

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 3, 2014

**SENATE BILL**

**No. 1066**

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**Introduced by Senator Galgiani**  
*(Coauthor: Senator Gaines)*

February 18, 2014

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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, and 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~~ *that performs* 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~~ *medical examiner or other agency that performs a postmortem examination or autopsy* 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 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~~” *Lookout*” 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~~ *Telecommunications* 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: yes.  
State-mandated local program: 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 14210  
6 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 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, or whenever an elementary school pupil  
14 transfers from one school district to another, transfers to an  
15 elementary school within the same district, transfers from one  
16 private elementary school to another, transfers from a private  
17 elementary school to a public elementary school, or transfers from  
18 a public elementary school to a private elementary school, the  
19 principal of the school that the child enters or to which he or she  
20 transfers is urged to check to see if the child resembles a child

1 listed as missing by the bulletins provided by the Department of  
2 Justice pursuant to Section 14204 of the Penal Code.

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

4 17506. (a) There is in the department a California Parent  
5 Locator Service and Central Registry that shall collect and  
6 disseminate all of the following, with respect to any parent, putative  
7 parent, spouse, or former spouse:

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

10 (2) Date and place of birth.

11 (3) Physical description.

12 (4) Social security number.

13 (5) Employment history and earnings.

14 (6) Military status and Veterans Administration or military  
15 service serial number.

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

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

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

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

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

35 (i) Assets.

36 (ii) Credits.

37 (iii) Deductions.

38 (iv) Exemptions.

39 (v) Identity.

40 (vi) Liabilities.

1 (vii) Nature, source, and amount of income.

2 (viii) Net worth.

3 (ix) Payments.

4 (x) Receipts.

5 (xi) Address.

6 (xii) Social security number.

7 (b) Pursuant to a letter of agreement entered into between the  
8 Department of Child Support Services and the Department of  
9 Justice, the Department of Child Support Services shall assume  
10 responsibility for the California Parent Locator Service and Central  
11 Registry. The letter of agreement shall, at a minimum, set forth all  
12 of the following:

13 (1) Contingent upon funding in the Budget Act, the Department  
14 of Child Support Services shall assume responsibility for leadership  
15 and staff of the California Parent Locator Service and Central  
16 Registry commencing July 1, 2003.

17 (2) All employees and other personnel who staff or provide  
18 support for the California Parent Locator Service and Central  
19 Registry shall, at the time of the transition, at their option, become  
20 the employees of the Department of Child Support Services at  
21 their existing or equivalent classification, salaries, and benefits.

22 (3) Until the department's automation system for the California  
23 Parent Locator Service and Central Registry functions is fully  
24 operational, the department shall use the automation system  
25 operated by the Department of Justice.

26 (4) Any other provisions necessary to ensure continuity of  
27 function and meet or exceed existing levels of service.

28 (c) To effectuate the purposes of this section, the California  
29 Child Support Automation System, the California Parent Locator  
30 Service and Central Registry, and the Franchise Tax Board shall  
31 utilize the federal Parent Locator Service to the extent necessary,  
32 and may request and shall receive from all departments, boards,  
33 bureaus, or other agencies of the state, or any of its political  
34 subdivisions, and those entities shall provide, that assistance and  
35 data that will enable the Department of Child Support Services  
36 and other public agencies to carry out their powers and duties to  
37 locate parents, spouses, and former spouses, and to identify their  
38 assets, to establish parent-child relationships, and to enforce  
39 liability for child or spousal support, and for any other obligations  
40 incurred on behalf of children, and shall also provide that

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

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

38 (2) To effectuate the purposes of this section, and  
39 notwithstanding any other law, regulation, or tariff, and to the  
40 extent permitted by federal law, the California Parent Locator

1 Service and Central Registry and the California Child Support  
2 Automation System may request and shall receive from cable  
3 television corporations, as defined in Section 216.4 of the Public  
4 Utilities Code, the providers of electronic digital pager  
5 communication, as defined in Section 629.51 of the Penal Code,  
6 and the providers of mobile telephony services, as defined in  
7 Section 224.4 of the Public Utilities Code, customer service  
8 information, including the full name, address, telephone number,  
9 date of birth, employer name and address, and social security  
10 number of customers of the cable television corporation, customers  
11 of the providers of electronic digital pager communication, and  
12 customers of the providers of mobile telephony services.

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

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

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

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

- 35 (i) First and last name, and middle initial, if known.
- 36 (ii) Social security number.
- 37 (iii) Driver's license number.
- 38 (iv) Birth date.
- 39 (v) Last known address.
- 40 (vi) Spouse's name.



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

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

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

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

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

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

1 offender record information only to the extent that access is allowed  
2 by law.

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

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

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

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

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

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

37 SEC. 4. Section 6276.30 of the Government Code is amended  
38 to read:

1 6276.30. Managed care health plans, confidentiality of  
2 proprietary information, Section 14091.3 of the Welfare and  
3 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 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 of the Health and Safety  
13 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 of the Health and Safety  
17 Code.

18 Manufactured home, mobilehome, floating home, confidentiality  
19 of home address of registered owner, Section 18081 of the Health  
20 and Safety Code.

21 Marital confidential communications, Sections 980, 981, 982,  
22 983, 984, 985, 986, and 987 of the Evidence Code.

23 Market reports, confidential, subdivision (e) of Section 6254.

24 Marketing of commodities, confidentiality of financial  
25 information, Section 58781 of the Food and Agricultural Code.

26 Marketing orders, confidentiality of processors' or distributors'  
27 information, Section 59202 of the Food and Agricultural Code.

28 Marriage, confidential, certificate, Section 511; *of the Family*  
29 Code.

30 Medi-Cal Benefits Program, confidentiality of information,  
31 Section 14100.2 of the Welfare and Institutions Code.

32 Medi-Cal Benefits Program, Request of Department for Records  
33 of Information, Section 14124.89 of the Welfare and Institutions  
34 Code.

35 Medi-Cal Fraud Bureau, confidentiality of complaints, Section  
36 12528.

37 Medi-Cal managed care program, exemption from disclosure  
38 for financial and utilization data submitted by Medi-Cal managed  
39 care health plans to establish rates, Section 14301.1 of the Welfare  
40 and Institutions Code.

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

5 Medical information, disclosure by provider unless prohibited  
6 by patient in writing, Section 56.16 of the Civil Code.

7 Medical information, types of information not subject to patient  
8 prohibition of disclosure, Section 56.30 of the Civil Code.

9 Medical and other hospital committees and peer review bodies,  
10 confidentiality of records, Section 1157 of the Evidence Code.

11 Medical or dental licensee, action for revocation or suspension  
12 due to illness, report, confidentiality of, Section 828 of the Business  
13 and Professions Code.

14 Medical or dental licensee, disciplinary action, denial or  
15 termination of staff privileges, report, confidentiality of, Sections  
16 805, 805.1, and 805.5 of the Business and Professions Code.

17 Meetings of state agencies, disclosure of agenda, Section  
18 11125.1.

19 Mentally abnormal sex offender committed to state hospital,  
20 confidentiality of records, Section 4135 of the Welfare and  
21 Institutions Code.

22 Mentally disordered and developmentally disabled offenders,  
23 access to criminal histories of, Section 1620 of the Penal Code.

24 Mentally disordered persons, court-ordered evaluation,  
25 confidentiality of reports, Section 5202 of the Welfare and  
26 Institutions Code.

27 Mentally disordered or mentally ill person, confidentiality of  
28 written consent to detainment, Section 5326.4 of the Welfare and  
29 Institutions Code.

30 Mentally disordered or mentally ill person, voluntarily or  
31 involuntarily detained and receiving services, confidentiality of  
32 records and information, Sections 5328, 5328.15, 5328.2, 5328.4,  
33 5328.8, and 5328.9 of the Welfare and Institutions Code.

34 Mentally disordered or mentally ill person, weapons restrictions,  
35 confidentiality of information about, Section 8103 of the Welfare  
36 and Institutions Code.

37 Milk marketing, confidentiality of records, Section 61443 of the  
38 Food and Agricultural Code.

39 Milk product certification, confidentiality of, Section 62121 of  
40 the Food and Agricultural Code.

1 Milk, market milk, confidential records and reports, Section  
2 62243 of the Food and Agricultural Code.

3 Milk product registration, confidentiality of information, Section  
4 38946 of the Food and Agricultural Code.

5 Milk equalization pool plan, confidentiality of producers' voting,  
6 Section 62716 of the Food and Agricultural Code.

7 Mining report, confidentiality of report containing information  
8 relating to mineral production, reserves, or rate of depletion of  
9 mining operation, Section 2207 of the Public Resources Code.

10 Minor, criminal proceeding testimony closed to public, Section  
11 859.1 of the Penal Code.

12 Minors, material depicting sexual conduct, records of suppliers  
13 to be kept and made available to law enforcement, Section 1309.5  
14 of the Labor Code.

15 Misdemeanor and felony reports by police chiefs and sheriffs  
16 to Department of Justice, confidentiality of, Sections 11107 and  
17 11107.5 of the Penal Code.

18 Monetary instrument transaction records, confidentiality of,  
19 Section 14167 of the Penal Code.

20 Missing persons' information, disclosure of, Sections 14204 and  
21 14205 of the Penal Code.

22 Morbidity and mortality studies, confidentiality of records,  
23 Section 100330 of the Health and Safety Code.

24 Motor vehicle accident reports, disclosure, Sections 16005,  
25 20012, and 20014 of the Vehicle Code.

26 Motor vehicles, department of, public records, exceptions,  
27 Sections 1808 to 1808.7, inclusive, of the Vehicle Code.

28 Motor vehicle insurance fraud reporting, confidentiality of  
29 information acquired, Section 1874.3 of the Insurance Code.

30 Motor vehicle liability insurer, data reported to Department of  
31 Insurance, confidentiality of, Section 11628 of the Insurance Code.

32 Multijurisdictional drug law enforcement agency, closed sessions  
33 to discuss criminal investigation, Section 54957.8.

34 SEC. 5. Section 13974.1 of the Government Code is amended  
35 to read:

36 13974.1. (a) The board shall use the applicable provisions of  
37 this article to establish a claim and reward procedure to reward  
38 persons providing information leading to the location of any child  
39 listed in the missing children registry compiled pursuant to former  
40 Section 11114 of the Penal Code or maintained pursuant to the

1 system maintained pursuant to Sections 14203 and 14204 of the  
2 Penal Code.

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

9 (c) The Missing Children Reward Fund is hereby created in the  
10 State Treasury and is continuously appropriated to the California  
11 Victim Compensation and Government Claims Board to make  
12 awards pursuant to this section.

13 SEC. 6. Section 27521 of the Government Code is amended  
14 to read:

15 27521. (a) A postmortem examination or autopsy conducted  
16 at the discretion of a coroner, medical examiner, or other agency  
17 ~~responsible for a postmortem examination or autopsy~~, upon an  
18 unidentified body or human remains is subject to this section.

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

21 (1) Taking of all available fingerprints and ~~palm~~ *palm* prints.

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

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

28 (4) Frontal and lateral facial photographs with the scale  
29 indicated.

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

33 (6) Notations of observations pertinent to the estimation of the  
34 time of death.

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

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

38 (d) The coroner, medical examiner, or other agency ~~responsible~~  
39 ~~for performing~~ a postmortem examination or autopsy shall prepare  
40 a final report of investigation in a format established by the

1 Department of Justice. The final report shall list or describe the  
2 information collected pursuant to the postmortem examination or  
3 autopsy conducted under subdivision (b).

4 (e) The body of an unidentified deceased person may not be  
5 cremated or buried until the jaws (maxilla and mandible with teeth)  
6 and other tissue samples are retained for future possible use. Unless  
7 the coroner, medical examiner, or other agency ~~responsible for~~  
8 *performing* a postmortem examination or autopsy has determined  
9 that the body of the unidentified deceased person has suffered  
10 significant deterioration or decomposition, the jaws shall not be  
11 removed until immediately before the body is cremated or buried.  
12 The coroner, medical examiner, or other agency responsible for a  
13 postmortem examination or autopsy shall retain the jaws and other  
14 tissue samples for one year after a positive identification is made,  
15 and no civil or criminal challenges are pending, or indefinitely.

16 (f) *If the coroner, medical examiner, or other agency performing*  
17 *a postmortem examination or autopsy with the aid of the dental*  
18 *examination and any other identifying findings is unable to*  
19 *establish the identity of the body or human remains, the coroner,*  
20 *medical examiner, or other agency shall submit dental charts and*  
21 *dental X-rays of the unidentified deceased person to the*  
22 *Department of Justice on forms supplied by the Department of*  
23 *Justice within 45 days of the date the body or human remains were*  
24 *discovered.*

25 (g) *If the coroner, medical examiner, or other agency performing*  
26 *a postmortem examination or autopsy with the aid of the dental*  
27 *examination and other identifying findings is unable to establish*  
28 *the identity of the body or human remains, the coroner, medical*  
29 *examiner, or other agency shall submit the final report of*  
30 *investigation to the Department of Justice within 180 days of the*  
31 *date the body or human remains were discovered. The final report*  
32 *of investigation shall list or describe the information collected*  
33 *pursuant to the postmortem examination or autopsy conducted*  
34 *under subdivision (b), and any homicide report, anthropology*  
35 *report, fingerprints, photographs, and autopsy report.*

36 ~~SEC. 7.— Section 27521.1 of the Government Code is amended~~  
37 ~~to read:~~

38 ~~27521.1.— (a) A police department, sheriff's office, coroner,~~  
39 ~~medical examiner, or other law enforcement agency investigating~~  
40 ~~the death of an unidentified person shall report the death to the~~

1 Department of Justice, using the department's Unidentified  
2 Deceased Person Reporting Form no later than 10 calendar days  
3 after the date the body or human remains were discovered.

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

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

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

30 ~~SEC. 8.~~

31 *SEC. 7.* Section 168 of the Penal Code is amended to read:

32 168. (a) Every district attorney, clerk, judge, or peace officer  
33 who, except by issuing or in executing a search warrant or warrant  
34 of arrest for a felony, willfully discloses the fact of the warrant  
35 prior to execution for the purpose of preventing the search or  
36 seizure of property or the arrest of any person shall be punished  
37 by imprisonment in a county jail for not exceeding one year or  
38 pursuant to subdivision (h) of Section 1170.

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



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

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

8 (3) The disclosure of an arrest warrant pursuant to paragraph  
9 (1) of subdivision (a) of Section 14207.

10 ~~SEC. 9.~~

11 *SEC. 8.* Section 273j of the Penal Code is amended to read:

12 273j. (a) (1) Any parent or guardian having the care, custody,  
13 or control of a child under 14 years of age who knows or should  
14 have known that the child has died shall notify a public safety  
15 agency, as defined in Section 53102 of the Government Code,  
16 within 24 hours of the time that the parent or guardian knew or  
17 should have known that the child has died.

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

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

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

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

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

36 ~~SEC. 10.~~

37 *SEC. 9.* Section 14200 of the Penal Code is amended to read:

38 14200. (a) The Attorney General shall establish and maintain  
39 the Violent Crime Information Center to assist in the identification  
40 and the apprehension of persons responsible for specific violent

1 crimes and for the disappearance and exploitation of persons,  
2 particularly children and at-risk adults.

3 (b) The center shall establish and maintain programs which  
4 include, but are not limited to, all of the following:

5 (1) Developing violent offender profiles.

6 (2) Assisting local law enforcement agencies and county district  
7 attorneys by providing investigative information on persons  
8 responsible for specific violent crimes and missing person cases;

9 (3) Providing physical description information and photographs,  
10 if available, of missing persons to county district attorneys,  
11 nonprofit missing persons organizations, and schools.

12 (4) Providing statistics on missing at-risk adults and on missing  
13 children, including, as may be applicable, family abductions,  
14 nonfamily abductions, voluntary missing, and lost children or lost  
15 at-risk adults.

16 (c) The Attorney General shall provide training on the services  
17 provided by the center to line personnel, supervisors, and  
18 investigators in the following fields: law enforcement, district  
19 attorneys' offices, the Department of Corrections and  
20 Rehabilitation, probation departments, court mediation services,  
21 and the judiciary.

22 ~~SEC. 11.~~

23 *SEC. 10.* Section 14201 of the Penal Code is amended and  
24 renumbered to read:

25 14204. (a) The Attorney General shall establish within the  
26 center and shall maintain an online, automated computer system  
27 designed to effect an immediate law enforcement response to  
28 reports of missing persons. The Attorney General shall design the  
29 computer system, using any existing system, including the  
30 California Law Enforcement Telecommunications System, to  
31 include an active file of information concerning persons reported  
32 to it as missing and who have not been reported as found. The  
33 computer system shall also include a confidential historic database.  
34 The Attorney General shall develop a system of cataloging missing  
35 person reports according to a variety of characteristics in order to  
36 facilitate locating particular categories of reports as needed.

37 (b) The Attorney General's active files described in subdivision  
38 (a) shall be made available to law enforcement agencies. The  
39 Attorney General shall provide to these agencies the name and  
40 personal description data of the missing person including, but not

1 limited to, the person’s date of birth, color of eyes and hair, sex,  
2 height, weight, and race, the time and date he or she was reported  
3 missing, the reporting agency, and any other data pertinent to the  
4 purpose of locating missing persons. However, the Attorney  
5 General shall not release the information if the reporting agency  
6 requests the Attorney General in writing not to release the  
7 information because it would impair a criminal investigation.

8 (c) The Attorney General shall distribute a missing children and  
9 at-risk adults bulletin on a quarterly basis to local law enforcement  
10 agencies, district attorneys, and public schools. The Attorney  
11 General shall also make this information accessible to other parties  
12 involved in efforts to locate missing children and at-risk adults  
13 and to those other persons as the Attorney General deems  
14 appropriate.

15 ~~SEC. 12.~~

16 *SEC. 11.* Section 14201.1 of the Penal Code is amended and  
17 renumbered to read:

18 14201. The Attorney General shall establish and maintain,  
19 upon appropriation of funds by the Legislature, the Violent Crime  
20 Information Network within the center to enable the Department  
21 of Justice crime analysts with expertise in child abuse, missing  
22 persons, child abductions, and sexual assaults to electronically  
23 share their data, analysis, and findings on violent crime cases with  
24 each other, and to electronically provide law enforcement agencies  
25 with information to assist in the identification, tracking, and  
26 apprehension of violent offenders. The Violent Crime Information  
27 Network shall integrate existing state, federal, and civilian  
28 databases into a single comprehensive network.

29 ~~SEC. 13.~~

30 *SEC. 12.* Section 14201.3 of the Penal Code is amended and  
31 renumbered to read:

32 14209. The center shall make accessible to the National Missing  
33 and Unidentified Persons System specific information authorized  
34 for dissemination and as determined appropriate by the center that  
35 is contained in law enforcement reports regarding missing or  
36 unidentified persons. The information shall be accessible in a  
37 manner and format approved by the center and shall be used to  
38 assist in the search for the missing person or persons. The center  
39 shall not permit the transmission or sharing of information, or  
40 portions of information, to the National Missing and Unidentified

1 Persons System unless the reporting agency, as specified in Section  
2 14211, or the reporting party, with respect to the information  
3 submitted to the center, submits authorization to the center to  
4 transmit or share that information.

5 ~~SEC. 14.~~

6 *SEC. 13.* Section 14201.5 of the Penal Code is amended and  
7 renumbered to read:

8 14206. (a) The Attorney General shall establish within the  
9 Department of Justice the Missing and Exploited Children's  
10 Recovery Network by July 31, 1995.

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

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

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

28 ~~SEC. 15.~~

29 *SEC. 14.* Section 14201.6 of the Penal Code is amended and  
30 renumbered to read:

31 14207. (a) The Department of Justice shall establish and  
32 maintain a publicly accessible computer Internet directory of  
33 information relating to the following:

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

37 (2) At-risk missing persons.

38 (3) Unsolved homicides and unidentified persons.

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

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

3 (1) Information regarding any case for which the Attorney  
4 General has determined that disclosure pursuant to this section  
5 would endanger the safety of a person involved in an investigation  
6 or the successful completion of the investigation or a related  
7 investigation.

8 (2) Information regarding an arrest warrant for which the issuing  
9 magistrate has determined that disclosure pursuant to this section  
10 would endanger the safety of a person involved in an investigation  
11 or the successful completion of the investigation or a related  
12 investigation.

13 ~~SEC. 16.~~

14 *SEC. 15.* Section 14201.8 of the Penal Code is amended and  
15 renumbered to read:

16 14208. (a) There shall be within the Department of Justice a  
17 director responsible for coordinating California’s response to  
18 missing persons. This position is hereby established for all of the  
19 following purposes:

20 (1) To assist law enforcement agencies, at their request, with  
21 the timely search and recovery of missing children.

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

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

28 (4) To maintain records and make the Commission on Peace  
29 Officer Standards and Training Guidelines for Handling Missing  
30 Persons Investigations document available to law enforcement  
31 agencies upon request.

32 (b) The director shall utilize existing resources and expertise  
33 within the Attorney General’s office to the maximum extent  
34 possible to accomplish the purposes specified in subdivision (a).

35 ~~SEC. 17.~~

36 *SEC. 16.* Section 14202 of the Penal Code is amended and  
37 renumbered to read:

38 14203. (a) The Attorney General shall establish and maintain  
39 within the center an investigative support unit and an automated  
40 violent crime method of operation system to facilitate the

1 identification and apprehension of persons responsible for murder,  
2 kidnap, including parental abduction, false imprisonment, or sexual  
3 assault. This unit shall be responsible for identifying perpetrators  
4 of violent felonies collected from the center and analyzing and  
5 comparing data on missing persons in order to determine possible  
6 leads which could assist local law enforcement agencies. This unit  
7 shall only release information about active investigations by police  
8 and sheriffs' departments to local law enforcement agencies.

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

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

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

17 (3) Sex offender registration files maintained pursuant to Section  
18 290.

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

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

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

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

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

33 ~~SEC. 18.~~

34 *SEC. 17.* Section 14202.1 of the Penal Code is amended and  
35 renumbered to read:

36 14202. The Attorney General shall establish and maintain,  
37 upon appropriation of funds by the Legislature, within the center  
38 the Violent Crime Information System to track and monitor violent  
39 offenders and their activities. The Violent Crime Information  
40 System shall use computer technology to compare unsolved crime

1 ~~scene~~ *scenes* and methods of operation information against the file  
2 of known violent sexual assault, kidnapping, and homicide  
3 offenders. The system shall provide local law enforcement agencies  
4 with investigative leads to assist in the resolution of violent crimes.

5 ~~SEC. 19.~~

6 *SEC. 18.* Section 14202.2 of the Penal Code is amended and  
7 renumbered to read:

8 14216. (a) The Department of Justice, in conjunction with the  
9 Department of Corrections and Rehabilitation, shall update any  
10 supervised release file that is available to law enforcement on the  
11 California Law Enforcement Telecommunications System every  
12 10 days to reflect the most recent inmates paroled from facilities  
13 under the jurisdiction of the Department of Corrections and  
14 Rehabilitation.

15 (b) Commencing on July 1, 2001, the Department of Justice, in  
16 consultation with the State Department of Mental Health, or its  
17 successor, the State Department of State Hospitals, shall also  
18 update any supervised release file that is available to law  
19 enforcement on the California Law Enforcement  
20 Telecommunications System every 10 days to reflect patients  
21 undergoing community mental health treatment and supervision  
22 through the Forensic Conditional Release Program administered  
23 by the State Department of Mental Health, or its successor, the  
24 State Department of State Hospitals, other than individuals  
25 committed as incompetent to stand trial pursuant to Chapter 6  
26 (commencing with Section 1367) of Title 10 of Part 2.

27 ~~SEC. 20.~~

28 *SEC. 19.* Section 14203 of the Penal Code is amended and  
29 renumbered to read:

30 14205. (a) The online missing persons registry shall accept  
31 and generate complete information on a missing person.

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

- 34 (1) The person's name.
- 35 (2) The person's date of birth.
- 36 (3) The person's social security number.
- 37 (4) Whether a dental chart has been received, coded, and entered  
38 into the National Crime Information Center Missing Person System  
39 by the Attorney General.

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

3 (6) The person's known associates.

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

5 (8) The name or assumed name of the abductor, if applicable,  
6 other pertinent information relating to the abductor or the assumed  
7 abductor, or both.

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

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

13 (d) The Attorney General shall establish and maintain within  
14 the center a separate, confidential historic database relating to  
15 missing children and at-risk adults. The historic database may be  
16 used only by the center for statistical and research purposes. The  
17 historic database shall be set up to categorize cases relating to  
18 missing children and at-risk adults by type. These types shall  
19 include the following:

20 (1) Runaways.

21 (2) Voluntary missing.

22 (3) Lost.

23 (4) Abduction involving movement of the victim in the  
24 commission of the crime or sexual exploitation.

25 (5) Nonfamily abduction.

26 (6) Family abduction.

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

28 (e) In addition, the data shall include the number of missing  
29 children and missing at-risk adults in this state and the category  
30 of each case.

31 (f) The center may supply information about specific cases from  
32 the historic database to a local police department, sheriff's  
33 department, or district attorney, only in connection with an  
34 investigation by the police department, sheriff's department, or  
35 district attorney of a missing person case or a violation or attempted  
36 violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any  
37 sex offense listed in Section 290, except for the offense specified  
38 in subdivision (d) of Section 243.4.

39 ~~SEC. 21.~~

40 *SEC. 20.* Section 14204 of the Penal Code is repealed.



1 ~~SEC. 22.~~

2 *SEC. 21.* Section 14205 of the Penal Code is amended and  
3 renumbered to read:

4 14211. (a) All local police and sheriffs' departments shall  
5 accept any report, by any party, including any telephonic report,  
6 of a missing person, including runaways, without delay and shall  
7 give priority to the handling of these reports over the handling of  
8 reports relating to crimes involving property.

9 (b) In cases where the person making a report of a missing  
10 person or runaway, contacts, including by telephone, the  
11 Department of the California Highway Patrol, the Department of  
12 the California Highway Patrol may take the report, and shall  
13 immediately advise the person making the report of the name and  
14 telephone number of the police or sheriff's department having  
15 jurisdiction of the residence address of the missing person and of  
16 the name and telephone number of the police or sheriff's  
17 department having jurisdiction of the place where the person was  
18 last seen.

19 (c) In cases of reports involving missing persons, including, but  
20 not limited to, runaways, the local police or sheriff's department  
21 shall immediately take the report and make an assessment of  
22 reasonable steps to be taken to locate the person by using the report  
23 forms, checklists, and guidelines required under Section 13519.07.

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

28 (e) If the person reported missing is under 21 years of age, or  
29 if there is evidence that the person is at risk, the law enforcement  
30 agency receiving the report shall, within two hours after the receipt  
31 of the report, electronically transmit the report to the Department  
32 of Justice via the California Law Enforcement Telecommunications  
33 System for inclusion in the Violent Crime Information Center and  
34 the National Crime Information Center databases.

35 (f) Information not immediately available for electronic  
36 transmission to the department shall be obtained by the  
37 investigating agency and provided as a supplement to the original  
38 entry as soon as possible, but in no event later than 60 days after  
39 the original electronic entry. Supplemental information may  
40 include, but is not limited to, the following:

- 1 (1) Dental records and treatment notes.
- 2 (2) Fingerprints.
- 3 (3) Photographs.
- 4 (4) Description of physical characteristics.
- 5 (5) Description of clothing the person was wearing when last  
6 seen.

7 (6) Vehicle information.

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

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

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

30 ~~SEC. 23.~~

31 *SEC. 22.* Section 14206 of the Penal Code is amended and  
32 renumbered to read:

33 14212. (a) When any person makes a report of a missing  
34 person to a police department, sheriff's department, district  
35 attorney's office, Department of the California Highway Patrol,  
36 or other law enforcement agency, the agency shall use the Attorney  
37 General's form as required under Section 13519.07. That form  
38 shall include a statement authorizing the release of the dental or  
39 skeletal X-rays, or both, and treatment notes, of the person reported

1 missing and authorizing the release of a recent photograph of a  
2 person reported missing who is under 18 years of age.

3 (b) Included with the form shall be instructions which state that  
4 if the person reported missing is still missing 30 days after the  
5 report is made, the release form signed by a member of the family  
6 or next of kin of the missing person shall be taken by the family  
7 member or next of kin to the dentist, physician and surgeon, or  
8 medical facility in order to obtain the release of the dental or  
9 skeletal X-rays, or both, and treatment notes, of that person or may  
10 be taken by a peace officer, if others fail to take action, to secure  
11 those X-rays and treatment notes.

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

18 (d) When the person reported missing has been determined by  
19 the agency to be an at-risk person, has not been found within 30  
20 days, the law enforcement agency may execute a written  
21 declaration, stating that an active investigation seeking the location  
22 of the missing person is being conducted, and that the dental or  
23 skeletal X-rays, or both, and treatment notes, are necessary for the  
24 exclusive purpose of furthering the investigation.

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

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

34 (g) When a person reported missing has not been found within  
35 30 days, the sheriff, chief of police, or other law enforcement  
36 agency conducting the investigation for the missing person may  
37 confer with the coroner or medical examiner prior to the  
38 preparation of a missing person report. The coroner or medical  
39 examiner shall cooperate with the law enforcement agency. After  
40 conferring with the coroner or medical examiner, the sheriff, chief

1 of police, or other law enforcement agency initiating and  
2 conducting the investigation for the missing person may submit a  
3 missing person report and the dental or skeletal X-rays, or both,  
4 and photograph received pursuant to subdivision (a) to the Attorney  
5 General's office in a format acceptable to the Attorney General.

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

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

16 ~~SEC. 24.~~

17 *SEC. 23.* Section 14207 of the Penal Code is amended and  
18 renumbered to read:

19 14213. (a) When a person reported missing has been found,  
20 the sheriff, chief of police, coroner or medical examiner, or the  
21 law enforcement agency locating the missing person shall  
22 immediately report that information to the Attorney General's  
23 office. The Attorney General's office shall then notify the National  
24 Crime Information Center that the missing person has been found.

25 (b) When a missing person is found, the report indicating that  
26 the person is found shall be made not later than 24 hours after the  
27 person is found to the law enforcement agency that made the initial  
28 missing person report.

29 (c) In the event that a missing person is found alive or dead in  
30 less than 24 hours and the local police or sheriff's department has  
31 reason to believe that the person had been abducted, the department  
32 shall submit a report to the center in a format established by the  
33 Attorney General. In the event that a missing person has been  
34 found before he or she has been reported missing to the center, the  
35 information related to the incident shall be submitted to the center.

36 (d) A law enforcement agency shall not establish or maintain  
37 any policy that requires the removal of a missing person entry from  
38 the center database or the National Crime Information Center  
39 database.

1     ~~SEC. 25.~~

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

4     14210. (a) The Department of Justice shall operate a statewide,  
5 toll-free telephone hotline 24 hours per day, seven days per week  
6 to receive information regarding missing children and at-risk adults  
7 and relay this information to the appropriate law enforcement  
8 authorities.

9     (b) The Department of Justice shall select up to six children per  
10 month from the missing persons publicly maintained computer  
11 Internet directory maintained pursuant to Section 14207 and shall  
12 produce posters with photographs and information regarding these  
13 children, including the missing children hotline telephone number  
14 and reward information. The department shall make these posters  
15 available to parties as prescribed and as the department deems  
16 appropriate.

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

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

25     (e) The department shall include these photographs, as they  
26 become available, in the quarterly bulletins pursuant to subdivision  
27 (c) of Section 14204.

28     (f) State and local elected officials, agencies, departments,  
29 boards, and commissions may enclose in their mailings information  
30 regarding missing children or at-risk adults obtainable from the  
31 Department of Justice or any organization that is recognized as a  
32 nonprofit, tax-exempt organization under state or federal law and  
33 that has an ongoing missing children program. Elected officials,  
34 agency secretaries, and directors of departments, boards, and  
35 commissions are urged to develop policies to enclose missing  
36 children or at-risk adults information in mailings if it will not  
37 increase postage costs and is otherwise deemed appropriate.

38     ~~SEC. 26.~~

39     *SEC. 25.* Section 14209 of the Penal Code is repealed.

1 ~~SEC. 27.~~

2 *SEC. 26.* Section 14210 of the Penal Code is amended and  
3 renumbered to read:

4 14214. (a) The Legislature finds and declares that it is the duty  
5 of all law enforcement agencies to immediately assist any person  
6 who is attempting to make a report of a missing person or runaway.

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

13 ~~SEC. 28.~~

14 *SEC. 27.* Section 14213 of the Penal Code is amended and  
15 renumbered to read:

16 14215. (a) As used in this title, "missing person" includes, but  
17 is not limited to, a child who has been taken, detained, concealed,  
18 enticed away, or retained by a parent in violation of Chapter 4  
19 (commencing with Section 277) of Title 9 of Part 1. It also includes  
20 any child who is missing voluntarily or involuntarily, or under  
21 circumstances not conforming to his or her ordinary habits or  
22 behavior and who may be in need of assistance.

23 (b) As used in this title, "at-risk" means there is evidence of, or  
24 there are indications of, any of the following:

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

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

27 (3) The person missing has no pattern of running away or  
28 disappearing.

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

30 (5) The person missing is mentally impaired.

31 (c) As used in this title, "child" is any person under ~~the age of~~  
32 *18 years of age.*

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

35 (e) As used in this title, "dental or medical records or X-rays;"  
36 include all those records or X-rays which are in the possession of  
37 a dentist, physician and surgeon, or medical facility.

38 (f) As used in this title, "unidentified person" means a person,  
39 living or deceased, whose identity the local investigative agency  
40 is unable to determine.

1     ~~SEC. 29.~~

2     *SEC. 28.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

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