) *Local reporting agencies shall attempt to obtain the most*
9 *recent photograph available for persons still listed as missing and*
10 *forward those photographs to the Department of Justice.*

11 (e) *The department shall include these photographs, as they*
12 *become available, in the quarterly bulletins pursuant to subdivision*
13 *(c) of Section 14204.*

14 (f) *State and local elected officials, agencies, departments,*
15 *boards, and commissions may enclose in their mailings information*
16 *regarding missing children or at-risk adults obtainable from the*
17 *Department of Justice or any organization that is recognized as*
18 *a nonprofit, tax-exempt organization under state or federal law*
19 *and that has an ongoing missing children program. Elected*
20 *officials, agency secretaries, and directors of departments, boards,*
21 *and commissions are urged to develop policies to enclose missing*
22 *children or at-risk adults information in mailings if it will not*
23 *increase postage costs and is otherwise deemed appropriate.*

24 *SEC. 26. Section 14209 of the Penal Code is repealed.*

25 ~~14209. (a) The Department of Justice shall provide appropriate~~
26 ~~local reporting agencies with a list of persons still listed as missing~~
27 ~~who are under 18 years of age, with an appropriate waiver form~~
28 ~~in order to assist the reporting agency in obtaining a photograph~~
29 ~~of each of the missing children.~~

30 ~~(b) Local reporting agencies shall attempt to obtain the most~~
31 ~~recent photograph available for persons still listed as missing and~~
32 ~~forward those photographs to the Department of Justice.~~

33 ~~(c) The department shall include these photographs, as they~~
34 ~~become available, in the quarterly bulletins pursuant to subdivision~~
35 ~~(c) of Section 14201.~~

36 ~~(d) State and local elected officials, agencies, departments,~~
37 ~~boards, and commissions may enclose in their mailings information~~
38 ~~regarding missing children or dependent adults obtainable from~~
39 ~~the Department of Justice or any organization that is recognized~~
40 ~~as a nonprofit, tax-exempt organization under state or federal law~~

1 and that has an ongoing missing children program. Elected
2 officials, agency secretaries, and directors of departments, boards,
3 and commissions are urged to develop policies to enclose missing
4 children or dependent adults information in mailings when it will
5 not increase postage costs, and is otherwise deemed appropriate.

6 *SEC. 27. Section 14210 of the Penal Code is amended and*
7 *renumbered to read:*

8 ~~14210.~~

9 *14214.* (a) The Legislature finds and declares that it is the duty
10 of all law enforcement agencies to immediately assist any person
11 who is attempting to make a report of a missing person or runaway.

12 (b) The Department of the California Highway Patrol shall
13 continue to implement the written policy, required to be developed
14 and adopted pursuant to former Section 11114.3, for the
15 coordination of each of its divisions with the police and sheriffs'
16 departments located within each division in taking, transmitting,
17 and investigating reports of missing persons, including runaways.

18 *SEC. 28. Section 14213 of the Penal Code is amended and*
19 *renumbered to read:*

20 ~~14213.~~

21 *14215.* (a) As used in this title, "missing person" includes, but
22 is not limited to, a child who has been taken, detained, concealed,
23 enticed away, or retained by a parent in violation of Chapter 4
24 (commencing with Section 277) of Title 9 of Part 1. It also includes
25 any child who is missing voluntarily or involuntarily, or under
26 circumstances not conforming to his or her ordinary habits or
27 behavior and who may be in need of assistance.

28 (b) As used in this title, ~~"evidence that the person is at risk"~~
29 ~~includes, but is not limited to,~~ "at-risk" means there is evidence
30 of, or there are indications of, any of the following:

31 (1) The person missing is the victim of a crime or foul play.

32 (2) The person missing is in need of medical attention.

33 (3) The person missing has no pattern of running away or
34 disappearing.

35 (4) The person missing may be the victim of parental abduction.

36 (5) The person missing is mentally impaired.

37 (c) As used in this title, "child" is any person under the age of
38 18.

39 (d) As used in this title, "center" means the Violent Crime
40 Information Center.

1 ~~(e) As used in this title, “dependent adult” is any person~~
2 ~~described in subdivision (h) of Section 368, regardless of whether~~
3 ~~the person lives independently.~~

4 ~~(f)~~

5 ~~(e) As used in this title, “dental or medical records or X-rays,”~~
6 ~~include all those records or X-rays which are in the possession of~~
7 ~~a dentist, physician and surgeon, or medical facility.~~

8 ~~(f) As used in this title, “unidentified person” means a person,~~
9 ~~living or deceased, whose identity the local investigative agency~~
10 ~~is unable to determine.~~

11 ~~SEC. 29. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~

16 ~~SECTION 1. It is the intent of the Legislature to enact~~
17 ~~legislation relating to missing persons.~~