

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

IS 6/6/08

P.L. 2007, CHAPTER 279, *approved January 13, 2008*
Senate, No. 2255 (*Second Reprint*)

1 AN ACT concerning missing persons, designating the act as
2 “Patricia’s Law,” and supplementing Title 52 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 ¹“High risk missing person” means a person whose whereabouts
10 are not currently known and the circumstances ²[indicate] of the
11 person’s disappearance suggest² that the person may be at
12 ²imminent or likely² risk of injury or death. The circumstances that
13 indicate that a person is a ²[high-risk] high risk² missing person
14 shall include, but not be limited to:

15 a. the person is missing as a result of a ²[stranger] confirmed²
16 abduction ²;

17 b. the person is missing under suspicious] or under²
18 circumstances ²that indicate that the person’s disappearance was not
19 voluntary² ;

20 ²[c. the person is missing under unknown circumstances;

21 d.] b.² the person is missing under known dangerous
22 circumstances;

23 ²[e.] c.² The person is missing more than 30 days;

24 ²[f. the person has already been designated as a high-risk
25 missing person by another law enforcement agency;

26 g.] d.² there is evidence that the person is at risk because:

27 (1) the person missing is in need of medical attention ²[.]² or
28 prescription medication ²such that it will have a serious adverse
29 effect on the person’s health if he or she does not receive the
30 needed care or medication² ;

31 (2) the person missing does not have a pattern of running away
32 or disappearing;

33 (3) the person missing may have been abducted by a non-
34 custodial parent;

35 (4) the person missing is mentally impaired;

36 (5) the person missing is a person ²over the age of 13 and²
37 under the age of 21 years ²and any other risk factor is known² or

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted February 26, 2007.

²Senate SBA committee amendments adopted June 18, 2007.

1 (6) the person missing has been the subject of past threats or
2 acts of violence ²[.]² ; and

3 ²[h.] e. any other factor that may indicate, in the judgment
4 of the ²[chief of the] lead² law enforcement agency, ²[receiving
5 the missing person report,]² that the missing person may be at risk.¹

6 “Law enforcement agency” means a department, division,
7 bureau, commission, board ²,² or other authority of the State or of
8 any political subdivision thereof which employs law enforcement
9 officers.

10 “Law enforcement officer” means a person whose public duties
11 include the power to act as an officer for the detection,
12 apprehension, arrest ²,² and conviction of offenders against the
13 laws of this State.

14 ²“Lead law enforcement agency” means the law enforcement
15 agency with primary responsibility for investigating a missing
16 person case.

17 “Missing child” means a person 13 years of age or younger
18 whose whereabouts are not currently known.

19 “Missing Persons Unit” means the Missing Persons Unit in the
20 Division of State Police in the Department of Law and Public
21 Safety established pursuant to section 2 of P.L.1983, c.467
22 (C.52:17B-9.7).²

23
24 2. ²a. ² A law enforcement agency shall accept without delay
25 any report of a missing person. No law enforcement agency may
26 refuse to accept a missing person report on the basis that:

27 ²[a.] (1)² The missing person is an adult;

28 ²[b.] (2)² The circumstances do not indicate foul play;

29 ²[c.] (3)² The person has been missing for a short period of
30 time;

31 ²[d.] (4)² The person has been missing ¹for¹ a long period of
32 time;

33 ²[e.] (5)² There is no indication that the missing person was in
34 the jurisdiction served by the law enforcement agency at the time of
35 the disappearance;

36 ²[f.] (6)² The circumstances suggest that the disappearance
37 may be voluntary;

38 ²[g.] (7)² The ¹[person]¹ reporting ¹person¹ does not have
39 personal knowledge of the facts;

40 ²[h.] (8)². The reporting ¹[individual] person¹ cannot provide
41 all of the information requested by the law enforcement agency;

42 ²[i.] (9)² The reporting person lacks a familial or other
43 relationship with the missing person; or

44 ²[j.] (10)² For any other reason, except in cases where the law
45 enforcement agency has direct knowledge that the person is, in fact,
46 not missing and the exact whereabouts and welfare of the ²[subject

1 individual] person² are known to the agency at the time the report
2 is being made.

3 ²b. The law enforcement agency that receives a report of a
4 missing person shall be the lead law enforcement agency in charge
5 of the missing person investigation, and shall continue in that
6 capacity unless another law enforcement agency assumes primary
7 responsibility over the investigation.

8 c. The lead law enforcement agency shall be entitled to the
9 cooperation of any other law enforcement agency in the State.²

10

11 3. At the time '[of]'¹ a missing person report is filed, the law
12 enforcement agency shall seek to ascertain and record the following
13 information about the missing person:

14 a. The name of the missing person, including any aliases ¹;¹

15 b. Date of birth;

16 c. Identifying marks, such as birthmarks, moles, tattoos ² and
17 scars;

18 d. Height and weight;

19 e. Gender;

20 f. Race;

21 g. Current hair color and true or natural hair color;

22 h. Eye color;

23 i. Prosthetics, surgical implants, or cosmetic implants;

24 j. Physical anomalies;

25 k. Blood type, if known;

26 l. Any medications the missing person is taking or needs to
27 take;

28 m. Driver's license number, if known;

29 n. Social security number, if known;

30 o. A recent photograph of the missing person, if available;

31 p. A description of the clothing the missing person was
32 believed to be wearing at the time of disappearance;

33 q. A description of notable items that the missing person may
34 be carrying and wearing;

35 r. Information '[on] regarding'¹ the missing person's
36 electronic communications devices, such as a cell phone number or
37 ²[email addresses] e-mail address²;

38 s. The reasons why the reporting person believes that the
39 person is missing;

40 t. '[Name] The name'¹ and location of 'the'¹ missing person's
41 school or employer, if known;

42 u. '[Name] The name'¹ and location of 'the'¹ missing person's
43 dentist and primary care physician, if known;

44 v. Any circumstances that may indicate that the disappearance
45 was not voluntary;

46 w. Any circumstances that indicate that the missing person may
47 be at risk of injury or death;

- 1 x. A description of the possible means of transportation of the
2 missing person, such as the make, model, color, license, and
3 ²**[VIN]** Vehicle Identification Number (VIN)² of a motor vehicle;
- 4 y. Any identifying information about a known or possible
5 abductor or the person last seen with the missing person including:
6 (1) name;
7 (2) ²**[a]**² physical description;
8 (3) date of birth;
9 (4) identifying marks;
10 (5) ²**[the]**² description of possible means of transportation, such
11 as the make, model, color, license, and ²**[VIN]** Vehicle
12 Identification Number (VIN)² of a motor vehicle; and
13 (6) known associates;
- 14 z. Any other information that can aid in ¹**[location]** locating¹
15 the missing person; and
16 aa. Date of last contact.
17
- 18 4. a. The law enforcement agency shall notify the person
19 making the report, a family member, or any other person in a
20 position to assist the law enforcement agency in its efforts to locate
21 the missing person by providing to that person or family member:
22 (1) general information about the handling of the missing person
23 case or about intended efforts in the case to the extent that the law
24 enforcement agency determines that disclosure would not adversely
25 affect its ability to locate or protect the missing person, to
26 apprehend or to prosecute any persons criminally involved in the
27 disappearance;
- 28 (2) information advising the person making the report ¹**[,]**¹ and
29 other involved persons that if the missing person remains missing,
30 they ²**[‘shall’]** should² contact the law enforcement agency to
31 provide additional information and materials that will aid in
32 locating the missing person, such as any credit or debit cards the
33 missing person has access to, other banking or financial information
34 and any records of cell phone use;
- 35 (3) in those cases where DNA samples are requested, the law
36 enforcement agency shall notify the person or family member that
37 all such DNA samples are provided on a voluntary basis and shall
38 be used solely to help locate or identify the missing person and shall
39 not be used for any other purpose; ²and²
- 40 (4) the law enforcement agency, upon acceptance of a missing
41 person report, shall inform the person filing the report that there are
42 two clearing houses for missing person’s information. If the person
43 reported missing is age 17 or under, the person filing the report
44 shall be provided with contact information for the National Center
45 for Missing and Exploited Children. If the person reported missing
46 is age 18 or older, the person filing the report shall be provided with
47 contact information for the National Center for Missing Adults.

1 b. If the person identified in the missing person report remains
2 missing for 30 days, and the additional information and materials
3 specified below have not been received, the law enforcement
4 agency shall attempt to obtain ²[;] ₂

5 (1) DNA samples from family members and, if possible, from
6 the missing person along with any needed documentation, including
7 any consent forms, required for the use of State or ²[Federal]
8 federal² DNA databases;

9 (2) dental information and x-rays, and an authorization to
10 release dental or skeletal x-rays of the missing person;

11 (3) any additional photographs of the missing person that may
12 aid the investigation or an identification. The law enforcement
13 agency shall not be required to obtain written authorization before it
14 releases publicly any photograph that would aid in the investigation
15 or identification of the missing person; and

16 (4) fingerprints.

17 c. All DNA samples obtained in missing ¹[person's] persons¹
18 cases shall be immediately forwarded to the New Jersey Forensic
19 DNA Laboratory for analysis. The laboratory shall establish
20 procedures for determining how to prioritize analysis of the samples
21 relating to missing persons cases ¹[;] ₁

22 d. Information relevant to the Federal Bureau of Investigation's
23 Violent Criminal Apprehension Program shall be entered as soon as
24 possible.

25 e. Nothing in this section shall be construed to preclude a law
26 enforcement agency from obtaining any of the materials identified
27 in this section before the 30th day following the filing of the
28 missing person report.

29

30 5. ¹a.¹ Upon the initial receipt of a missing person report, a law
31 enforcement agency shall seek to determine whether the person
32 reported missing is ²to be designated² ¹a¹ high risk ¹missing
33 person¹.

34 ¹[a. A high-risk missing person is an individual whose
35 whereabouts are not currently known and the circumstances indicate
36 that the individual may be at risk of injury or death. The
37 circumstances that indicate that an individual is high-risk missing
38 person shall include, but not be limited to:

39 (1) the person is missing as a result of a stranger abduction;

40 (2) the person is missing under suspicious circumstances;

41 (3) the person is missing under unknown circumstances;

42 (4) the person is missing under known dangerous circumstances;

43 (5) the person is missing more than 30 days;

44 (6) the person has already been designated as a high-risk
45 missing person by another law enforcement agency;

46 (7) there is evidence that the person is at risk because:

- 1 (a) the person missing is in need of medical attention, or
2 prescription medication;
- 3 (b) the person missing does not have a pattern of running away
4 or disappearing;
- 5 (c) the person missing may have been abducted by a non-
6 custodial parent;
- 7 (d) the person missing is mentally impaired;
- 8 (e) the person missing is a person under the age of 21 years; or
- 9 (f) the person missing has been the subject of past threats or
10 acts of violence.

11 (8) any other factor that may, in the judgment of the chief of the
12 law enforcement agency receiving the missing person report,
13 determine that the missing person may be at risk.】¹

14 b. ²【A finding that a person reported missing is not】 If the
15 initial determination of a person reported missing does not warrant
16 designation of that person as² high risk ², it² shall not preclude a
17 later determination, based on further investigation or the discovery
18 of additional information, that the missing person is high risk.

19

20 6. a. ²【When a law enforcement agency determines】 Upon a
21 determination² that a missing person ²【is】 investigation involves² a
22 ¹【high-risk】 high risk¹ missing person ²【it shall notify the State
23 Police Missing Persons Unit. It shall immediately provide the State
24 Police Missing Persons Unit with the information that is most likely
25 to aid in the location and safe return of the ¹【high-risk】 high risk¹
26 missing person. As soon as practicable, the law enforcement
27 agency shall provide all other information obtained relating to the
28 missing person case to the State Police Missing Persons Unit】 or a
29 missing child, the lead law enforcement agency shall take such
30 actions as are specified in the uniform investigative standards for a
31 high risk missing person or a missing child, as the case may be, as
32 set forth in the protocol developed pursuant to section 10 of P.L. ,
33 c. (C.)(pending before the Legislature as this bill), and also
34 may contact the Missing Persons Unit and request assistance. The
35 Missing Persons Unit, in consultation with the lead law
36 enforcement agency, shall determine whether the circumstances
37 warrant a cooperative investigative effort. If the determination is
38 made that a cooperative effort is warranted, then the Missing
39 Persons Unit shall coordinate the deployment of additional State
40 Police resources in support of the investigation².

41 b. The ²【State Police Missing Persons Unit】 lead law
42 enforcement agency² shall promptly notify all law enforcement
43 agencies within the State and, if deemed appropriate, law
44 enforcement agencies in adjacent states or jurisdictions of the
45 information that may aid in the prompt location and safe return of
46 the ¹【high-risk】 high risk¹ missing person ²【;】 .²

1 c. Local law enforcement agencies that receive notification
2 from the ²~~State Police Missing Unit~~ lead law enforcement
3 agency² pursuant to subsection b. of this section shall forward that
4 information immediately to its officers and members.

5 d. ²The lead law enforcement agency shall, as expeditiously as
6 possible, prepare and disseminate a photographic information
7 bulletin utilizing the Missing Child Alert System, or any successor
8 law enforcement notification system the State may employ.

9 e.² The ²~~State Police Missing Persons Unit~~ lead law
10 enforcement agency² shall, as appropriate, enter all collected
11 information relating to the missing person case to applicable
12 ²~~Federal~~ federal² databases. The information shall be provided in
13 accordance with applicable guidelines relating to the databases, as
14 follows:

15 (1) a missing person report, and relevant information, in a
16 ¹~~high-risk~~ high risk¹ missing person case shall be entered in the
17 National Crime Information Center database immediately, but in no
18 case no more than ¹~~2~~ two¹ hours ¹~~of~~ after¹ the determination
19 that the missing person is a ¹~~high-risk~~ high risk¹ missing person
20 ²~~.] ;~~²

21 (2) a missing person report, and relevant information, in a case
22 not involving a high risk missing person shall be entered within 24
23 hours of the initial filing of the missing person report ²~~.] ;~~²

24 (3) all DNA profiles shall be uploaded into the missing persons
25 databases of the New Jersey Forensic DNA Laboratory and all
26 appropriate and suitable federal database systems ²~~.] ;~~²

27 (4) information relevant to the Federal Bureau of Investigation's
28 Violent Criminal Apprehension Program shall be entered as soon as
29 practicable ²~~.] ;~~²

30 (5) all due care shall be given to insure that the data, particularly
31 medical and dental records, entered in State and federal database
32 systems is accurate and, to the greatest extent possible, complete
33 ²~~.] ; and~~²

34 (6) the State Police shall, when deemed appropriate and likely to
35 facilitate a resolution to a particular missing person report, activate
36 the Amber Alert program for the State.

37 ²f. If, after the dissemination of a photographic information
38 bulletin utilizing the Missing Child Alert System information, the
39 missing person is found, the lead law enforcement agency shall
40 promptly disseminate an additional bulletin on the Missing Child
41 Alert System indicating that the person was found.²

42
43 7. a. The Attorney General shall provide information to local
44 law enforcement agencies about best practices and protocols for
45 handling death scene investigations ¹~~];~~¹

1 b. The Attorney General shall identify any publications or
2 training opportunities that may be available to local law
3 enforcement officers concerning the handling of death scene
4 investigations.

5
6 8. a. After performing any death scene investigation, as
7 deemed appropriate under the circumstances, the official with
8 custody of the human remains shall ensure that the human remains
9 are delivered to the appropriate county medical examiner.

10 b. Any county medical examiner with custody of human
11 remains that are not identified within 24 hours of discovery shall
12 promptly notify the ²[State Police] Missing Persons Unit² of the
13 location of those remains.

14 c. If the county medical examiner with custody of remains
15 cannot determine whether or not the remains found are human, the
16 medical examiner shall so notify the ²[State Police] Missing
17 Persons Unit².

18
19 9. a. If the official with custody of the human remains is not a
20 medical examiner, the official shall promptly transfer the
21 unidentified remains to the appropriate county medical examiner.

22 b. The county medical examiner shall make reasonable
23 attempts to promptly identify human remains. These actions may
24 include but are not limited to obtaining:

- 25 (1) photographs of the human remains;
26 (2) dental or skeletal X-rays;
27 (3) photographs of items found with the human remains;
28 (4) fingerprints from the remains, if possible;
29 (5) samples of tissue suitable for DNA typing, if possible;
30 (6) samples of whole bone ¹[and/or] or¹ hair suitable for DNA
31 typing; ¹and¹
32 (7) any other information that may support identification efforts.

33 c. No medical examiner or any other person shall ²[,]² dispose
34 of, or engage in actions that will materially affect the unidentified
35 human remains before the county medical examiner obtains:

- 36 (1) samples suitable for DNA identification archiving;
37 (2) photographs of the unidentified human remains; and
38 (3) all other appropriate steps for identification have been
39 exhausted.

40 d. Unidentified human remains shall not be cremated.

41 e. The county medical examiner shall make reasonable efforts
42 to obtain prompt DNA analysis of biological samples ²[,]² if the
43 human remains have not been identified by other means within 30
44 days.

45 f. The medical examiner shall seek support from appropriate
46 State and federal agencies to assist in the identification of
47 unidentified human remains. Such assistance may include, but not

1 be limited to, available mitochondrial or nuclear DNA testing,
2 federal grants for DNA testing, or federal grants for crime
3 laboratory or medical examiner office improvement.

4 g. The county medical examiner shall ²seek support from
5 appropriate federal and State agency representatives to have
6 information² promptly ²[enter information] entered² in federal and
7 State databases ²by those representatives² that can aid in the
8 identification of a missing person. Information shall be entered into
9 federal databases as follows:

10 (1) information for the National Crime Information Center
11 within 24 hours;

12 (2) DNA profiles and information shall be entered into the
13 National DNA Index System (NDIS) within five business days after
14 the completion of the DNA analysis and procedures necessary for
15 the entry of the DNA profile; and

16 (3) information sought by the Violent Criminal Apprehension
17 Program database as soon as practicable.

18 h. Nothing in this act shall be construed to preclude any
19 medical examiner office, the State Police or any local law
20 enforcement agency from other actions to facilitate the
21 identification of unidentified human remains including efforts to
22 publicize information, descriptions ^{2, 2} or photographs that may aid
23 in the identification of the unidentified remains, including allowing
24 family members to identify a missing person; provided that in
25 taking these actions, all due consideration is given to protect the
26 dignity and well-being of the of the missing person and the family
27 of the missing person.

28 i. Agencies handling the remains of a missing person who is
29 deceased shall notify the law enforcement agency handling the
30 missing person's case. Documented efforts ¹[must] shall¹ be made
31 to locate family members of the deceased person to inform them of
32 the death and location of the remains of their family member.

33

34 ²[10. The Attorney General, pursuant to the provisions of the
35 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
36 seq.), shall promulgate rules and regulations to effectuate the
37 purposes of this act.]²

38

39 ²10. In implementing the provisions of this act and prior to the
40 effective date, the Superintendent of State Police shall develop and
41 disseminate to all law enforcement agencies in the State a best
42 practices protocol for State and local law enforcement agencies to
43 follow when addressing reports of missing persons, which protocol
44 shall set forth uniform investigative standards for missing persons
45 cases and any other procedures, practices and standards that the
46 superintendent deems appropriate for handling missing person
47 cases. The protocol shall include specific procedures practice and

1 standards applicable to cases involving high risk missing persons or
2 missing children. The Superintendent of State Police shall develop
3 and make available to each law enforcement agency in this State a
4 training program on the procedures, practices and standards for the
5 handling of high risk missing persons, missing children and missing
6 persons cases set forth in the protocol adopted pursuant to and
7 consistent with this act and section. Each law enforcement agency
8 in this State shall comply with this protocol when the agency is
9 notified of a missing person.

10 To assess the effectiveness of this protocol, the Missing Persons
11 Unit annually shall review a sample of open missing persons cases
12 from the immediately preceding year. Based upon its assessment,
13 the Missing Persons Unit may recommend to the superintendent that
14 the protocol be revised or amended and whether the training
15 programs currently available to law enforcement agencies are
16 adequate.²

17

18 11. This act shall take effect on the first day of the seventh
19 month following enactment, but the Attorney General may take
20 such anticipatory administrative action in advance as shall be
21 necessary for the implementation of this act.

22

23

24

25

26 _____
“Patricia’s Law;” model Missing Persons Legislation.

SENATE, No. 2255

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED OCTOBER 16, 2006

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS

“Patricia’s Law;” model Missing Persons Legislation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning missing persons, designating the act as
2 "Patricia's Law," and supplementing Title 52 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board or other authority of the State or of any
11 political subdivision thereof which employs law enforcement
12 officers.

13 "Law enforcement officer" means a person whose public duties
14 include the power to act as an officer for the detection,
15 apprehension, arrest and conviction of offenders against the laws of
16 this State.

17
18 2. A law enforcement agency shall accept without delay any
19 report of a missing person.

20 No law enforcement agency may refuse to accept a missing
21 person report on the basis that:

- 22 a. The missing person is an adult;
- 23 b. The circumstances do not indicate foul play;
- 24 c. The person has been missing for a short period of time;
- 25 d. The person has been missing a long period of time;
- 26 e. There is no indication that the missing person was in the
27 jurisdiction served by the law enforcement agency at the time of the
28 disappearance;
- 29 f. The circumstances suggest that the disappearance may be
30 voluntary;
- 31 g. The person reporting does not have personal knowledge of
32 the facts;
- 33 h. The reporting individual cannot provide all of the
34 information requested by the law enforcement agency;
- 35 i. The reporting person lacks a familial or other relationship
36 with the missing person; or
- 37 j. For any other reason, except in cases where the law
38 enforcement agency has direct knowledge that the person is, in fact,
39 not missing and the exact whereabouts and welfare of the subject
40 individual are known to the agency at the time the report is being
41 made.

42
43 3. At the time of a missing person report is filed, the law
44 enforcement agency shall seek to ascertain and record the following
45 information about the missing person:

- 46 a. The name of the missing person, including any aliases
- 47 b. Date of birth;

- 1 c. Identifying marks, such as birthmarks, moles, tattoos and
- 2 scars;
- 3 d. Height and weight;
- 4 e. Gender;
- 5 f. Race;
- 6 g. Current hair color and true or natural hair color;
- 7 h. Eye color;
- 8 i. Prosthetics, surgical implants, or cosmetic implants;
- 9 j. Physical anomalies;
- 10 k. Blood type, if known;
- 11 l. Any medications the missing person is taking or needs to
- 12 take;
- 13 m. Driver's license number, if known;
- 14 n. Social security number, if known;
- 15 o. A recent photograph of the missing person, if available;
- 16 p. A description of the clothing the missing person was
- 17 believed to be wearing at the time of disappearance;
- 18 q. A description of notable items that the missing person may
- 19 be carrying and wearing;
- 20 r. Information on the missing person's electronic
- 21 communications devices, such as a cell phone number or email
- 22 addresses;
- 23 s. The reasons why the reporting person believes that the
- 24 person is missing;
- 25 t. Name and location of missing person's school or employer,
- 26 if known;
- 27 u. Name and location of missing person's dentist and primary
- 28 care physician, if known;
- 29 v. Any circumstances that may indicate that the disappearance
- 30 was not voluntary;
- 31 w. Any circumstances that indicate that the missing person may
- 32 be at risk of injury or death;
- 33 x. A description of the possible means of transportation of the
- 34 missing person, such as the make, model, color, license, and VIN of
- 35 a motor vehicle;
- 36 y. Any identifying information about a known or possible
- 37 abductor or the person last seen with the missing person including:
- 38 (1) name;
- 39 (2) a physical description;
- 40 (3) date of birth;
- 41 (4) identifying marks;
- 42 (5) the description of possible means of transportation, such as
- 43 the make, model, color, license, and VIN of a motor vehicle; and
- 44 (6) known associates;
- 45 z. Any other information that can aid in location the missing
- 46 person; and
- 47 aa. Date of last contact.

1 4. a. The law enforcement agency shall notify the person
2 making the report, a family member, or any other person in a
3 position to assist the law enforcement agency in its efforts to locate
4 the missing person by providing to that person or family member:

5 (1) general information about the handling of the missing person
6 case or about intended efforts in the case to the extent that the law
7 enforcement agency determines that disclosure would not adversely
8 affect its ability to locate or protect the missing person, to
9 apprehend or to prosecute any persons criminally involved in the
10 disappearance;

11 (2) information advising the person making the report, and other
12 involved persons that if the missing person remains missing, they
13 contact the law enforcement agency to provide additional
14 information and materials that will aid in locating the missing
15 person, such as any credit or debit cards the missing person has
16 access to, other banking or financial information and any records of
17 cell phone use;

18 (3) in those cases where DNA samples are requested, the law
19 enforcement agency shall notify the person or family member that
20 all such DNA samples are provided on a voluntary basis and shall
21 be used solely to help locate or identify the missing person and shall
22 not be used for any other purpose;

23 (4) the law enforcement agency, upon acceptance of a missing
24 person report, shall inform the person filing the report that there are
25 two clearing houses for missing person's information. If the person
26 reported missing is age 17 or under, the person filing the report
27 shall be provided with contact information for the National Center
28 for Missing and Exploited Children. If the person reported missing
29 is age 18 or older, the person filing the report shall be provided with
30 contact information for the National Center for Missing Adults.

31 b. If the person identified in the missing person report remains
32 missing for 30 days, and the additional information and materials
33 specified below have not been received, the law enforcement
34 agency shall attempt to obtain;

35 (1) DNA samples from family members and, if possible, from
36 the missing person along with any needed documentation, including
37 any consent forms, required for the use of State or Federal DNA
38 databases;

39 (2) dental information and x-rays, and an authorization to
40 release dental or skeletal x-rays of the missing person;

41 (3) any additional photographs of the missing person that may
42 aid the investigation or an identification. The law enforcement
43 agency shall not be required to obtain written authorization before it
44 releases publicly any photograph that would aid in the investigation
45 or identification of the missing person; and

46 (4) fingerprints.

47 c. All DNA samples obtained in missing person's cases shall
48 be immediately forwarded to the New Jersey Forensic DNA

1 Laboratory for analysis. The laboratory shall establish procedures
2 for determining how to prioritize analysis of the samples relating to
3 missing persons cases;

4 d. Information relevant to the Federal Bureau of Investigation's
5 Violent Criminal Apprehension Program shall be entered as soon as
6 possible.

7 e. Nothing in this section shall be construed to preclude a law
8 enforcement agency from obtaining any of the materials identified
9 in this section before the 30th day following the filing of the
10 missing person report.

11

12 5. Upon the initial receipt of a missing person report, a law
13 enforcement agency shall seek to determine whether the person
14 reported missing is high risk.

15 a. A high-risk missing person is an individual whose
16 whereabouts are not currently known and the circumstances indicate
17 that the individual may be at risk of injury or death. The
18 circumstances that indicate that an individual is high-risk missing
19 person shall include, but not be limited to:

20 (1) the person is missing as a result of a stranger abduction;

21 (2) the person is missing under suspicious circumstances;

22 (3) the person is missing under unknown circumstances;

23 (4) the person is missing under known dangerous circumstances;

24 (5) the person is missing more than 30 days;

25 (6) the person has already been designated as a high-risk
26 missing person by another law enforcement agency;

27 (7) there is evidence that the person is at risk because:

28 (a) the person missing is in need of medical attention, or
29 prescription medication;

30 (b) the person missing does not have a pattern of running away
31 or disappearing;

32 (c) the person missing may have been abducted by a non-
33 custodial parent;

34 (d) the person missing is mentally impaired;

35 (e) the person missing is a person under the age of 21 years; or

36 (f) the person missing has been the subject of past threats or
37 acts of violence.

38 (8) any other factor that may, in the judgment of the chief of the
39 law enforcement agency receiving the missing person report,
40 determine that the missing person may be at risk.

41 b. A finding that a person reported missing is not high risk
42 shall not preclude a later determination, based on further
43 investigation or the discovery of additional information, that the
44 missing person is high risk.

45

46 6. a. When a law enforcement agency determines that a
47 missing person is a high-risk missing person it shall notify the State
48 Police Missing Persons Unit. It shall immediately provide the State

1 Police Missing Persons Unit with the information that is most likely
2 to aid in the location and safe return of the high-risk missing
3 person. As soon as practicable, the law enforcement agency shall
4 provide all other information obtained relating to the missing
5 person case to the State Police Missing Persons Unit.

6 b. The State Police Missing Persons Unit shall promptly notify
7 all law enforcement agencies within the State and, if deemed
8 appropriate, law enforcement agencies in adjacent states or
9 jurisdictions of the information that may aid in the prompt location
10 and safe return of the high-risk missing person;

11 c. Local law enforcement agencies that receive notification
12 from the State Police Missing Unit pursuant to subsection b. of this
13 section shall forward that information immediately to its officers
14 and members.

15 d. The State Police Missing Persons Unit shall, as appropriate,
16 enter all collected information relating to the missing person case to
17 applicable Federal databases. The information shall be provided in
18 accordance with applicable guidelines relating to the databases, as
19 follows:

20 (1) a missing person report, and relevant information, in a high-
21 risk missing person case shall be entered in the National Crime
22 Information Center database immediately, but in no case no more
23 than 2 hours of the determination that the missing person is a high-
24 risk missing person.

25 (2) a missing person report, and relevant information, in a case
26 not involving a high risk missing person shall be entered within 24
27 hours of the initial filing of the missing person report.

28 (3) all DNA profiles shall be uploaded into the missing persons
29 databases of the New Jersey Forensic DNA Laboratory and all
30 appropriate and suitable federal database systems.

31 (4) information relevant to the Federal Bureau of Investigation's
32 Violent Criminal Apprehension Program shall be entered as soon as
33 practicable.

34 (5) all due care shall be given to insure that the data, particularly
35 medical and dental records, entered in State and federal database
36 systems is accurate and, to the greatest extent possible, complete.

37 (6) the State Police shall, when deemed appropriate and likely to
38 facilitate a resolution to a particular missing person report, activate
39 the Amber Alert program for the State.

40

41 7. a. The Attorney General shall provide information to local
42 law enforcement agencies about best practices and protocols for
43 handling death scene investigations;

44 b. The Attorney General shall identify any publications or
45 training opportunities that may be available to local law
46 enforcement officers concerning the handling of death scene
47 investigations.

1 8. a. After performing any death scene investigation, as
2 deemed appropriate under the circumstances, the official with
3 custody of the human remains shall ensure that the human remains
4 are delivered to the appropriate county medical examiner.

5 b. Any county medical examiner with custody of human
6 remains that are not identified within 24 hours of discovery shall
7 promptly notify the State Police of the location of those remains.

8 c. If the county medical examiner with custody of remains
9 cannot determine whether or not the remains found are human, the
10 medical examiner shall so notify the State Police.

11

12 9. a. If the official with custody of the human remains is not a
13 medical examiner, the official shall promptly transfer the
14 unidentified remains to the appropriate county medical examiner.

15 b. The county medical examiner shall make reasonable
16 attempts to promptly identify human remains. These actions may
17 include but are not limited to obtaining:

- 18 (1) photographs of the human remains;
- 19 (2) dental or skeletal X-rays;
- 20 (3) photographs of items found with the human remains;
- 21 (4) fingerprints from the remains, if possible;
- 22 (5) samples of tissue suitable for DNA typing, if possible;
- 23 (6) samples of whole bone and/or hair suitable for DNA typing;
- 24 (7) any other information that may support identification efforts.

25 c. No medical examiner or any other person shall, dispose of,
26 or engage in actions that will materially affect the unidentified
27 human remains before the county medical examiner obtains:

- 28 (1) samples suitable for DNA identification archiving;
- 29 (2) photographs of the unidentified human remains; and
- 30 (3) all other appropriate steps for identification have been
31 exhausted.

32 d. Unidentified human remains shall not be cremated.

33 e. The county medical examiner shall make reasonable efforts
34 to obtain prompt DNA analysis of biological samples, if the human
35 remains have not been identified by other means within 30 days.

36 f. The medical examiner shall seek support from appropriate
37 State and federal agencies to assist in the identification of
38 unidentified human remains. Such assistance may include, but not
39 be limited to, available mitochondrial or nuclear DNA testing,
40 federal grants for DNA testing, or federal grants for crime
41 laboratory or medical examiner office improvement.

42 g. The county medical examiner shall promptly enter
43 information in federal and State databases that can aid in the
44 identification of a missing person. Information shall be entered into
45 federal databases as follows:

- 46 (1) information for the National Crime Information Center
47 within 24 hours;

1 (2) DNA profiles and information shall be entered into the
2 National DNA Index System (NDIS) within five business days after
3 the completion of the DNA analysis and procedures necessary for
4 the entry of the DNA profile; and

5 (3) information sought by the Violent Criminal Apprehension
6 Program database as soon as practicable.

7 h. Nothing in this act shall be construed to preclude any
8 medical examiner office, the State Police or any local law
9 enforcement agency from other actions to facilitate the
10 identification of unidentified human remains including efforts to
11 publicize information, descriptions or photographs that may aid in
12 the identification of the unidentified remains, including allowing
13 family members to identify a missing person; provided that in
14 taking these actions, all due consideration is given to protect the
15 dignity and well-being of the of the missing person and the family
16 of the missing person.

17 i. Agencies handling the remains of a missing person who is
18 deceased shall notify the law enforcement agency handling the
19 missing person's case. Documented efforts must be made to locate
20 family members of the deceased person to inform them of the death
21 and location of the remains of their family member.

22
23 10. The Attorney General, pursuant to the provisions of the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), shall promulgate rules and regulations to effectuate the
26 purposes of this act.

27
28 11. This act shall take effect on the first day of the seventh
29 month following enactment, but the Attorney General may take
30 such anticipatory administrative action in advance as shall be
31 necessary for the implementation of this act.

32
33
34

STATEMENT

35
36 This bill, to be known as "Patricia's Law," is model missing
37 persons legislation proposed by the National Criminal Justice
38 Reference Service, a federally funded resource center that supports
39 research, policy and program development in the criminal justice
40 area.

41 The purpose of this model legislation is to improve the ability of
42 law enforcement to locate and return missing persons, to improve
43 the identification of human remains and to improve timely
44 information and notification to the family members of missing
45 persons.

46 The bill outlines the best practices and protocols law
47 enforcement should adopt and utilize in missing person cases,
48 identifying human remains and in providing timely information to

S2255 WEINBERG

9

- 1 the families of missing persons to keep them fully apprised and
- 2 aware of the actions being taken and the progress made in their
- 3 investigation.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 2255

STATE OF NEW JERSEY

DATED: JANUARY 3, 2008

The Assembly Appropriations Committee reports favorably Senate Bill No. 2255 (2R).

Senate Bill No. 2255 (2R), designated "Patricia's Law," is model missing persons legislation proposed by the National Institute of Justice, the research, development and evaluation agency of the United States Department of Justice.

The purpose of this bill is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

As reported by the committee, this bill is identical to Assembly Bill No. 3634 (ACS) as amended and reported by the committee.

FISCAL IMPACT:

The Division of State Police reports that in 2005 there were 18,620 missing persons records reported in the National Crime Information Center database that were from New Jersey. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

Under the changes in this bill, there will be minimal impact to the Missing Persons Unit in the Division of State Police in the Department of Law and Public Safety.

Under this bill, local law enforcement agencies are to continue current missing persons reporting procedures. Due to the provisions under this bill, however, there may be an increase in the number of cases reported as well as an increase in the information requested regarding the missing person. It is unknown how many local law enforcement agencies will not have the resources to handle the increase and as a result turn cases over to the State Police.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2255

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2255.

This bill, to be known as "Patricia's Law," is model missing persons legislation proposed by the National Institute of Justice, the research, development and evaluation agency of the United States Department of Justice.

The purpose of this model legislation is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

The committee amendments are clarifying and technical in nature.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2255

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 2007

The Senate Budget and Appropriations Committee reports favorably the Senate Bill No. 2255 (1R) with committee amendments.

Senate Bill No. 2255 (1R), as amended, to be known as “Patricia’s Law,” is model missing persons legislation proposed by the National Institute of Justice, the research, development and evaluation agency of the United States Department of Justice.

The purpose of this model legislation is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

COMMITTEE AMENDMENTS:

- 1) Define “missing child” as a person 13 years of age or younger whose whereabouts are not currently known and clarify the definition of “high risk missing person;”
- 2) Define “lead law enforcement agency” as the law enforcement agency with primary responsibility for investigating a missing persons case;
- 3) Clarify that the law enforcement agency that receives the report of a missing person is the lead law enforcement agency in charge of the missing person investigation, unless another law enforcement agency assumes primary responsibility for the investigation, and that the lead law enforcement agency is entitled to the cooperation of other law enforcement agencies;
- 4) Require the Superintendent of State Police to develop and disseminate to all law enforcement agencies a best practices protocol to be followed by state and local law enforcement agencies when addressing reports of missing persons, develop

a training program for law enforcement concerning the protocol, and direct the Missing Persons Unit to annually review the protocol;

- 5) Provide that when a lead law enforcement agency determines that a missing person is a high risk missing person or a missing child, it is to take the action required by the protocol;
- 6) Require the lead law enforcement agency, when an investigation involves a missing child, to prepare and disseminate a photographic information bulletin utilizing the Missing Child Alert System; and
- 7) Clarify that county medical examiners do not directly enter information identifying human remains into federally maintained databases but will promptly seek the appropriate agency officials to enter the information.

The other committee amendments are clarifying and technical in nature.

FISCAL IMPACT:

The Division of State Police reports that in 2005 there were 18,620 missing persons records reported in the National Crime Information Center database that were from New Jersey. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

Under the changes in this bill, there will be minimal impact to the Missing Persons Unit in the Division of State Police in the Department of Law and Public Safety.

Under this bill, local law enforcement agencies are to continue current missing persons reporting procedures. Due to the provisions under this bill, however, there may be an increase in the number of cases reported as well as an increase in the information requested regarding the missing person. It is unknown how many local law enforcement agencies will not have the resources to handle the increase and as a result turn cases over to the State Police.

FISCAL NOTE
 [First Reprint]
SENATE, No. 2255
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JULY 2, 2007

SUMMARY

Synopsis: "Patricia's Law;" model Missing Persons Legislation.

Type of Impact: Increased Expenditure. General Fund.

Agencies Affected: Department of Law and Public Safety; Missing Persons Unit in the Division of State Police; Local Law Enforcement.

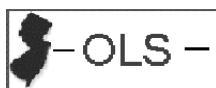
Executive Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|----------------------|----------------------|----------------------|
| State Cost | 10,233,089.61 | \$10,562,061.75 | \$10,902,158.21 |

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|------------------------------------|----------------------|----------------------|
| State Cost | Indeterminate - See Comments Below | | |
| Local Cost | Unknown Potential Expenditure | | |

- The Office of Legislative Services (OLS) **concurs** that the Division of State Police will incur additional responsibilities as a result of the implementation of Senate Bill No. 2255. The OLS, however, at this time cannot determine to what extent the increase in case load will be as a result of this bill.
- Institutes missing persons model legislation proposed by the National Institute of Justice legislation for New Jersey.
- Requires the Division of State Police to be notified of every high risk missing persons case Statewide. The State Police Missing Persons Unit is also required to enter all collected information related to those cases into Federal databases.
- The Division of State Police states there were 18,620 New Jersey missing person records reported in 2005. The State Missing Persons Unit responded to 1,800 of those records, or 9.7



percent of the State total. The remaining missing persons cases were handled by local law enforcement.

BILL DESCRIPTION

Senate Bill No. 2255 (1R) of 2006, to be known as "Patricia's Law," model's missing persons legislation proposed by the National Institute of Justice, the research, development and evaluation agency of the United States Department of Justice.

The purpose of this model legislation is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

The bill outlines what cases are high risk and requires the Division of State Police to provide additional attention to virtually every missing persons case in the State.

According the National Crime Information Center in 2005 there were 18,620 missing persons reported in New Jersey.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In 2005, the National Crime Information Center reported 834,536 missing person records entered into their database. Of those cases, the Division of State Police cites there were 18,620 records reported from New Jersey. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

Under the changes in this bill, the Division of State Police in the Department of Law and Public Safety estimates that 98 percent of all missing persons would be classified as high-risk and would require the Division of State Police's involvement.

Currently the Missing Persons Unit is staffed with one Lieutenant as the Unit Supervisor, one Detective Sergeant First Class as the Assistant Unit Supervisor, two Detective Sergeants that serve as squad leaders, four Detectives who are assigned geographically and two administrative staff.

The Division of State Police estimates the total expenditures needed for the Missing Persons Unit to implement this bill in the first year are \$10,233,089.61.

This estimate includes the salary of one full-time Lieutenant, four detectives with the rank of Sergeant First Class, fifteen detectives with the rank of Sergeant, sixty detectives, four administrative analysts (level 3) and three secretary's at \$8,316,309.61. This estimate includes clothing allowances and educational incentives. Additional expenses include data processing equipment and appropriate licenses at \$116,780 and vehicles with related expenses \$1,800,000. The expenditure estimates in the second and third years are \$10,562,061.75 and \$10,902,158.21, respectively.

The Division of State Police note that the amounts required for office space, furniture, or other equipment that may be needed are not factored into this estimate.

OFFICE OF LEGISLATIVE SERVICES

The OLS agrees that the Division of State Police will incur additional responsibilities as a result of the implementation of Senate Bill No. 2255 (1R). The OLS, however, cannot determine at this time what extent of that increase will be as a result of this bill.

Under this bill, local law enforcement agencies are to continue current missing persons reporting procedures. Due to the provisions under this bill, however, there may be an increase in the number of cases reported as well as an increase in the information requested regarding the missing person. It is unknown how many local law enforcement agencies will not have the resources to handle the increase and as a result turn cases over to the State Police.

Section: Law and Public Safety

*Analyst: Kristin A. Brunner
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2255

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: JULY 31, 2007

SUMMARY

- Synopsis:** "Patricia's Law;" model Missing Persons Legislation.
- Type of Impact:** Indeterminate Minimal Expenditure. General Fund.
- Agencies Affected:** Department of Law and Public Safety; Missing Persons Unit in the Division of State Police; Local Law Enforcement.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|------------------------------------|----------------------|----------------------|
| State Cost | Indeterminate - See Comments Below | | |
| Local Cost | Unknown Potential Expenditure | | |

- The Office of Legislative Services (OLS) estimates that this bill may have a minimal impact on the Missing Persons Unit in the Division of State Police. The OLS, however, at this time cannot determine to what extent the increase in case load may have on the various local law enforcement agencies as a result of this bill.
- Institutes missing persons procedures and protocols.
- Requires the Division of State Police to establish a best practices protocol for State and local law enforcement to follow when dealing with missing persons cases.
- The Division of State Police indicated there were 18,620 New Jersey missing person records reported in 2005. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

BILL DESCRIPTION

Senate Bill No. 2255 (2R) of 2006, to be known as "Patricia's Law," institutes procedures and protocols regarding missing persons cases.

The purpose of this model legislation is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

The bill outlines what cases are high risk and requires the Division of State Police to provide additional attention to virtually every missing persons case in the State.

According to the National Crime Information Center in 2005 there were 18,620 missing persons reported in New Jersey.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In 2005, the National Crime Information Center reported 834,536 missing person records entered into their database. Of those cases, the Division of State Police indicates there were 18,620 records reported from New Jersey. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

Currently the Missing Persons Unit is staffed with one Lieutenant as the Unit Supervisor, one Detective Sergeant First Class as the Assistant Unit Supervisor, two Detective Sergeants that serve as squad leaders, four Detectives who are assigned geographically, and two administrative staff.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill may have a minimal impact on the Missing Persons Unit in the Division of State Police. The OLS, however, at this time cannot determine to what extent the increase in case load may have on the various local law enforcement agencies as a result of this bill.

Due to the provisions of this bill, there may be an increase in the number of cases reported as well as an increase in the information requested regarding the missing person. It is unknown how many local law enforcement agencies may not currently have the resources to handle the increase and as a result, turn those cases over to the State Police.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
Associate Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

ASSEMBLY, No. 3643

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 9, 2006

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

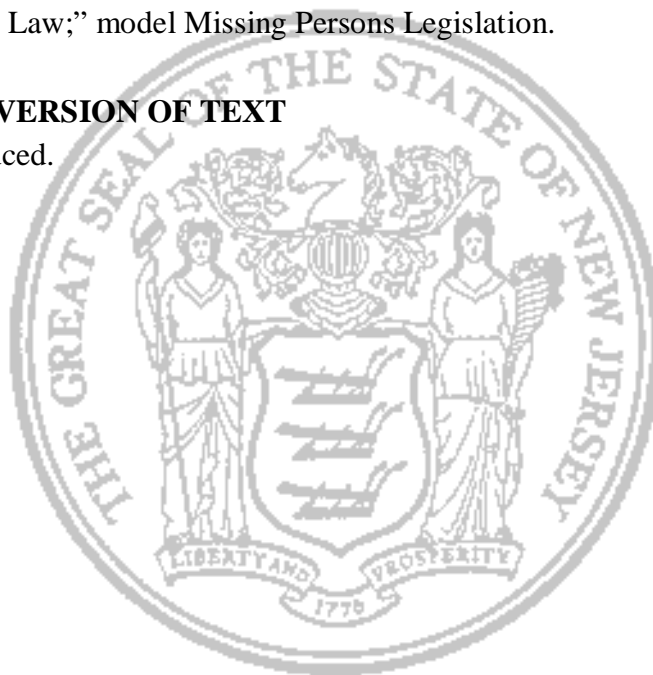
Assemblyman Steele

SYNOPSIS

“Patricia’s Law;” model Missing Persons Legislation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/18/2007)

A3643 VAINIERI HUTTLE, JOHNSON

2

1 AN ACT concerning missing persons, designating the act as
2 "Patricia's Law," and supplementing Title 52 of the Revised
3 Statutes.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7

8 1. As used in this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board or other authority of the State or of any
11 political subdivision thereof which employs law enforcement
12 officers.

13 "Law enforcement officer" means a person whose public duties
14 include the power to act as an officer for the detection,
15 apprehension, arrest and conviction of offenders against the laws of
16 this State.

17

18 2. A law enforcement agency shall accept without delay any
19 report of a missing person.

20 No law enforcement agency may refuse to accept a missing
21 person report on the basis that:

22 a. The missing person is an adult;

23 b. The circumstances do not indicate foul play;

24 c. The person has been missing for a short period of time;

25 d. The person has been missing a long period of time;

26 e. There is no indication that the missing person was in the
27 jurisdiction served by the law enforcement agency at the time of the
28 disappearance;

29 f. The circumstances suggest that the disappearance may be
30 voluntary;

31 g. The person reporting does not have personal knowledge of the
32 facts;

33 h. The reporting individual cannot provide all of the information
34 requested by the law enforcement agency;

35 i. The reporting person lacks a familial or other relationship with
36 the missing person; or

37 j. For any other reason, except in cases where the law
38 enforcement agency has direct knowledge that the person is, in fact,
39 not missing and the exact whereabouts and welfare of the subject
40 individual are known to the agency at the time the report is being
41 made.

42

43 3. At the time of a missing person report is filed, the law
44 enforcement agency shall seek to ascertain and record the following
45 information about the missing person:

46 a. The name of the missing person, including any aliases

47 b. Date of birth;

- 1 c. Identifying marks, such as birthmarks, moles, tattoos and
- 2 scars;
- 3 d. Height and weight;
- 4 e. Gender;
- 5 f. Race;
- 6 g. Current hair color and true or natural hair color;
- 7 h. Eye color;
- 8 i. Prosthetics, surgical implants, or cosmetic implants;
- 9 j. Physical anomalies;
- 10 k. Blood type, if known;
- 11 l. Any medications the missing person is taking or needs to take;
- 12 m. Driver's license number, if known;
- 13 n. Social security number, if known;
- 14 o. A recent photograph of the missing person, if available;
- 15 p. A description of the clothing the missing person was believed
- 16 to be wearing at the time of disappearance;
- 17 q. A description of notable items that the missing person may be
- 18 carrying and wearing;
- 19 r. Information on the missing person's electronic
- 20 communications devices, such as a cell phone number or email
- 21 addresses;
- 22 s. The reasons why the reporting person believes that the person
- 23 is missing;
- 24 t. Name and location of missing person's school or employer, if
- 25 known;
- 26 u. Name and location of missing person's dentist and primary
- 27 care physician, if known;
- 28 v. Any circumstances that may indicate that the disappearance
- 29 was not voluntary;
- 30 w. Any circumstances that indicate that the missing person may
- 31 be at risk of injury or death;
- 32 x. A description of the possible means of transportation of the
- 33 missing person, such as the make, model, color, license, and VIN of
- 34 a motor vehicle;
- 35 y. Any identifying information about a known or possible
- 36 abductor or the person last seen with the missing person including:
- 37 (1) name;
- 38 (2) a physical description;
- 39 (3) date of birth;
- 40 (4) identifying marks;
- 41 (5) the description of possible means of transportation, such as
- 42 the make, model, color, license, and VIN of a motor vehicle; and
- 43 (6) known associates;
- 44 z. Any other information that can aid in location the missing
- 45 person; and
- 46 aa. Date of last contact.

1 4. a. The law enforcement agency shall notify the person
2 making the report, a family member, or any other person in a
3 position to assist the law enforcement agency in its efforts to locate
4 the missing person by providing to that person or family member:

5 (1) general information about the handling of the missing person
6 case or about intended efforts in the case to the extent that the law
7 enforcement agency determines that disclosure would not adversely
8 affect its ability to locate or protect the missing person, to
9 apprehend or to prosecute any persons criminally involved in the
10 disappearance;

11 (2) information advising the person making the report, and other
12 involved persons that if the missing person remains missing, they
13 contact the law enforcement agency to provide additional
14 information and materials that will aid in locating the missing
15 person, such as any credit or debit cards the missing person has
16 access to, other banking or financial information and any records of
17 cell phone use;

18 (3) in those cases where DNA samples are requested, the law
19 enforcement agency shall notify the person or family member that
20 all such DNA samples are provided on a voluntary basis and shall
21 be used solely to help locate or identify the missing person and shall
22 not be used for any other purpose;

23 (4) the law enforcement agency, upon acceptance of a missing
24 person report, shall inform the person filing the report that there are
25 two clearing houses for missing person's information. If the person
26 reported missing is age 17 or under, the person filing the report
27 shall be provided with contact information for the National Center
28 for Missing and Exploited Children. If the person reported missing
29 is age 18 or older, the person filing the report shall be provided with
30 contact information for the National Center for Missing Adults.

31 b. If the person identified in the missing person report remains
32 missing for 30 days, and the additional information and materials
33 specified below have not been received, the law enforcement
34 agency shall attempt to obtain;

35 (1) DNA samples from family members and, if possible, from
36 the missing person along with any needed documentation, including
37 any consent forms, required for the use of State or Federal DNA
38 databases;

39 (2) dental information and x-rays, and an authorization to
40 release dental or skeletal x-rays of the missing person;

41 (3) any additional photographs of the missing person that may
42 aid the investigation or an identification. The law enforcement
43 agency shall not be required to obtain written authorization before it
44 releases publicly any photograph that would aid in the investigation
45 or identification of the missing person; and

46 (4) fingerprints.

47 c. All DNA samples obtained in missing person's cases shall be
48 immediately forwarded to the New Jersey Forensic DNA

1 Laboratory for analysis. The laboratory shall establish procedures
2 for determining how to prioritize analysis of the samples relating to
3 missing persons cases;

4 d. Information relevant to the Federal Bureau of Investigation's
5 Violent Criminal Apprehension Program shall be entered as soon as
6 possible.

7 e. Nothing in this section shall be construed to preclude a law
8 enforcement agency from obtaining any of the materials identified
9 in this section before the 30th day following the filing of the
10 missing person report.

11

12 5. Upon the initial receipt of a missing person report, a law
13 enforcement agency shall seek to determine whether the person
14 reported missing is high risk.

15 a. A high-risk missing person is an individual whose
16 whereabouts are not currently known and the circumstances indicate
17 that the individual may be at risk of injury or death. The
18 circumstances that indicate that an individual is high-risk missing
19 person shall include, but not be limited to:

20 (1) the person is missing as a result of a stranger abduction;

21 (2) the person is missing under suspicious circumstances;

22 (3) the person is missing under unknown circumstances;

23 (4) the person is missing under known dangerous circumstances;

24 (5) the person is missing more than 30 days;

25 (6) the person has already been designated as a high-risk missing
26 person by another law enforcement agency;

27 (7) there is evidence that the person is at risk because:

28 (a) the person missing is in need of medical attention, or
29 prescription medication;

30 (b) the person missing does not have a pattern of running away
31 or disappearing;

32 (c) the person missing may have been abducted by a non-
33 custodial parent;

34 (d) the person missing is mentally impaired;

35 (e) the person missing is a person under the age of 21 years; or

36 (f) the person missing has been the subject of past threats or acts
37 of violence.

38 (8) any other factor that may, in the judgment of the chief of the
39 law enforcement agency receiving the missing person report,
40 determine that the missing person may be at risk.

41 b. A finding that a person reported missing is not high risk shall
42 not preclude a later determination, based on further investigation or
43 the discovery of additional information, that the missing person is
44 high risk.

45

46 6. a. When a law enforcement agency determines that a missing
47 person is a high-risk missing person it shall notify the State Police
48 Missing Persons Unit. It shall immediately provide the State Police

1 Missing Persons Unit with the information that is most likely to aid
2 in the location and safe return of the high-risk missing person. As
3 soon as practicable, the law enforcement agency shall provide all
4 other information obtained relating to the missing person case to the
5 State Police Missing Persons Unit.

6 b. The State Police Missing Persons Unit shall promptly notify
7 all law enforcement agencies within the State and, if deemed
8 appropriate, law enforcement agencies in adjacent states or
9 jurisdictions of the information that may aid in the prompt location
10 and safe return of the high-risk missing person;

11 c. Local law enforcement agencies that receive notification from
12 the State Police Missing Unit pursuant to subsection b. of this
13 section shall forward that information immediately to its officers
14 and members.

15 d. The State Police Missing Persons Unit shall, as appropriate,
16 enter all collected information relating to the missing person case to
17 applicable Federal databases. The information shall be provided in
18 accordance with applicable guidelines relating to the databases, as
19 follows:

20 (1) a missing person report, and relevant information, in a high-
21 risk missing person case shall be entered in the National Crime
22 Information Center database immediately, but in no case no more
23 than 2 hours of the determination that the missing person is a high-
24 risk missing person.

25 (2) a missing person report, and relevant information, in a case
26 not involving a high risk missing person shall be entered within 24
27 hours of the initial filing of the missing person report.

28 (3) all DNA profiles shall be uploaded into the missing persons
29 databases of the New Jersey Forensic DNA Laboratory and all
30 appropriate and suitable federal database systems.

31 (4) information relevant to the Federal Bureau of Investigation's
32 Violent Criminal Apprehension Program shall be entered as soon as
33 practicable.

34 (5) all due care shall be given to insure that the data, particularly
35 medical and dental records, entered in State and federal database
36 systems is accurate and, to the greatest extent possible, complete.

37 (6) the State Police shall, when deemed appropriate and likely to
38 facilitate a resolution to a particular missing person report, activate
39 the Amber Alert program for the State.

40
41 7. a. The Attorney General shall provide information to local
42 law enforcement agencies about best practices and protocols for
43 handling death scene investigations;

44 b. The Attorney General shall identify any publications or
45 training opportunities that may be available to local law
46 enforcement officers concerning the handling of death scene
47 investigations.

1 8. a. After performing any death scene investigation, as deemed
2 appropriate under the circumstances, the official with custody of the
3 human remains shall ensure that the human remains are delivered to
4 the appropriate county medical examiner.

5 b. Any county medical examiner with custody of human remains
6 that are not identified within 24 hours of discovery shall promptly
7 notify the State Police of the location of those remains.

8 c. If the county medical examiner with custody of remains
9 cannot determine whether or not the remains found are human, the
10 medical examiner shall so notify the State Police.

11

12 9. a. If the official with custody of the human remains is not a
13 medical examiner, the official shall promptly transfer the
14 unidentified remains to the appropriate county medical examiner.

15 b. The county medical examiner shall make reasonable attempts
16 to promptly identify human remains. These actions may include but
17 are not limited to obtaining:

- 18 (1) photographs of the human remains;
- 19 (2) dental or skeletal X-rays;
- 20 (3) photographs of items found with the human remains;
- 21 (4) fingerprints from the remains, if possible;
- 22 (5) samples of tissue suitable for DNA typing, if possible;
- 23 (6) samples of whole bone and/or hair suitable for DNA typing;
- 24 (7) any other information that may support identification efforts.

25 c. No medical examiner or any other person shall, dispose of, or
26 engage in actions that will materially affect the unidentified human
27 remains before the county medical examiner obtains:

- 28 (1) samples suitable for DNA identification archiving;
- 29 (2) photographs of the unidentified human remains; and
- 30 (3) all other appropriate steps for identification have been
31 exhausted.

32 d. Unidentified human remains shall not be cremated.

33 e. The county medical examiner shall make reasonable efforts to
34 obtain prompt DNA analysis of biological samples, if the human
35 remains have not been identified by other means within 30 days.

36 f. The medical examiner shall seek support from appropriate
37 State and federal agencies to assist in the identification of
38 unidentified human remains. Such assistance may include, but not
39 be limited to, available mitochondrial or nuclear DNA testing,
40 federal grants for DNA testing, or federal grants for crime
41 laboratory or medical examiner office improvement.

42 g. The county medical examiner shall promptly enter
43 information in federal and State databases that can aid in the
44 identification of a missing person. Information shall be entered into
45 federal databases as follows:

- 46 (1) information for the National Crime Information Center
47 within 24 hours;

1 (2) DNA profiles and information shall be entered into the
2 National DNA Index System (NDIS) within five business days after
3 the completion of the DNA analysis and procedures necessary for
4 the entry of the DNA profile; and

5 (3) information sought by the Violent Criminal Apprehension
6 Program database as soon as practicable.

7 h. Nothing in this act shall be construed to preclude any medical
8 examiner office, the State Police or any local law enforcement
9 agency from other actions to facilitate the identification of
10 unidentified human remains including efforts to publicize
11 information, descriptions or photographs that may aid in the
12 identification of the unidentified remains, including allowing family
13 members to identify a missing person; provided that in taking these
14 actions, all due consideration is given to protect the dignity and
15 well-being of the of the missing person and the family of the
16 missing person.

17 i. Agencies handling the remains of a missing person who is
18 deceased shall notify the law enforcement agency handling the
19 missing person's case. Documented efforts must be made to locate
20 family members of the deceased person to inform them of the death
21 and location of the remains of their family member.

22
23 10. The Attorney General, pursuant to the provisions of the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), shall promulgate rules and regulations to effectuate the
26 purposes of this act.

27
28 11. This act shall take effect on the first day of the seventh
29 month following enactment, but the Attorney General may take
30 such anticipatory administrative action in advance as shall be
31 necessary for the implementation of this act.

32
33
34 STATEMENT

35
36 This bill, to be known as "Patricia's Law," is model missing
37 persons legislation proposed by the National Criminal Justice
38 Reference Service, a federally funded resource center that supports
39 research, policy and program development in the criminal justice
40 area.

41 The purpose of this model legislation is to improve the ability of
42 law enforcement to locate and return missing persons, to improve
43 the identification of human remains and to improve timely
44 information and notification to the family members of missing
45 persons.

46 The bill outlines the best practices and protocols law
47 enforcement should adopt and utilize in missing person cases,
48 identifying human remains and in providing timely information to

A3643 VAINIERI HUTTLE, JOHNSON

9

- 1 the families of missing persons to keep them fully apprised and
- 2 aware of the actions being taken and the progress made in their
- 3 investigation.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3643**

STATE OF NEW JERSEY

DATED: MAY 17, 2007

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3643.

This Assembly Committee Substitute for Assembly Bill No. 3643, to be known as "Patricia's Law," is model missing persons legislation proposed by the National Institute of Justice, the research, development, and evaluation agency of the United States Department of Justice.

The purpose of this model legislation is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The committee substitute outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3643**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 3, 2008

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3643 (ACS), with committee amendments.

Assembly Bill No. 3643 (ACS), as amended, designated "Patricia's Law," is model missing persons legislation proposed by the National Institute of Justice, the research, development and evaluation agency of the United States Department of Justice.

The purpose of this bill is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2255(2R) as also reported by the committee.

FISCAL IMPACT:

The Division of State Police reports that in 2005 there were 18,620 missing persons records reported in the National Crime Information Center database that were from New Jersey. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

Under the changes in this bill, there will be minimal impact to the Missing Persons Unit in the Division of State Police in the Department of Law and Public Safety.

Under this bill, local law enforcement agencies are to continue current missing persons reporting procedures. Due to the provisions under this bill, however, there may be an increase in the number of cases reported as well as an increase in the information requested regarding the missing person. It is unknown how many local law

enforcement agencies will have insufficient resources to handle the increase and as a result will turn cases over to the State Police.

COMMITTEE AMENDMENTS:

- 1) Define “missing child” as a person 13 years of age or younger whose whereabouts are not currently known and clarify the definition of “high risk missing person;”
- 2) Define “lead law enforcement agency” as the law enforcement agency with primary responsibility for investigating a missing persons case;
- 3) Clarify that the law enforcement agency that receives the report of a missing person is the lead law enforcement agency in charge of the missing person investigation, unless another law enforcement agency assumes primary responsibility for the investigation, and that the lead law enforcement agency is entitled to the cooperation of other law enforcement agencies;
- 4) Require the Superintendent of State Police to develop and disseminate to all law enforcement agencies a best practices protocol to be followed by state and local law enforcement agencies when addressing reports of missing persons, develop a training program for law enforcement concerning the protocol, and direct the Missing Persons Unit to annually review the protocol;
- 5) Provide that when a lead law enforcement agency determines that a missing person is a high risk missing person or a missing child, it is to take the action required by the protocol;
- 6) Require the lead law enforcement agency, when an investigation involves a missing child, to prepare and disseminate a photographic information bulletin utilizing the Missing Child Alert System; and
- 7) Clarify that county medical examiners do not directly enter information identifying human remains into federally maintained databases but will promptly seek the appropriate agency officials to enter the information.

The other committee amendments are clarifying and technical in nature.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3643
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JANUARY 10, 2008

SUMMARY

Synopsis: "Patricia's Law;" model Missing Persons Legislation.

Type of Impact: Indeterminate Minimal Expenditure. General Fund.

Agencies Affected: Department of Law and Public Safety; Missing Persons Unit in the Division of State Police; Local Law Enforcement.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|------------------------------------|----------------------|----------------------|
| State Cost | Indeterminate - See comments below | | |
| Local Cost | Unknown potential expenditure | | |

- The Office of Legislative Services (OLS) estimates that this bill may have a minimal impact on the Missing Persons Unit in the Division of State Police. The OLS, however, at this time cannot determine to what extent the increase in case load may have on the various local law enforcement agencies as a result of this bill.
- Institutes missing persons procedures and protocols.
- Requires the Division of State Police to establish a best practices protocol for State and local law enforcement to follow when dealing with missing persons cases.
- The Division of State Police indicated there were 18,620 New Jersey missing person records reported to the National Crime Information Center in 2005. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

BILL DESCRIPTION

Assembly Committee Substitute for Assembly Bill No. 3643 of 2007, to be known as “Patricia’s Law,” institutes procedures and protocols regarding missing persons cases.

The purpose of this model legislation is to improve: 1) the ability of law enforcement to locate and return missing persons; 2) the identification of human remains; and 3) to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

The bill outlines what cases are high risk and requires the Division of State Police to provide additional attention to virtually every missing persons case in the State.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In 2005, the National Crime Information Center reported 834,536 missing person records entered into their database. Of those cases, the Division of State Police indicates there were 18,620 records reported from New Jersey. The State Missing Persons Unit responded to 1,800 of those records, or 9.7 percent of the State total. The remaining missing persons cases were handled by local law enforcement.

Currently the Missing Persons Unit is staffed with one Lieutenant as the Unit Supervisor, one Detective Sergeant First Class as the Assistant Unit Supervisor, two Detective Sergeants that serve as squad leaders, four Detectives who are assigned geographically, and two administrative staff.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill may have a minimal impact on the Missing Persons Unit in the Division of State Police. The OLS, however, at this time cannot determine to what extent the increase in case load may have on the various local law enforcement agencies as a result of this bill.

Due to the provisions of this bill, there may be an increase in the number of cases reported as well as an increase in the information requested regarding the missing person. It is unknown how many local law enforcement agencies may not currently have the resources to handle the increase and as a result, turn those cases over to the State Police.

Section: Law and Public Safety

*Analyst: Kristin A. Brunner
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).