

**HOUSE BILL NO. 609**

**INTRODUCED BY SPAETH, RAMIREZ, ADDY, KEYSER**

**BY REQUEST OF THE DEPARTMENT OF JUSTICE**

**IN THE HOUSE**

February 1, 1983	Introduced and referred to Committee on Judiciary.
February 12, 1983	Committee recommend bill do pass as amended. Report adopted.
February 14, 1983	Bill printed and placed on members' desks.
February 15, 1983	Second reading, do pass.
February 16, 1983	Considered correctly engrossed.
February 17, 1983	Third reading, passed. Transmitted to Senate.

**IN THE SENATE**

February 18, 1983	Introduced and referred to Committee on Judiciary.
March 24, 1983	Committee recommend bill be concurred in. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House.

March 29, 1983

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *609*  
2 INTRODUCED BY *Spencer Rasmussen, Abby Heyser*  
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE  
6 DEPARTMENT OF JUSTICE AND LOCAL LAW ENFORCEMENT AGENCIES TO  
7 ESTABLISH A CENTRAL REPOSITORY FOR DENTAL RECORDS OF MISSING  
8 PERSONS AND UNIDENTIFIED DEAD BODIES."  
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Missing persons -- dental records. (1) Any  
12 person who reports a missing person to a police or sheriff's  
13 department or other law enforcement authority must be given  
14 a form supplied by the department of justice that authorizes  
15 the release of the dental records of the missing person.  
16 The form must state that if the person is still missing 30  
17 days after the report was made, the form should be signed by  
18 a relative of the missing person and taken to the dentist of  
19 the missing person, who must release the dental records to  
20 the relative. The records must be submitted by the relative  
21 within the next 10 days to the law enforcement authority to  
22 which the missing person report was made.

23 (2) If the missing person has not been found within 30  
24 days after the report was made and no relative exists or can  
25 be located, the law enforcement authority may execute a

1 signed written declaration stating that an investigation  
2 into the location of the missing person is being conducted  
3 and that the dental records may be necessary to the  
4 investigation. A dentist shall release the missing person's  
5 dental records upon presentation of the declaration.

6 (3) If a person reported missing has not been found  
7 within 45 days after the report was made, the law  
8 enforcement authority conducting the investigation shall  
9 confer with the county coroner or state medical examiner and  
10 write a missing person report on a form supplied by the  
11 department of justice. The report and any dental records  
12 obtained under this section must be submitted to the  
13 department of justice.

14 (4) The department of justice shall maintain an  
15 information file concerning each person reported to it as  
16 missing. The file must include information received under  
17 this section and any other information the department  
18 considers relevant to locating the missing person.

19 (5) The department files must be made available to any  
20 law enforcement agency attempting to locate missing persons.

21 (6) A law enforcement authority that finds a missing  
22 person or is notified that he has been found shall notify  
23 the department of justice, which shall destroy all records  
24 regarding the person that were obtained under this section.

25 Section 2. Dental examination -- records -- report.

1 (1) If the coroner cannot identify a body, he or the state  
2 medical examiner shall have a dentist examine the body, and  
3 if the body cannot be identified from the dental  
4 examination, the coroner or state medical examiner must send  
5 the dental examination results to the department of justice  
6 on a form supplied by the department.

7 (2) The department is a repository for dental  
8 examination records filed with it under this section. The  
9 department shall compare such records with dental records  
10 filed with it pursuant to [section 1] in an attempt to  
11 identify the body and must submit any findings to the  
12 coroner or state medical examiner.

-End-

## STATE OF MONTANA

REQUEST NO. 329-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 19 83, there is hereby submitted a Fiscal Note for House Bill 609 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 609 directs the Department of Justice and local law enforcement agencies to establish a central repository for dental records of missing persons and unidentified dead bodies.

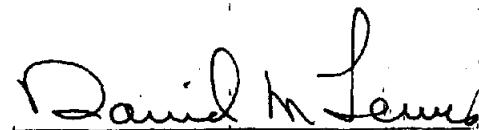
ASSUMPTIONS:

- 1) There were approximately 650 missing persons reported in 1982.
- 2) There were approximately 400 persons missing long enough to require a dental report to be supplied to the department.
- 3) There were approximately 4 unidentified bodies reported in 1982.
- 4) A local dentist would perform the examination of the body.
- 5) The missing person report form and the release of dental records form would be combined into one form.

FISCAL IMPACT:

Expenditures:	<u>FY84</u>	<u>FY85</u>	<u>Total Biennium</u>
Contracted Services	\$200	\$200	\$400
Printing	100	-	100
Communication & Postage	300	300	600
Office Supplies	100	-	100
Total Cost to Gen. Fund	<u>\$700</u>	<u>\$500</u>	<u>\$1,200</u>

FISCAL NOTE 11/R/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-9-83

## STATE OF MONTANA

REQUEST NO. 515-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received March 25, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 609, Amended, pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 609, amended, directs the Department of Justice and local law enforcement agencies to establish a central repository for dental records of missing persons and unidentified dead bodies.

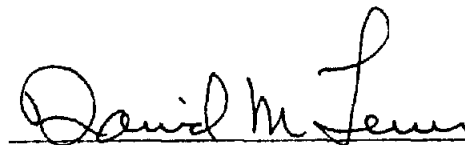
ASSUMPTIONS:

- 1) There were approximately 650 missing persons reported in 1982.
- 2) There were approximately 400 persons missing long enough to require a dental report to be supplied to the department.
- 3) There were approximately 4 unidentified bodies reported in 1982.
- 4) A local dentist would perform the examination of the body.
- 5) The missing person report form and the release of dental records form would be combined into one form.

FISCAL IMPACT:

	FY84	FY85	Total Biennium
Expenditures:			
Contracted Services	\$200	\$200	\$400
Printing	100	-	100
Communication & Postage	600	600	1,200
Office Supplies	100	-	100
Total Cost to Gen. Fund	<u>\$1,000</u>	<u>\$800</u>	<u>\$1,800</u>

FISCAL NOTE 11:R/2



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-26-83

Approved by Committee  
on Judiciary

## HOUSE BILL NO. 609

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A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE  
DEPARTMENT OF JUSTICE AND LOCAL LAW ENFORCEMENT AGENCIES TO  
ESTABLISH A CENTRAL REPOSITORY FOR DENTAL RECORDS OF MISSING  
PERSONS AND UNIDENTIFIED DEAD BODIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Missing persons -- dental records. (1) Any  
person who reports a missing person to a police or sheriff's  
department or other law enforcement authority must be given  
a form supplied by the department of justice that authorizes  
the release of the dental records of the missing person.  
The form must state that if the person is still missing 30  
days after the report was made, the form should be signed by  
a relative of the missing person and taken to the dentist of  
the missing person, who must release the dental records OR  
COPIES THEREOF to the relative. The records must be  
submitted by the relative within the next 10 days to the law  
enforcement authority to which the missing person report was  
made.

(2) If the missing person has not been found within 30  
days after the report was made and no relative exists or can

be located, the law enforcement authority may execute a  
signed written declaration stating that an investigation  
into the location of the missing person is being conducted  
and that the dental records may be necessary to the  
investigation. A dentist shall release the missing person's  
dental records upon presentation of the declaration.

(3) If a person reported missing has not been found  
within 45 days after the report was made, the law  
enforcement authority conducting the investigation shall  
confer with the county coroner or state medical examiner and  
write a missing person report on a form supplied by the  
department of justice. The report and any dental records OR  
COPIES THEREOF obtained under this section must be submitted  
to the department of justice.

(4) The department of justice shall maintain an  
information file concerning each person reported to it as  
missing. The file must include information received under  
this section and any other information the department  
considers relevant to locating the missing person.

(5) The department files must be made available to any  
law enforcement agency attempting to locate missing persons.

(6) A law enforcement authority that finds a missing  
person or is notified that he has been found shall notify  
the department of justice, which shall ~~destroy~~ RETURN all  
DENIAL records ~~regarding the person that were obtained under~~

1 ~~this--section TO THE DENTIST AND DESTROY THE FILE PREPARED~~  
2 ~~UNDER SUBSECTION (4) CONCERNING THE PERSON.~~

3       Section 2. Dental examination -- records -- report.  
4       (1) If the coroner cannot identify a body, he or the state  
5       medical examiner shall have a dentist examine the body, and  
6       if the body cannot be identified from the dental  
7       examination, the coroner or state medical examiner must send  
8       the dental examination results to the department of justice  
9       on a form supplied by the department.

10       (2) The department is a repository for dental  
11       examination records filed with it under this section. The  
12       department shall compare such records with dental records  
13       filed with it pursuant to [section 1] in an attempt to  
14       identify the body and must submit any findings to the  
15       coroner or state medical examiner.

-End-



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(2) If the missing person has not been found within 30 days after the report was made and no relative exists or can

be located, the law enforcement authority may execute a signed written declaration stating that an investigation into the location of the missing person is being conducted and that the dental records may be necessary to the investigation. A dentist shall release the missing person's dental records upon presentation of the declaration.

(3) If a person reported missing has not been found within 45 days after the report was made, the law enforcement authority conducting the investigation shall confer with the county coroner or state medical examiner and write a missing person report on a form supplied by the department of justice. The report and any dental records ~~OR COPIES THEREOF~~ obtained under this section must be submitted to the department of justice.

(4) The department of justice shall maintain an information file concerning each person reported to it as missing. The file must include information received under this section and any other information the department considers relevant to locating the missing person.

(5) The department files must be made available to any law enforcement agency attempting to locate missing persons.

(6) A law enforcement authority that finds a missing person or is notified that he has been found shall notify the department of justice, which shall ~~destroy~~ ~~RETURN~~ all ~~DENIAL~~ records regarding the person that were obtained under

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2 ~~UNDER SUBSECTION 141 CONCERNING THE PERSON.~~

3 Section 2. Dental examination -- records -- report.  
4 (1) If the coroner cannot identify a body, he or the state  
5 medical examiner shall have a dentist examine the body, and  
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