

AMENDED IN ASSEMBLY AUGUST 18, 2014

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. *The bill would authorize these persons and the persons described above to retain another bone sample for the purposes described above if the jaws are not available.*

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 prohibit a law enforcement agency from establishing or maintaining any policy that requires the removal of a missing person entry from those databases based solely on the age of the missing person.* The bill would require a final report of investigation from a postmortem examination or autopsy to additionally include any 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.

This bill would incorporate additional changes to Section 17506 of the Family Code proposed by SB 1460, to be operative only if SB 1460 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

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.

1 SEC. 2. Section 49068.5 of the Education Code is amended to
2 read:

3 49068.5. Upon the initial enrollment of a pupil in a public or
4 private elementary school, or whenever an elementary school pupil
5 transfers from one school district to another, transfers to an
6 elementary school within the same district, transfers from one
7 private elementary school to another, transfers from a private
8 elementary school to a public elementary school, or transfers from
9 a public elementary school to a private elementary school, the
10 principal of the school that the child enters or to which he or she
11 transfers is urged to check to see if the child resembles a child
12 listed as missing by the bulletins provided by the Department of
13 Justice pursuant to Section 14204 of the Penal Code.

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

15 17506. (a) There is in the department a California Parent
16 Locator Service and Central Registry that shall collect and
17 disseminate all of the following, with respect to any parent, putative
18 parent, spouse, or former spouse:

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

21 (2) Date and place of birth.

22 (3) Physical description.

23 (4) Social security number.

24 (5) Employment history and earnings.

25 (6) Military status and Veterans Administration or military
26 service serial number.

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

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

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

31 (10) (A) Any additional location, asset, and income information,
32 including income tax return information obtained pursuant to
33 Section 19548 of the Revenue and Taxation Code, and to the extent
34 permitted by federal law, the address, telephone number, and social
35 security number obtained from a public utility, cable television
36 corporation, a provider of electronic digital pager communication,
37 or a provider of mobile telephony services that may be of assistance
38 in locating the parent, putative parent, abducting, concealing, or
39 detaining parent, spouse, or former spouse, in establishing a parent
40 and child relationship, in enforcing the child support liability of

1 the absent parent, or enforcing the spousal support liability of the
2 spouse or former spouse to the extent required by the state plan
3 pursuant to Section 17604.

4 (B) For purposes of this subdivision, “income tax return
5 information” means all of the following regarding the taxpayer:

6 (i) Assets.

7 (ii) Credits.

8 (iii) Deductions.

9 (iv) Exemptions.

10 (v) Identity.

11 (vi) Liabilities.

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

13 (viii) Net worth.

14 (ix) Payments.

15 (x) Receipts.

16 (xi) Address.

17 (xii) Social security number.

18 (b) Pursuant to a letter of agreement entered into between the
19 Department of Child Support Services and the Department of
20 Justice, the Department of Child Support Services shall assume
21 responsibility for the California Parent Locator Service and Central
22 Registry. The letter of agreement shall, at a minimum, set forth all
23 of the following:

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

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

33 (3) Until the department’s automation system for the California
34 Parent Locator Service and Central Registry functions is fully
35 operational, the department shall use the automation system
36 operated by the Department of Justice.

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

39 (c) To effectuate the purposes of this section, the California
40 Child Support Automation System, the California Parent Locator

1 Service and Central Registry, and the Franchise Tax Board shall
2 utilize the federal Parent Locator Service to the extent necessary,
3 and may request and shall receive from all departments, boards,
4 bureaus, or other agencies of the state, or any of its political
5 subdivisions, and those entities shall provide, that assistance and
6 data that will enable the Department of Child Support Services
7 and other public agencies to carry out their powers and duties to
8 locate parents, spouses, and former spouses, and to identify their
9 assets, to establish parent-child relationships, and to enforce
10 liability for child or spousal support, and for any other obligations
11 incurred on behalf of children, and shall also provide that
12 information to any local child support agency in fulfilling the duties
13 prescribed in Section 270 of the Penal Code, and in Chapter 8
14 (commencing with Section 3130) of Part 2 of Division 8 of this
15 code, relating to abducted, concealed, or detained children and to
16 any county child welfare agency or county probation department
17 in fulfilling the duties prescribed in Article 5.5 (commencing with
18 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare
19 and Institutions Code, and prescribed in Article 6 (commencing
20 with Section 300) of Chapter 2 of Part 1 of Division 2 of the
21 Welfare and Institutions Code to identify, locate, and notify parents
22 of children who are the subject of juvenile court proceedings, to
23 establish parent and child relationships pursuant to Section 316.2
24 of the Welfare and Institutions Code, and to assess the
25 appropriateness of placement of a child with a noncustodial parent
26 pursuant to Section 361.2 of the Welfare and Institutions Code.
27 County child welfare agencies and probation departments shall be
28 entitled to that information regardless of whether an all-county
29 letter or similar instruction is issued pursuant to subparagraph (C)
30 of paragraph (8) of subdivision (c) of Section 11478.1 of the
31 Welfare and Institutions Code. The California Child Support
32 Automation System shall be entitled to the same cooperation and
33 information as the California Parent Locator Service and Central
34 Registry to the extent allowed by law. The California Child Support
35 Automation System shall be allowed access to criminal record
36 information only to the extent that access is allowed by state and
37 federal law.

38 (d) (1) 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 public
3 utilities, as defined in Section 216 of the Public Utilities Code,
4 customer service information, including the full name, address,
5 telephone number, date of birth, employer name and address, and
6 social security number of customers of the public utility, to the
7 extent that this information is stored within the computer database
8 of the public utility.

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

24 (3) In order to protect the privacy of utility, cable television,
25 electronic digital pager communication, and mobile telephony
26 service customers, a request to a public utility, cable television
27 corporation, provider of electronic digital pager communication,
28 or provider of mobile telephony services for customer service
29 information pursuant to this section shall meet the following
30 requirements:

31 (A) Be submitted to the public utility, cable television
32 corporation, provider of electronic digital pager communication,
33 or provider of mobile telephony services in writing, on a transmittal
34 document prepared by the California Parent Locator Service and
35 Central Registry or the California Child Support Automation
36 System and approved by all of the public utilities, cable television
37 corporations, providers of electronic digital pager communication,
38 and providers of mobile telephony services. The transmittal shall
39 be deemed to be an administrative subpoena for customer service
40 information.

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

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

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

7 (ii) Social security number.

8 (iii) Driver's license number.

9 (iv) Birth date.

10 (v) Last known address.

11 (vi) Spouse's name.

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

18 (E) The California Child Support Automation System and the
19 California Parent Locator Service and Central Registry shall ensure
20 that customer service information supplied by a public utility, cable
21 television corporation, provider of electronic digital pager
22 communication, or provider of mobile telephony services is
23 applicable to the person who is being sought before releasing the
24 information pursuant to subdivision (d).

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

29 (5) The public utility, cable television corporation, electronic
30 digital pager communication provider, or mobile telephony service
31 provider may charge a fee to the California Parent Locator Service
32 and Central Registry or the California Child Support Automation
33 System for each search performed pursuant to this subdivision to
34 cover the actual costs to the public utility, cable television
35 corporation, electronic digital pager communication provider, or
36 mobile telephony service provider for providing this information.

37 (6) No public utility, cable television corporation, electronic
38 digital pager communication provider, or mobile telephony service
39 provider or official or employee thereof, shall be subject to criminal

1 or civil liability for the release of customer service information as
2 authorized by this subdivision.

3 (e) Notwithstanding Section 14203 of the Penal Code, any
4 records established pursuant to this section shall be disseminated
5 only to the Department of Child Support Services, the California
6 Child Support Automation System, the California Parent Locator
7 Service and Central Registry, the parent locator services and central
8 registries of other states as defined by federal statutes and
9 regulations, a local child support agency of any county in this state,
10 and the federal Parent Locator Service. The California Child
11 Support Automation System shall be allowed access to criminal
12 offender record information only to the extent that access is allowed
13 by law.

14 (f) (1) At no time shall any information received by the
15 California Parent Locator Service and Central Registry or by the
16 California Child Support Automation System be disclosed to any
17 person, agency, or other entity, other than those persons, agencies,
18 and entities specified pursuant to Section 17505, this section, or
19 any other provision.

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

23 (g) (1) The Department of Justice, in consultation with the
24 Department of Child Support Services, shall promulgate rules and
25 regulations to facilitate maximum and efficient use of the California
26 Parent Locator Service and Central Registry. Upon implementation
27 of the California Child Support Automation System, the
28 Department of Child Support Services shall assume all
29 responsibility for promulgating rules and regulations for use of
30 the California Parent Locator Service and Central Registry.

31 (2) The Department of Child Support Services, the Public
32 Utilities Commission, the cable television corporations, providers
33 of electronic digital pager communication, and the providers of
34 mobile telephony services shall develop procedures for obtaining
35 the information described in subdivision (c) from public utilities,
36 cable television corporations, providers of electronic digital pager
37 communication, and providers of mobile telephony services and
38 for compensating the public utilities, cable television corporations,
39 providers of electronic digital pager communication, and providers
40 of mobile telephony services for providing that information.

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

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

8 *SEC. 3.5. Section 17506 of the Family Code is amended to*
9 *read:*

10 17506. (a) There is in the department a California Parent
11 Locator Service and Central Registry that shall collect and
12 disseminate all of the following, with respect to any parent, putative
13 parent, spouse, or former spouse:

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

16 (2) Date and place of birth.

17 (3) Physical description.

18 (4) Social security number.

19 (5) Employment history and earnings.

20 (6) Military status and Veterans Administration or military
21 service serial number.

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

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

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

26 (10) (A) Any additional location, asset, and income information,
27 including income tax return information obtained pursuant to
28 Section ~~19285.4~~ 19548 of the Revenue and Taxation Code, and to
29 the extent permitted by federal law, the address, telephone number,
30 and social security number obtained from a public utility, cable
31 television corporation, a provider of electronic digital pager
32 communication, or a provider of mobile telephony services that
33 may be of assistance in locating the parent, putative parent,
34 abducting, concealing, or detaining parent, spouse, or former
35 spouse, in establishing a parent and child relationship, in enforcing
36 the child support liability of the absent parent, or enforcing the
37 spousal support liability of the spouse or former spouse to the
38 extent required by the state plan pursuant to Section 17604.

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

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

1 data that will enable the Department of Child Support Services
2 and other public agencies to carry out their powers and duties to
3 locate parents, spouses, and former spouses, and to identify their
4 assets, to establish parent-child relationships, and to enforce
5 liability for child or spousal support, and for any other obligations
6 incurred on behalf of children, and shall also provide that
7 information to any local child support agency in fulfilling the duties
8 prescribed in Section 270 of the Penal Code, and in Chapter 8
9 (commencing with Section 3130) of Part 2 of Division 8 of this
10 code, relating to abducted, concealed, or detained children and to
11 any county child welfare agency or county probation department
12 in fulfilling the duties prescribed in Article 5.5 (commencing with
13 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare
14 and Institutions Code, and prescribed in Article 6 (commencing
15 with Section 300) of Chapter 2 of Part 1 of Division 2 of the
16 Welfare and Institutions Code to identify, locate, and notify parents
17 *or relatives* of children who are the subject of juvenile court
18 proceedings, to establish parent and child relationships pursuant
19 to Section 316.2 of the Welfare and Institutions Code, and to assess
20 the appropriateness of placement of a child with a noncustodial
21 parent pursuant to Section 361.2 of the Welfare and Institutions
22 Code. *Consistent with paragraph (1) of subdivision (e) of Section*
23 *309 of, and paragraph (2) of subdivision (d) of Section 628 of, the*
24 *Welfare and Institutions Code, in order for county child welfare*
25 *and probation departments to carry out their duties to identify and*
26 *locate all grandparents, adult siblings, and other adult relatives*
27 *of the child as defined in paragraph (2) of subdivision (f) of Section*
28 *319 of the Welfare and Institutions Code, including any other adult*
29 *relatives suggested by the parents, county personnel are permitted*
30 *to request and receive information from the California Parent*
31 *Locator Service and Federal Parent Locator Service. County*
32 *child welfare agencies and probation departments shall be entitled*
33 *to that the information described in this subdivision regardless of*
34 *whether an all-county letter or similar instruction is issued pursuant*
35 *to subparagraph (C) of paragraph (8) of subdivision (c) of Section*
36 *11478.1 of the Welfare and Institutions Code. The California Child*
37 *Support Automation System shall be entitled to the same*
38 *cooperation and information as the California Parent Locator*
39 *Service and Central Registry to the extent allowed by law. The*
40 *California Child Support Automation System shall be allowed*

1 access to criminal record information only to the extent that access
2 is allowed by state and federal law.

3 (d) (1) To effectuate the purposes of this section, and
4 notwithstanding any other ~~provision of California~~ law, regulation,
5 or tariff, and to the extent permitted by federal law, the California
6 Parent Locator Service and Central Registry and the California
7 Child Support Automation System may request and shall receive
8 from public utilities, as defined in Section 216 of the Public
9 Utilities Code, customer service information, including the full
10 name, address, telephone number, date of birth, employer name
11 and address, and social security number of customers of the public
12 utility, to the extent that this information is stored within the
13 computer database of the public utility.

14 (2) To effectuate the purposes of this section, and
15 notwithstanding any other ~~provision of California~~ law, regulation,
16 or tariff, and to the extent permitted by federal law, the California
17 Parent Locator Service and Central Registry and the California
18 Child Support Automation System may request and shall receive
19 from cable television corporations, as defined in Section 216.4 of
20 the Public Utilities Code, the providers of electronic digital pager
21 communication, as defined in Section 629.51 of the Penal Code,
22 and the providers of mobile telephony services, as defined in
23 Section 224.4 of the Public Utilities Code, customer service
24 information, including the full name, address, telephone number,
25 date of birth, employer name and address, and social security
26 number of customers of the cable television corporation, customers
27 of the providers of electronic digital pager communication, and
28 customers of the providers of mobile telephony services.

29 (3) In order to protect the privacy of utility, cable television,
30 electronic digital pager communication, and mobile telephony
31 service customers, a request to a public utility, cable television
32 corporation, provider of electronic digital pager communication,
33 or provider of mobile telephony services for customer service
34 information pursuant to this section shall meet the following
35 requirements:

36 (A) Be submitted to the public utility, cable television
37 corporation, provider of electronic digital pager communication,
38 or provider of mobile telephony services in writing, on a transmittal
39 document prepared by the California Parent Locator Service and
40 Central Registry or the California Child Support Automation

1 System and approved by all of the public utilities, cable television
2 corporations, providers of electronic digital pager communication,
3 and providers of mobile telephony services. The transmittal shall
4 be deemed to be an administrative subpoena for customer service
5 information.

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

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

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

12 (ii) Social security number.

13 (iii) Driver's license number.

14 (iv) Birth date.

15 (v) Last known address.

16 (vi) Spouse's name.

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

23 (E) The California Child Support Automation System and the
24 California Parent Locator Service and Central Registry shall ensure
25 that customer service information supplied by a public utility, cable
26 television corporation, provider of electronic digital pager
27 communication, or provider of mobile telephony services is
28 applicable to the person who is being sought before releasing the
29 information pursuant to subdivision (d).

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

34 (5) The public utility, cable television corporation, electronic
35 digital pager communication provider, or mobile telephony service
36 provider may charge a fee to the California Parent Locator Service
37 and Central Registry or the California Child Support Automation
38 System for each search performed pursuant to this subdivision to
39 cover the actual costs to the public utility, cable television

1 corporation, electronic digital pager communication provider, or
2 mobile telephony service provider for providing this information.

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

8 (e) Notwithstanding Section ~~14202~~ 14203 of the Penal Code,
9 any records established pursuant to this section shall be
10 disseminated only to the Department of Child Support Services,
11 the California Child Support Automation System, the California
12 Parent Locator Service and Central Registry, the parent locator
13 services and central registries of other states as defined by federal
14 statutes and regulations, a local child support agency of any county
15 in this state, and the federal Parent Locator Service. The California
16 Child Support Automation System shall be allowed access to
17 criminal offender record information only to the extent that access
18 is allowed by law.

19 (f) (1) At no time shall any information received by the
20 California Parent Locator Service and Central Registry or by the
21 California Child Support Automation System be disclosed to any
22 person, agency, or other entity, other than those persons, agencies,
23 and entities specified pursuant to Section 17505, this section, or
24 any other ~~provision of law~~ provision.

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

28 (g) (1) The Department of Justice, in consultation with the
29 Department of Child Support Services, shall promulgate rules and
30 regulations to facilitate maximum and efficient use of the California
31 Parent Locator Service and Central Registry. Upon implementation
32 of the California Child Support Automation System, the
33 Department of Child Support Services shall assume all
34 responsibility for promulgating rules and regulations for use of
35 the California Parent Locator Service and Central Registry.

36 (2) The Department of Child Support Services, the Public
37 Utilities Commission, the cable television corporations, providers
38 of electronic digital pager communication, and the providers of
39 mobile telephony services shall develop procedures for obtaining
40 the information described in subdivision (c) from public utilities,

1 cable television corporations, providers of electronic digital pager
2 communication, and providers of mobile telephony services and
3 for compensating the public utilities, cable television corporations,
4 providers of electronic digital pager communication, and providers
5 of mobile telephony services for providing that information.

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

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

13 SEC. 4. Section 6276.30 of the Government Code is amended
14 to read:

15 6276.30. Managed care health plans, confidentiality of
16 proprietary information, Section 14091.3 of the Welfare and
17 Institutions Code.

18 Managed Risk Medical Insurance Board, negotiations with
19 entities contracting or seeking to contract with the board,
20 subdivisions (v) and (y) of Section 6254.

21 Mandated blood testing and confidentiality to protect public
22 health, prohibition against compelling identification of test subjects,
23 Section 120975 of the Health and Safety Code.

24 Mandated blood testing and confidentiality to protect public
25 health, unauthorized disclosures of identification of test subjects,
26 Sections 1603.1, 1603.3, and 121022 of the Health and Safety
27 Code.

28 Mandated blood testing and confidentiality to protect public
29 health, disclosure to patient's spouse, sexual partner, needle sharer,
30 or county health officer, Section 121015 of the Health and Safety
31 Code.

32 Manufactured home, mobilehome, floating home, confidentiality
33 of home address of registered owner, Section 18081 of the Health
34 and Safety Code.

35 Marital confidential communications, Sections 980, 981, 982,
36 983, 984, 985, 986, and 987 of the Evidence Code.

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

38 Marketing of commodities, confidentiality of financial
39 information, Section 58781 of the Food and Agricultural Code.

- 1 Marketing orders, confidentiality of processors' or distributors'
2 information, Section 59202 of the Food and Agricultural Code.
3 Marriage, confidential, certificate, Section 511 of the Family
4 Code.
5 Medi-Cal Benefits Program, confidentiality of information,
6 Section 14100.2 of the Welfare and Institutions Code.
7 Medi-Cal Benefits Program, Request of Department for Records
8 of Information, Section 14124.89 of the Welfare and Institutions
9 Code.
10 Medi-Cal Fraud Bureau, confidentiality of complaints, Section
11 12528.
12 Medi-Cal managed care program, exemption from disclosure
13 for financial and utilization data submitted by Medi-Cal managed
14 care health plans to establish rates, Section 14301.1 of the Welfare
15 and Institutions Code.
16 Medi-Cal program, exemption from disclosure for best price
17 contracts between the State Department of Health Care Services
18 and drug manufacturers, Section 14105.33 of the Welfare and
19 Institutions Code.
20 Medical information, disclosure by provider unless prohibited
21 by patient in writing, Section 56.16 of the Civil Code.
22 Medical information, types of information not subject to patient
23 prohibition of disclosure, Section 56.30 of the Civil Code.
24 Medical and other hospital committees and peer review bodies,
25 confidentiality of records, Section 1157 of the Evidence Code.
26 Medical or dental licensee, action for revocation or suspension
27 due to illness, report, confidentiality of, Section 828 of the Business
28 and Professions Code.
29 Medical or dental licensee, disciplinary action, denial or
30 termination of staff privileges, report, confidentiality of, Sections
31 805, 805.1, and 805.5 of the Business and Professions Code.
32 Meetings of state agencies, disclosure of agenda, Section
33 11125.1.
34 Mentally abnormal sex offender committed to state hospital,
35 confidentiality of records, Section 4135 of the Welfare and
36 Institutions Code.
37 Mentally disordered and developmentally disabled offenders,
38 access to criminal histories of, Section 1620 of the Penal Code.

1 Mentally disordered persons, court-ordered evaluation,
2 confidentiality of reports, Section 5202 of the Welfare and
3 Institutions Code.

4 Mentally disordered or mentally ill person, confidentiality of
5 written consent to detainment, Section 5326.4 of the Welfare and
6 Institutions Code.

7 Mentally disordered or mentally ill person, voluntarily or
8 involuntarily detained and receiving services, confidentiality of
9 records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
10 5328.8, and 5328.9 of the Welfare and Institutions Code.

11 Mentally disordered or mentally ill person, weapons restrictions,
12 confidentiality of information about, Section 8103 of the Welfare
13 and Institutions Code.

14 Milk marketing, confidentiality of records, Section 61443 of the
15 Food and Agricultural Code.

16 Milk product certification, confidentiality of, Section 62121 of
17 the Food and Agricultural Code.

18 Milk, market milk, confidential records and reports, Section
19 62243 of the Food and Agricultural Code.

20 Milk product registration, confidentiality of information, Section
21 38946 of the Food and Agricultural Code.

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

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

27 Minor, criminal proceeding testimony closed to public, Section
28 859.1 of the Penal Code.

29 Minors, material depicting sexual conduct, records of suppliers
30 to be kept and made available to law enforcement, Section 1309.5
31 of the Labor Code.

32 Misdemeanor and felony reports by police chiefs and sheriffs
33 to Department of Justice, confidentiality of, Sections 11107 and
34 11107.5 of the Penal Code.

35 Monetary instrument transaction records, confidentiality of,
36 Section 14167 of the Penal Code.

37 Missing persons' information, disclosure of, Sections 14204 and
38 14205 of the Penal Code.

39 Morbidity and mortality studies, confidentiality of records,
40 Section 100330 of the Health and Safety Code.

1 Motor vehicle accident reports, disclosure, Sections 16005,
2 20012, and 20014 of the Vehicle Code.

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

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

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

9 Multijurisdictional drug law enforcement agency, closed sessions
10 to discuss criminal investigation, Section 54957.8.

11 SEC. 5. Section 13974.1 of the Government Code is amended
12 to read:

13 13974.1. (a) The board shall use the applicable provisions of
14 this article to establish a claim and reward procedure to reward
15 persons providing information leading to the location of any child
16 listed in the missing children registry compiled pursuant to former
17 Section 11114 of the Penal Code or maintained pursuant to the
18 system maintained pursuant to Sections 14203 and 14204 of the
19 Penal Code.

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

26 (c) The Missing Children Reward Fund is hereby created in the
27 State Treasury and is continuously appropriated to the California
28 Victim Compensation and Government Claims Board to make
29 awards pursuant to this section.

30 SEC. 6. Section 27521 of the Government Code is amended
31 to read:

32 27521. (a) A postmortem examination or autopsy conducted
33 at the discretion of a coroner, medical examiner, or other agency
34 upon an unidentified body or human remains is subject to this
35 section.

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

38 (1) Taking of all available fingerprints and palm prints.

39 (2) A dental examination consisting of dental charts and dental
40 X-rays of the deceased person's teeth, which may be conducted

1 on the body or human remains by a qualified dentist as determined
2 by the coroner.

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

5 (4) Frontal and lateral facial photographs with the scale
6 indicated.

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

10 (6) Notations of observations pertinent to the estimation of the
11 time of death.

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

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

15 (d) The coroner, medical examiner, or other agency performing
16 a postmortem examination or autopsy shall prepare a final report
17 of investigation in a format established by the Department of
18 Justice. The final report shall list or describe the information
19 collected pursuant to the postmortem examination or autopsy
20 conducted under subdivision (b).

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

34 (f) If the coroner, medical examiner, or other agency performing
35 a postmortem examination or autopsy with the aid of the dental
36 examination and any other identifying findings is unable to
37 establish the identity of the body or human remains, the coroner,
38 medical examiner, or other agency shall submit dental charts and
39 dental X-rays of the unidentified deceased person to the Department

1 of Justice on forms supplied by the Department of Justice within
2 45 days of the date the body or human remains were discovered.

3 (g) If the coroner, medical examiner, or other agency performing
4 a postmortem examination or autopsy with the aid of the dental
5 examination and other identifying findings is unable to establish
6 the identity of the body or human remains, the coroner, medical
7 examiner, or other agency shall submit the final report of
8 investigation to the Department of Justice within 180 days of the
9 date the body or human remains were discovered. The final report
10 of investigation shall list or describe the information collected
11 pursuant to the postmortem examination or autopsy conducted
12 under subdivision (b), and any anthropology report, fingerprints,
13 photographs, and autopsy report.

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

15 168. (a) Every district attorney, clerk, judge, or peace officer
16 who, except by issuing or in executing a search warrant or warrant
17 of arrest for a felony, willfully discloses the fact of the warrant
18 prior to execution for the purpose of preventing the search or
19 seizure of property or the arrest of any person shall be punished
20 by imprisonment in a county jail not exceeding one year or
21 pursuant to subdivision (h) of Section 1170.

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

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

26 (2) Upon the return of an indictment and the issuance of an
27 arrest warrant, a disclosure of the existence of the indictment and
28 arrest warrant by a district attorney or the Attorney General to
29 assist in the apprehension of a defendant.

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

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

33 273j. (a) (1) Any parent or guardian having the care, custody,
34 or control of a child under 14 years of age who knows or should
35 have known that the child has died shall notify a public safety
36 agency, as defined in Section 53102 of the Government Code,
37 within 24 hours of the time that the parent or guardian knew or
38 should have known that the child has died.

39 (2) This subdivision shall not apply when a child is otherwise
40 under the immediate care of a physician at the time of death, or if

1 a public safety agency, a coroner, or a medical examiner is
2 otherwise aware of the death.

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

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

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

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

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

18 14200. (a) The Attorney General shall establish and maintain
19 the Violent Crime Information Center to assist in the identification
20 and the apprehension of persons responsible for specific violent
21 crimes and for the disappearance and exploitation of persons,
22 particularly children and at-risk adults.

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

25 (1) Developing violent offender profiles.

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

29 (3) Providing physical description information and photographs,
30 if available, of missing persons to county district attorneys,
31 nonprofit missing persons organizations, and schools.

32 (4) Providing statistics on missing at-risk adults and on missing
33 children, including, as may be applicable, family abductions,
34 nonfamily abductions, voluntary missing, and lost children or lost
35 at-risk adults.

36 (c) The Attorney General shall provide training on the services
37 provided by the center to line personnel, supervisors, and
38 investigators in the following fields: law enforcement, district
39 attorneys' offices, the Department of Corrections and

1 Rehabilitation, probation departments, court mediation services,
2 and the judiciary.

3 SEC. 10. Section 14201 of the Penal Code is amended and
4 renumbered to read:

5 14204. (a) The Attorney General shall establish within the
6 center and shall maintain an online, automated computer system
7 designed to effect an immediate law enforcement response to
8 reports of missing persons. The Attorney General shall design the
9 computer system, using any existing system, including the
10 California Law Enforcement Telecommunications System, to
11 include an active file of information concerning persons reported
12 to it as missing and who have not been reported as found. The
13 computer system shall also include a confidential historic database.
14 The Attorney General shall develop a system of cataloging missing
15 person reports according to a variety of characteristics in order to
16 facilitate locating particular categories of reports as needed.

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

28 (c) The Attorney General shall distribute a missing children and
29 at-risk adults bulletin on a quarterly basis to local law enforcement
30 agencies, district attorneys, and public schools. The Attorney
31 General shall also make this information accessible to other parties
32 involved in efforts to locate missing children and at-risk adults
33 and to those other persons as the Attorney General deems
34 appropriate.

35 SEC. 11. Section 14201.1 of the Penal Code is amended and
36 renumbered to read:

37 14201. The Attorney General shall establish and maintain,
38 upon appropriation of funds by the Legislature, the Violent Crime
39 Information Network within the center to enable the Department
40 of Justice crime analysts with expertise in child abuse, missing

1 persons, child abductions, and sexual assaults to electronically
2 share their data, analysis, and findings on violent crime cases with
3 each other, and to electronically provide law enforcement agencies
4 with information to assist in the identification, tracking, and
5 apprehension of violent offenders. The Violent Crime Information
6 Network shall integrate existing state, federal, and civilian
7 databases into a single comprehensive network.

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

10 14209. The center shall make accessible to the National Missing
11 and Unidentified Persons System specific information authorized
12 for dissemination and as determined appropriate by the center that
13 is contained in law enforcement reports regarding missing or
14 unidentified persons. The information shall be accessible in a
15 manner and format approved by the center and shall be used to
16 assist in the search for the missing person or persons. The center
17 shall not permit the transmission or sharing of information, or
18 portions of information, to the National Missing and Unidentified
19 Persons System unless the reporting agency, as specified in Section
20 14211, or the reporting party, with respect to the information
21 submitted to the center, submits authorization to the center to
22 transmit or share that information.

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

25 14206. (a) The Attorney General shall establish within the
26 Department of Justice the Missing and Exploited Children's
27 Recovery Network by July 31, 1995.

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

39 (c) The Department of Justice shall work in cooperation with
40 the National Center for Missing and Exploited Children to develop

1 and implement a network that can electronically interface with the
2 National Missing and Exploited Children's Network.

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

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

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

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

13 (2) At-risk missing persons.

14 (3) Unsolved homicides and unidentified persons.

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

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

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

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

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

31 14208. (a) There shall be within the Department of Justice a
32 director responsible for coordinating California's response to
33 missing persons. This position is hereby established for all of the
34 following purposes:

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

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

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

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

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

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

13 14203. (a) The Attorney General shall establish and maintain
14 within the center an investigative support unit and an automated
15 violent crime method of operation system to facilitate the
16 identification and apprehension of persons responsible for murder,
17 kidnap, including parental abduction, false imprisonment, or sexual
18 assault. This unit shall be responsible for identifying perpetrators
19 of violent felonies collected from the center and analyzing and
20 comparing data on missing persons in order to determine possible
21 leads which could assist local law enforcement agencies. This unit
22 shall only release information about active investigations by police
23 and sheriffs' departments to local law enforcement agencies.

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

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

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

32 (3) Sex offender registration files maintained pursuant to Section
33 290.

34 (4) State summary criminal history information maintained
35 pursuant to Section 11105.

36 (5) Information obtained pursuant to the parent locator service
37 maintained pursuant to Section 11478.1 of the Welfare and
38 Institutions Code.

39 (6) Information furnished to the Department of Justice pursuant
40 to Section 11107.

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

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

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

10 14202. The Attorney General shall establish and maintain,
11 upon appropriation of funds by the Legislature, within the center
12 the Violent Crime Information System to track and monitor violent
13 offenders and their activities. The Violent Crime Information
14 System shall use computer technology to compare unsolved crime
15 scenes and methods of operation information against the file of
16 known violent sexual assault, kidnapping, and homicide offenders.
17 The system shall provide local law enforcement agencies with
18 investigative leads to assist in the resolution of violent crimes.

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

21 14216. (a) The Department of Justice, in conjunction with the
22 Department of Corrections and Rehabilitation, shall update any
23 supervised release file that is available to law enforcement on the
24 California Law Enforcement Telecommunications System every
25 10 days to reflect the most recent inmates paroled from facilities
26 under the jurisdiction of the Department of Corrections and
27 Rehabilitation.

28 (b) Commencing on July 1, 2001, the Department of Justice, in
29 consultation with the State Department of Mental Health, or its
30 successor, the State Department of State Hospitals, shall also
31 update any supervised release file that is available to law
32 enforcement on the California Law Enforcement
33 Telecommunications System every 10 days to reflect patients
34 undergoing community mental health treatment and supervision
35 through the Forensic Conditional Release Program administered
36 by the State Department of Mental Health, or its successor, the
37 State Department of State Hospitals, other than individuals
38 committed as incompetent to stand trial pursuant to Chapter 6
39 (commencing with Section 1367) of Title 10 of Part 2.

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

3 14205. (a) The online missing persons registry shall accept
4 and generate complete information on a missing person.

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

7 (1) The person's name.

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

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

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

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

15 (6) The person's known associates.

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

17 (8) The name or assumed name of the abductor, if applicable,
18 other pertinent information relating to the abductor or the assumed
19 abductor, or both.

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

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

25 (d) The Attorney General shall establish and maintain within
26 the center a separate, confidential historic database relating to
27 missing children and at-risk adults. The historic database may be
28 used only by the center for statistical and research purposes. The
29 historic database shall be set up to categorize cases relating to
30 missing children and at-risk adults by type. These types shall
31 include the following:

32 (1) Runaways.

33 (2) Voluntary missing.

34 (3) Lost.

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

37 (5) Nonfamily abduction.

38 (6) Family abduction.

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

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

4 (f) The center may supply information about specific cases from
5 the historic database to a local police department, sheriff's
6 department, or district attorney, only in connection with an
7 investigation by the police department, sheriff's department, or
8 district attorney of a missing person case or a violation or attempted
9 violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any
10 sex offense listed in Section 290, except for the offense specified
11 in subdivision (d) of Section 243.4.

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

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

15 14211. (a) All local police and sheriffs' departments shall
16 accept any report, by any party, including any telephonic report,
17 of a missing person, including runaways, without delay and shall
18 give priority to the handling of these reports over the handling of
19 reports relating to crimes involving property.

20 (b) In cases where the person making a report of a missing
21 person or runaway, contacts, including by telephone, the
22 Department of the California Highway Patrol, the Department of
23 the California Highway Patrol may take the report, and shall
24 immediately advise the person making the report of the name and
25 telephone number of the police or sheriff's department having
26 jurisdiction of the residence address of the missing person and of
27 the name and telephone number of the police or sheriff's
28 department having jurisdiction of the place where the person was
29 last seen.

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

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

39 (e) If the person reported missing is under 21 years of age, or
40 if there is evidence that the person is at risk, the law enforcement

1 agency receiving the report shall, within two hours after the receipt
2 of the report, electronically transmit the report to the Department
3 of Justice via the California Law Enforcement Telecommunications
4 System for inclusion in the Violent Crime Information Center and
5 the National Crime Information Center databases.

6 (f) Information not immediately available for electronic
7 transmission to the department shall be obtained by the
8 investigating agency and provided as a supplement to the original
9 entry as soon as possible, but in no event later than 60 days after
10 the original electronic entry. Supplemental information may
11 include, but is not limited to, the following:

- 12 (1) Dental records and treatment notes.
- 13 (2) Fingerprints.
- 14 (3) Photographs.
- 15 (4) Description of physical characteristics.
- 16 (5) Description of clothing the person was wearing when last
17 seen.
- 18 (6) Vehicle information.
- 19 (7) Other information describing any person or vehicle believed
20 to be involved in taking, abducting, or retaining the missing person.

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

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

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

3 14212. (a) When any person makes a report of a missing
4 person to a police department, sheriff's department, district
5 attorney's office, Department of the California Highway Patrol,
6 or other law enforcement agency, the agency shall use the Attorney
7 General's form as required under Section 13519.07. That form
8 shall include a statement authorizing the release of the dental or
9 skeletal X-rays, or both, and treatment notes, of the person reported
10 missing and authorizing the release of a recent photograph of a
11 person reported missing who is under 18 years of age.

12 (b) Included with the form shall be instructions which state that
13 if the person reported missing is still missing 30 days after the
14 report is made, the release form signed by a member of the family
15 or next of kin of the missing person shall be taken by the family
16 member or next of kin to the dentist, physician and surgeon, or
17 medical facility in order to obtain the release of the dental or
18 skeletal X-rays, or both, and treatment notes, of that person or may
19 be taken by a peace officer, if others fail to take action, to secure
20 those X-rays and treatment notes.

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

27 (d) When the person reported missing has been determined by
28 the agency to be an at-risk person, and has not been found within
29 30 days, the law enforcement agency may execute a written
30 declaration, stating that an active investigation seeking the location
31 of the missing person is being conducted, and that the dental or
32 skeletal X-rays, or both, and treatment notes, are necessary for the
33 exclusive purpose of furthering the investigation.

34 (e) Notwithstanding any other provision of law, the written
35 declaration, signed by a peace officer, is sufficient authority for
36 the dentist, physician and surgeon, or medical facility to
37 immediately release the missing person's dental or skeletal X-rays,
38 ~~or both.~~ *both, or treatment notes.*

39 (f) The Attorney General's office shall code and enter the dental
40 or skeletal X-rays, or both, into the center's database, which shall

1 serve as the statewide database for those X-rays, and shall forward
2 the information to the National Crime Information Center.

3 (g) When a person reported missing has not been found within
4 30 days, the sheriff, chief of police, or other law enforcement
5 agency conducting the investigation for the missing person may
6 confer with the coroner or medical examiner prior to the
7 preparation of a missing person report. The coroner or medical
8 examiner shall cooperate with the law enforcement agency. After
9 conferring with the coroner or medical examiner, the sheriff, chief
10 of police, or other law enforcement agency initiating and
11 conducting the investigation for the missing person may submit a
12 missing person report and the dental or skeletal X-rays, or both,
13 and photograph received pursuant to subdivision (a) to the Attorney
14 General's office in a format acceptable to the Attorney General.

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

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

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

27 14213. (a) When a person reported missing has been found,
28 the sheriff, chief of police, coroner or medical examiner, or the
29 law enforcement agency locating the missing person shall
30 immediately report that information to the Attorney General's
31 office. The Attorney General's office shall then notify the National
32 Crime Information Center that the missing person has been found.

33 (b) When a missing person is found, the report indicating that
34 the person is found shall be made not later than 24 hours after the
35 person is found to the law enforcement agency that made the initial
36 missing person report.

37 (c) In the event that a missing person is found alive or dead in
38 less than 24 hours and the local police or sheriff's department has
39 reason to believe that the person had been abducted, the department
40 shall submit a report to the center in a format established by the

1 Attorney General. In the event that a missing person has been
2 found before he or she has been reported missing to the center, the
3 information related to the incident shall be submitted to the center.

4 (d) A law enforcement agency shall not establish or maintain
5 any policy that requires the removal of a missing person entry from
6 the center database or the National Crime Information Center
7 ~~database.~~ *database based solely on the age of the missing person.*

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

10 14210. (a) The Department of Justice shall operate a statewide,
11 toll-free telephone hotline 24 hours per day, seven days per week
12 to receive information regarding missing children and at-risk adults
13 and relay this information to the appropriate law enforcement
14 authorities.

15 (b) The Department of Justice shall select up to six ~~children~~
16 *persons* per month from the missing persons publicly ~~maintained~~
17 *accessible* computer Internet directory maintained pursuant to
18 Section 14207 and shall produce posters with photographs and
19 information regarding these ~~children;~~ *persons*, including the
20 ~~missing children~~ hotline telephone number and reward information.
21 The department shall make these posters available to parties as
22 prescribed and as the department deems appropriate.

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

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

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

34 (f) State and local elected officials, agencies, departments,
35 boards, and commissions may enclose in their mailings information
36 regarding missing children or at-risk adults obtainable from the
37 Department of Justice or any organization that is recognized as a
38 nonprofit, tax-exempt organization under state or federal law and
39 that has an ongoing missing children program. Elected officials,
40 agency secretaries, and directors of departments, boards, and

1 commissions are urged to develop policies to enclose missing
2 children or at-risk adults information in mailings if it will not
3 increase postage costs and is otherwise deemed appropriate.

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

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

7 14214. (a) The Legislature finds and declares that it is the duty
8 of all law enforcement agencies to immediately assist any person
9 who is attempting to make a report of a missing person or runaway.

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

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

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

26 (1) *An at-risk adult.*

27 (2) *A child who has been taken, detained, concealed, enticed*
28 *away, or retained by a parent in violation of Chapter 4*
29 *(commencing with Section 277) of Title 9 of Part 1.*

30 (3) *A child who is missing voluntarily or involuntarily, or under*
31 *circumstances not conforming to his or her ordinary habits or*
32 *behavior and who may be in need of assistance.*

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

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

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

37 (3) The person missing has no pattern of running away or
38 disappearing.

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

40 (5) The person missing is mentally impaired.

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

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

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

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

11 *SEC. 28. Section 3.5 of this bill incorporates amendments to*
12 *Section 17506 of the Family Code proposed by both this bill and*
13 *SB 1460. It shall only become operative if (1) both bills are enacted*
14 *and become effective on or before January 1, 2015, (2) each bill*
15 *amends Section 17506 of the Family Code, and (3) this bill is*
16 *enacted after SB 1460, in which case Section 3 of this bill shall*
17 *not become operative.*

18 ~~SEC. 28.~~

19 *SEC. 29. If the Commission on State Mandates determines*
20 *that this act contains costs mandated by the state, reimbursement*
21 *to local agencies and school districts for those costs shall be made*
22 *pursuant to Part 7 (commencing with Section 17500) of Division*
23 *4 of Title 2 of the Government Code.*