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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 46

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO MISSING PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 8535, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 8535. Unemancipated minors.

4 (a) If a report of a missing person under § 8532 of this title involves an unemancipated minor, ~~the law enforcement~~
5 ~~agency shall immediately transmit all proper information for inclusion into the National Crime Information Center~~
6 ~~(N.C.I.C.) computer.~~ minor, the law enforcement agency preparing the report under § 8533 of this title shall comply with §
7 8544 of this title.

8 (b) If a report of a missing person under § 8532 of this title involves an unemancipated minor, the law-
9 enforcement agency ~~shall~~ may not prevent an immediate active investigation ~~on the basis of any agency rule which based~~
10 on an agency rule that specifies an automatic time limitation for a missing person investigation.

11 Section 2. Amend § 8543, Title 11 of the Delaware Code by making deletions as shown by strike through and
12 insertions as shown by underline as follows:

13 § 8543. Duties.

14 (a) The Clearinghouse shall: ~~shall~~ shall do all of the following:

15 (1) Provide a form of missing child report for use by private citizens and law-enforcement ~~agencies;~~ agencies.

16 (2) Establish a system of interstate communication of information relating to children determined to be
17 missing by the parent, ~~guardian~~ guardian, or legal custodian of the child, or by a law-enforcement ~~agency;~~ agency.

18 (3) Provide a centralized file for the exchange of information of missing children within the ~~State;~~ State.

19 (4) Interface with the National Crime Information Center ("NCIC") for the exchange of information on a
20 missing child suspected of interstate ~~travel;~~ travel.

21 (5) Collect, process, ~~maintain~~ maintain, and disseminate information on missing children and strive to
22 maintain or disseminate only accurate and complete information.

(6) Publish the name of and relevant available information on a missing child.

(7) Publish annual statistics regarding missing children.

(b) The Clearinghouse may establish and maintain a list of organizations and groups that provide volunteer search teams for resources relating to missing children.

Section 3. Amend § 8544, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8544. Filing missing child reports; notification upon location; purging information; return of fingerprints.

(a) Every constable, chief police officer, officer in charge, member of the State Police and other law-enforcement ~~agency~~ agency, and officer of the State and of any local governmental unit shall do all of the following:

(1) ~~immediately~~ Immediately accept and act ~~upon~~ on information on any missing child by police radio broadcasts and by causing missing child entries to be made into ~~DELJIS and NCIC~~ the Delaware Criminal Justice Information System ("DELJIS") and NCIC.

(2) ~~and shall transmit~~ Transmit information to the Clearinghouse, so far as available, on a missing child report concerning a missing child within 24 hours after receipt ~~thereof.~~ of the information.

(3) ~~The investigating law enforcement agency shall also notify~~ Notify the Delaware Information Analysis Center (DIAC) ~~who shall assist the investigating law enforcement agency in regard to the search and location of the missing child.~~ ("DIAC"). At the request of the law-enforcement agency, DIAC shall assist by providing intelligence and disseminating information on the missing child to the appropriate law-enforcement partners.

(4) Institute appropriate search procedures, including the coordination of volunteer search teams.

(5) Notify the National Center for Missing and Exploited Children.

(b) Any parent, ~~guardian~~ guardian, or legal custodian may submit a missing child report to a local law-enforcement agency having jurisdiction for investigation and referral of the missing child report to the Clearinghouse on any child whose whereabouts is unknown, regardless of the circumstances, ~~which shall be~~ and the report must be included in the Clearinghouse data base.

(c) The parent, ~~guardian~~ guardian, or legal custodian responsible for notifying the Clearinghouse or a law-enforcement agency of a missing child shall immediately notify ~~such agency or~~ the Clearinghouse or the law enforcement agency of any child whose location has been determined.

(d) Information received ~~pursuant to this section shall~~ under this section must be purged by the appropriate law-enforcement agency and the Clearinghouse immediately ~~upon~~ on location of a missing child who has been included in the Clearinghouse database. ~~Any fingerprints~~ Fingerprints of a missing child provided to a law-enforcement agency or the

53 Clearinghouse by a parent, ~~guardian~~ guardian, or legal custodian ~~shall~~ must be returned to the person providing ~~them upon~~
54 the fingerprints on location of a the missing child.

55 (e) The Delaware State Police shall adopt rules and regulations for the utilization of ~~the~~ DIAC to assist
56 investigative law-enforcement agencies during their investigation as a resource for the receipt, ~~analysis~~ analysis, and
57 dissemination of information to those entities that have a need and right to know about the missing child.

SYNOPSIS

According to the National Center for Missing and Exploited Children, an estimated 800,000 children are reported missing each year.

This Act revises this State's missing children laws to improve search efforts, increase collaboration between law enforcement agencies, and increase public information about missing children.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Brown