

2020 Regular Session

HOUSE BILL NO. 29

BY REPRESENTATIVE BACALA

CHILDREN/MISSING: Provides relative to the reporting duties of law enforcement with respect to information about missing children

1 AN ACT

2 To amend and reenact R.S. 14:403.3(A) and R.S. 40:2521, relative to reports of missing
3 children; to provide relative to the duty of law enforcement upon receipt of reports
4 of missing children; to provide relative to the entities to which the law enforcement
5 agency is required and permitted to report; to provide relative to the entry of certain
6 information into the National Crime Information Center's database; to provide
7 relative to the time period within which the entry and reporting occur; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:403.3(A) is hereby amended and reenacted to read as follows:

11 §403.3. Reports of missing children; procedures; false reports or communications;
12 penalties

13 A.(1) Any state or local law enforcement agency receiving a report of a
14 missing child; or the recovery of a missing child; and having reasonable grounds to
15 believe ~~such~~ the report is accurate shall do all of the following ~~within forty-eight~~
16 hours immediately ~~after the date of receipt of receiving~~ the report ~~notify each of the~~
17 ~~following of the fact and contents of such report:~~

18 (a) Enter the name of the child into the National Crime Information Center's
19 database.

20 (b) Notify each of the following of the facts and contents of the report:

1 ~~(a)(i)~~ The Department of Health and Human Resources Children and Family
2 Services to the extent that the reporting is required pursuant to Chapter Five of Title
3 VI of the Children's Code.

4 ~~(b)(ii)~~ The Department of Public Safety and Corrections office of state
5 police, if it did not originally receive the report.

6 ~~(c)(iii)~~ The office of the sheriff for the parish in which ~~such~~ the report was
7 received, if it did not originally receive the report.

8 ~~(iv)~~ Any other local, state, or federal law enforcement agency that the law
9 enforcement agency receiving the report deems necessary and appropriate depending
10 upon the facts of each case.

11 ~~(d)~~ The office of the sheriff for all parishes adjacent to the parish in which
12 such report was received.

13 ~~(e)~~ The National Crime Information Computer System.

14 (2) The law enforcement agency may also notify any other appropriate local,
15 state, or federal agency of the fact and contents of ~~such~~ the report.

16 * * *

17 Section 2. R.S. 40:2521 is hereby amended and reenacted to read as follows:

18 §2521. Law enforcement agency receiving report of missing or recovered child;
19 duty

20 A.(1) ~~The~~ Any law enforcement agency ~~which receives~~ receiving an initial
21 report of a missing child or the recovery of a missing child ~~and having reasonable~~
22 grounds to believe the report is accurate shall ~~immediately report the missing or~~
23 recovered child to national law enforcement agencies and the state law enforcement
24 agencies of neighboring states. This notification shall include entry of the name of
25 the child into the National Crime Information Center registry ~~do all of the following~~
26 immediately after receiving the report:

27 (a) Enter the name of the child into the National Crime Information Center's
28 database.

29 (b) Notify each of the following of the facts and contents of the report:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (i) The Department of Children and Family Services to the extent that the
2 reporting is required pursuant to Chapter Five of Title VI of the Children's Code.

3 (ii) The office of state police, if it did not originally receive the report.

4 (iii) The office of the sheriff for the parish in which the report was received,
5 if it did not originally receive the report.

6 (iv) Any other local, state, or federal law enforcement agency that the law
7 enforcement agency receiving the report deems necessary and appropriate depending
8 upon the facts of each case.

9 (2) The law enforcement agency may also notify any other appropriate local,
10 state, or federal agency of the fact and contents of the report.

11 B. These reports shall be made The provisions of this Section shall apply for
12 each reported missing child without regard to whether the child is believed to be
13 missing due to stranger abduction, parental abduction, or any other cause.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 29 Engrossed

2020 Regular Session

Bacala

Abstract: Provides relative to the reporting duties of law enforcement with respect to information about missing children.

Present law (R.S. 14:403.3) requires any state or local law enforcement agency receiving a report of a missing or recovered child to notify the following entities within 48 hours after receiving the report:

- (1) The Dept. of Health and Human Resources.
- (2) The Dept. of Public Safety and Corrections.
- (3) The office of the sheriff for the parish in which the report was received.
- (4) The office of the sheriff for all parishes adjacent to the parish in which the report was received.
- (5) The National Crime Information Center's (NCIC) database for Missing Persons.

Present law (R.S. 40:2521) also provides that a law enforcement agency receiving an initial report of a missing child or the recovery of a missing child shall immediately report the missing or recovered child to national law enforcement agencies and the state law enforcement agencies of neighboring states. This notification shall include entry of the name of the child into the NCIC registry.

Proposed law amends present law to provide that any state or local law enforcement agency receiving a report of a missing child or the recovery of a missing child and having reasonable grounds to believe the report is accurate shall do all of the following immediately, instead of within 48 hours, after receiving the report:

- (1) Enter the name of the child into the NCIC database.
- (2) Notify each of the following of the facts and contents of the report:
 - (a) The Dept. of Children and Family Services, to the extent that the reporting is required pursuant to present law provisions relative to mandatory reporters of child abuse and neglect.
 - (b) The office of state police, if it did not originally receive the report.
 - (c) The office of the sheriff for the parish in which the report was received, if it did not originally receive the report.
 - (d) Any other local, state, or federal law enforcement agency that the law enforcement agency receiving the report deems necessary and appropriate depending upon the facts of each case.

Proposed law retains the present law provision which authorizes the law enforcement agency to also notify any other appropriate local, state, or federal agency of the fact and contents of the report.

Proposed law further retains the present law requirement that these reports be made for each reported missing child without regard to whether the child is believed to be missing due to stranger abduction, parental abduction, or any other cause.

(Amends R.S. 14:403.3(A) and R.S. 40:2521)