

AMENDED IN ASSEMBLY JULY 3, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1066

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

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, and 27521 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 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 apply these provisions to a 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 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 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 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

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

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

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

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

11 (2) Date and place of birth.

12 (3) Physical description.

13 (4) Social security number.

14 (5) Employment history and earnings.

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

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

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

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

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

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

36 (i) Assets.

37 (ii) Credits.

38 (iii) Deductions.

39 (iv) Exemptions.

40 (v) Identity.

- 1 (vi) Liabilities.
- 2 (vii) Nature, source, and amount of income.
- 3 (viii) Net worth.
- 4 (ix) Payments.
- 5 (x) Receipts.
- 6 (xi) Address.
- 7 (xii) Social security number.

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

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

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

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

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

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

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

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

39 (2) To effectuate the purposes of this section, and
40 notwithstanding any other law, regulation, or tariff, and to the

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

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

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

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

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

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

1 (vi) Spouse's name.

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

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

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

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

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

32 (e) Notwithstanding Section 14203 of the Penal Code, any
33 records established pursuant to this section shall be disseminated
34 only to the Department of Child Support Services, the California
35 Child Support Automation System, the California Parent Locator
36 Service and Central Registry, the parent locator services and central
37 registries of other states as defined by federal statutes and
38 regulations, a local child support agency of any county in this state,
39 and the federal Parent Locator Service. The California Child
40 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 upon an unidentified body or human remains is subject to this
18 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 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 performing
39 a postmortem examination or autopsy shall prepare a final report
40 of investigation in a format established by the Department of

1 Justice. The final report shall list or describe the information
2 collected pursuant to the postmortem examination or autopsy
3 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 performing a
8 postmortem examination or autopsy has determined that the body
9 of the unidentified deceased person has suffered significant
10 deterioration or decomposition, the jaws shall not be removed until
11 immediately before the body is cremated or buried. The coroner,
12 medical examiner, or other agency responsible for a postmortem
13 examination or autopsy shall retain the jaws and other tissue
14 samples for one year after a positive identification is made, and
15 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 Department
22 of Justice on forms supplied by the Department of Justice within
23 45 days of the date the body or human remains were discovered.

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

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

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

1 by imprisonment in a county jail 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 14207.

13 SEC. 8. 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 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. 9. 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 at-risk adults.

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

6 (1) Developing violent offender profiles.

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

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

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

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

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

17 14201. The Attorney General shall establish and maintain,
18 upon appropriation of funds by the Legislature, the Violent Crime
19 Information Network within the center to enable the Department
20 of Justice crime analysts with expertise in child abuse, missing
21 persons, child abductions, and sexual assaults to electronically
22 share their data, analysis, and findings on violent crime cases with
23 each other, and to electronically provide law enforcement agencies
24 with information to assist in the identification, tracking, and
25 apprehension of violent offenders. The Violent Crime Information
26 Network shall integrate existing state, federal, and civilian
27 databases into a single comprehensive network.

28 SEC. 12. Section 14201.3 of the Penal Code is amended and
29 renumbered to read:

30 14209. The center shall make accessible to the National Missing
31 and Unidentified Persons System specific information authorized
32 for dissemination and as determined appropriate by the center that
33 is contained in law enforcement reports regarding missing or
34 unidentified persons. The information shall be accessible in a
35 manner and format approved by the center and shall be used to
36 assist in the search for the missing person or persons. The center
37 shall not permit the transmission or sharing of information, or
38 portions of information, to the National Missing and Unidentified
39 Persons System unless the reporting agency, as specified in Section
40 14211, or the reporting party, with respect to the information

1 submitted to the center, submits authorization to the center to
2 transmit or share that information.

3 SEC. 13. Section 14201.5 of the Penal Code is amended and
4 renumbered to read:

5 14206. (a) The Attorney General shall establish within the
6 Department of Justice the Missing and Exploited Children's
7 Recovery Network by July 31, 1995.

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

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

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

25 SEC. 14. Section 14201.6 of the Penal Code is amended and
26 renumbered to read:

27 14207. (a) The Department of Justice shall establish and
28 maintain a publicly accessible computer Internet directory of
29 information relating to the following:

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

33 (2) At-risk missing persons.

34 (3) Unsolved homicides and unidentified persons.

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

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

39 (1) Information regarding any case for which the Attorney
40 General has determined that disclosure pursuant to this section

1 would endanger the safety of a person involved in an investigation
2 or the successful completion of the investigation or a related
3 investigation.

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

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

11 14208. (a) There shall be within the Department of Justice a
12 director responsible for coordinating California's response to
13 missing persons. This position is hereby established for all of the
14 following purposes:

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

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

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

23 (4) To maintain records and make the Commission on Peace
24 Officer Standards and Training Guidelines for Handling Missing
25 Persons Investigations document available to law enforcement
26 agencies upon request.

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

30 SEC. 16. Section 14202 of the Penal Code is amended and
31 renumbered to read:

32 14203. (a) The Attorney General shall establish and maintain
33 within the center an investigative support unit and an automated
34 violent crime method of operation system to facilitate the
35 identification and apprehension of persons responsible for murder,
36 kidnap, including parental abduction, false imprisonment, or sexual
37 assault. This unit shall be responsible for identifying perpetrators
38 of violent felonies collected from the center and analyzing and
39 comparing data on missing persons in order to determine possible
40 leads which could assist local law enforcement agencies. This unit

1 shall only release information about active investigations by police
2 and sheriffs' departments to local law enforcement agencies.

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

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

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

11 (3) Sex offender registration files maintained pursuant to Section
12 290.

13 (4) State summary criminal history information maintained
14 pursuant to Section 11105.

15 (5) Information obtained pursuant to the parent locator service
16 maintained pursuant to Section 11478.1 of the Welfare and
17 Institutions Code.

18 (6) Information furnished to the Department of Justice pursuant
19 to Section 11107.

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

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

27 SEC. 17. Section 14202.1 of the Penal Code is amended and
28 renumbered to read:

29 14202. The Attorney General shall establish and maintain,
30 upon appropriation of funds by the Legislature, within the center
31 the Violent Crime Information System to track and monitor violent
32 offenders and their activities. The Violent Crime Information
33 System shall use computer technology to compare unsolved crime
34 scenes and methods of operation information against the file of
35 known violent sexual assault, kidnapping, and homicide offenders.
36 The system shall provide local law enforcement agencies with
37 investigative leads to assist in the resolution of violent crimes.

38 SEC. 18. Section 14202.2 of the Penal Code is amended and
39 renumbered to read:

1 14216. (a) The Department of Justice, in conjunction with the
2 Department of Corrections and Rehabilitation, shall update any
3 supervised release file that is available to law enforcement on the
4 California Law Enforcement Telecommunications System every
5 10 days to reflect the most recent inmates paroled from facilities
6 under the jurisdiction of the Department of Corrections and
7 Rehabilitation.

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

20 SEC. 19. Section 14203 of the Penal Code is amended and
21 renumbered to read:

22 14205. (a) The online missing persons registry shall accept
23 and generate complete information on a missing person.

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

26 (1) The person's name.

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

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

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

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

34 (6) The person's known associates.

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

36 (8) The name or assumed name of the abductor, if applicable,
37 other pertinent information relating to the abductor or the assumed
38 abductor, or both.

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

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

4 (d) The Attorney General shall establish and maintain within
5 the center a separate, confidential historic database relating to
6 missing children and at-risk adults. The historic database may be
7 used only by the center for statistical and research purposes. The
8 historic database shall be set up to categorize cases relating to
9 missing children and at-risk adults by type. These types shall
10 include the following:

- 11 (1) Runaways.
- 12 (2) Voluntary missing.
- 13 (3) Lost.
- 14 (4) Abduction involving movement of the victim in the
15 commission of the crime or sexual exploitation.
- 16 (5) Nonfamily abduction.
- 17 (6) Family abduction.
- 18 (7) Any other categories as determined by the Attorney General.

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

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

30 SEC. 20. Section 14204 of the Penal Code is repealed.

31 SEC. 21. Section 14205 of the Penal Code is amended and
32 renumbered to read:

33 14211. (a) All local police and sheriffs' departments shall
34 accept any report, by any party, including any telephonic report,
35 of a missing person, including runaways, without delay and shall
36 give priority to the handling of these reports over the handling of
37 reports relating to crimes involving property.

38 (b) In cases where the person making a report of a missing
39 person or runaway, contacts, including by telephone, the
40 Department of the California Highway Patrol, the Department of

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

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

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

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

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

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

36 (6) Vehicle information.
37 (7) Other information describing any person or vehicle believed
38 to be involved in taking, abducting, or retaining the missing person.

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

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

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

19 SEC. 22. Section 14206 of the Penal Code is amended and
20 renumbered to read:

21 14212. (a) When any person makes a report of a missing
22 person to a police department, sheriff's department, district
23 attorney's office, Department of the California Highway Patrol,
24 or other law enforcement agency, the agency shall use the Attorney
25 General's form as required under Section 13519.07. That form
26 shall include a statement authorizing the release of the dental or
27 skeletal X-rays, or both, and treatment notes, of the person reported
28 missing and authorizing the release of a recent photograph of a
29 person reported missing who is under 18 years of age.

30 (b) Included with the form shall be instructions which state that
31 if the person reported missing is still missing 30 days after the
32 report is made, the release form signed by a member of the family
33 or next of kin of the missing person shall be taken by the family
34 member or next of kin to the dentist, physician and surgeon, or
35 medical facility in order to obtain the release of the dental or
36 skeletal X-rays, or both, and treatment notes, of that person or may
37 be taken by a peace officer, if others fail to take action, to secure
38 those X-rays and treatment notes.

39 (c) Notwithstanding any other provision of law, dental or skeletal
40 X-rays, or both, and treatment notes, shall be released by the

1 dentist, physician and surgeon, or medical facility to the person
2 presenting the request and shall be submitted within 10 days by
3 that person to the police or sheriff's department or other law
4 enforcement agency having jurisdiction over the investigation.

5 (d) When the person reported missing has been determined by
6 the agency to be an at-risk person, *and* has not been found within
7 30 days, the law enforcement agency may execute a written
8 declaration, stating that an active investigation seeking the location
9 of the missing person is being conducted, and that the dental or
10 skeletal X-rays, or both, and treatment notes, are necessary for the
11 exclusive purpose of furthering the investigation.

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

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

21 (g) When a person reported missing has not been found within
22 30 days, the sheriff, chief of police, or other law enforcement
23 agency conducting the investigation for the missing person may
24 confer with the coroner or medical examiner prior to the
25 preparation of a missing person report. The coroner or medical
26 examiner shall cooperate with the law enforcement agency. After
27 conferring with the coroner or medical examiner, the sheriff, chief
28 of police, or other law enforcement agency initiating and
29 conducting the investigation for the missing person may submit a
30 missing person report and the dental or skeletal X-rays, or both,
31 and photograph received pursuant to subdivision (a) to the Attorney
32 General's office in a format acceptable to the Attorney General.

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

38 (i) The requirements imposed by this section on local police
39 and sheriff's departments shall not be operative if the governing
40 body of that local agency, by a majority vote of the members of

1 that body, adopts a resolution expressly making those requirements
2 inoperative.

3 SEC. 23. Section 14207 of the Penal Code is amended and
4 renumbered to read:

5 14213. (a) When a person reported missing has been found,
6 the sheriff, chief of police, coroner or medical examiner, or the
7 law enforcement agency locating the missing person shall
8 immediately report that information to the Attorney General's
9 office. The Attorney General's office shall then notify the National
10 Crime Information Center that the missing person has been found.

11 (b) When a missing person is found, the report indicating that
12 the person is found shall be made not later than 24 hours after the
13 person is found to the law enforcement agency that made the initial
14 missing person report.

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

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

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

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

33 (b) The Department of Justice shall select up to six children per
34 month from the missing persons publicly maintained computer
35 Internet directory maintained pursuant to Section 14207 and shall
36 produce posters with photographs and information regarding these
37 children, including the missing children hotline telephone number
38 and reward information. The department shall make these posters
39 available to parties as prescribed and as the department deems
40 appropriate.

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

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

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

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

22 SEC. 25. Section 14209 of the Penal Code is repealed.

23 SEC. 26. Section 14210 of the Penal Code is amended and
24 renumbered to read:

25 14214. (a) The Legislature finds and declares that it is the duty
26 of all law enforcement agencies to immediately assist any person
27 who is attempting to make a report of a missing person or runaway.

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

34 SEC. 27. Section 14213 of the Penal Code is amended and
35 renumbered to read:

36 14215. (a) As used in this title, "missing person" includes, but
37 is not limited to, a child who has been taken, detained, concealed,
38 enticed away, or retained by a parent in violation of Chapter 4
39 (commencing with Section 277) of Title 9 of Part 1. It also includes
40 any child who is missing voluntarily or involuntarily, or under

1 circumstances not conforming to his or her ordinary habits or
2 behavior and who may be in need of assistance.

3 (b) As used in this title, “at-risk” means there is evidence of, or
4 there are indications of, any of the following:

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

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

7 (3) The person missing has no pattern of running away or
8 disappearing.

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

10 (5) The person missing is mentally impaired.

11 (c) As used in this title, “child” is any person under 18 years of
12 age.

13 (d) As used in this title, “center” means the Violent Crime
14 Information Center.

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

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

21 SEC. 28. If the Commission on State Mandates determines
22 that this act contains costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

O