

HOUSE BILL NO. 358

INTRODUCED BY KADAS, PINSONEAULT, REAM,
SCHYE, J. HAMMOND, GARCIA, SPAETH

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Human Services and Aging.
January 24, 1985	Fiscal Note requested.
January 28, 1985	Fiscal Note returned.
February 5, 1985	On motion by Chief Sponsor, Representative Spaeth added as sponsor.
February 7, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 8, 1985	Second reading, do pass as amended.
February 9, 1985	Correctly engrossed.
February 11, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 20, 1985	Committee recommend bill be not concurrred in. Report adopted. Ayes, 33; Noes, 17. Returned to House.

IN THE HOUSE

March 21, 1985 Received from Senate.

March 25, 1985 On motion, request of Senate
granted for return of House Bill
358 for further consideration.

IN THE SENATE

March 25, 1985 Returned to Senate for further
consideration and placed on
second reading. Motion adopted.

March 29, 1985 Second reading, pass
consideration.

March 30, 1985 Second reading, concurred in as
amended.

April 1, 1985 Third reading, concurred in.
Ayes, 47; Noes, 0.

 Returned to House with
amendments.

IN THE HOUSE

April 2, 1985 Received from Senate.

April 4, 1985 Second reading, amendments
concurred in.

April 5, 1985 Third reading, amendments
concurred in.

 Sent to enrolling.

 Reported correctly enrolled.

HOUSE BILL NO. 358

INTRODUCED BY Kadaa-Piquin
Ream Selge J. Hammond

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MISSING CHILDREN INFORMATION PROGRAM WITHIN THE DEPARTMENT OF JUSTICE; TO REQUIRE LAW ENFORCEMENT AUTHORITIES TO SUBMIT MISSING CHILDREN REPORTS TO THE PROGRAM; TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE MONTHLY TO THE SCHOOLS A LIST OF MISSING SCHOOL AGE CHILDREN; AND TO REQUIRE SCHOOLS TO CONTACT ANY PARENT WHOSE CHILD IS ABSENT WITHOUT PARENTAL VERIFICATION OF THE ABSENCE."

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

Section 1. Short title. [This act] may be cited as the "Missing Children Act of 1985".

Section 2. Definitions. As used in [this act], the following definitions apply:

- (1) "Missing child" means any person who has been reported as missing to a law enforcement authority and:
 - (a) who is under 18 years of age;
 - (b) whose temporary or permanent residence is in Montana or is believed to be in Montana; and
 - (c) whose location has not been determined.
- (2) "Missing child report" is a report prepared on a form designed by the department of justice for use by

private citizens and law enforcement authorities to report information about missing children to the missing children information program provided for in [section 3].

Section 3. Missing children information program.

(1) The department of justice shall establish a missing children information program to create a central repository to aid in the location of missing children in Montana.

(2) The missing children information program shall:

- (a) establish a system of intrastate communication of information relating to any child determined to be missing by the parent, guardian, or legal custodian of the child or by a law enforcement authority;
- (b) provide a centralized file for the exchange of information on missing children within the state, including information obtained under the provisions of 44-2-401;
- (c) interface with the national crime information center computer system for exchange of information on children suspected of interstate travel; and
- (d) provide the superintendent of public instruction each month with a list of missing Montana school children for the purposes of [section 6].

Section 4. Reports to missing children information program. (1) All state, county, and municipal law enforcement authorities shall submit to the missing children information program provided for in [section 3] any missing



1 child report and other information required by 44-2-401.

2 (2) Any parent, guardian, or legal custodian may
3 submit a missing child report to the missing children
4 information program on any child whose whereabouts are
5 unknown, regardless of the circumstances, subsequent to
6 making a report to the appropriate law enforcement authority
7 within the county in which the child became missing.

8 (3) The parent, guardian, or legal custodian
9 responsible for notifying the missing children information
10 program or a law enforcement authority of a missing child
11 shall immediately notify the authority and the program of
12 any child whose location has been determined.

13 Section 5. Duties of law enforcement authority.
14 Whenever a parent, guardian, or legal custodian of a child
15 files a report with a law enforcement authority that the
16 child is missing, the law enforcement authority shall:

17 (1) immediately inform all on-duty law enforcement
18 officers of the existence of the missing child report;

19 (2) communicate the report to all other law
20 enforcement authorities having jurisdiction in the county;
21 and

22 (3) immediately enter the missing child report into
23 the national crime information center computer system.

24 Section 6. List of missing Montana school children.

25 (1) The superintendent of public instruction shall assist

1 the missing children information program provided for in
2 [section 3] in identifying and locating missing children who
3 are enrolled in Montana public school districts in
4 kindergarten through grade 12 by:

5 (a) collecting each month a list of missing Montana
6 school children as provided by the missing children
7 information program provided for in [section 3];

8 (b) distributing the list of missing school children
9 on a monthly basis, unless the list has no change from the
10 previous month's information, to all school districts
11 admitting children to kindergarten through grade 12;

12 (c) designing the list to include pertinent available
13 information for identification of the missing school child,
14 including if possible a recent photograph of the child; and

15 (d) notifying the appropriate law enforcement agency
16 and the missing children information program as soon as any
17 additional information is obtained or contact is made with
18 respect to a missing school child.

19 (2) Each school district in Montana shall:

20 (a) distribute to each school building within the
21 district the list of missing school children provided for in
22 subsection (1); and

23 (b) notify the appropriate law enforcement agency at
24 the earliest known contact with any child whose name appears
25 on the list of missing school children.

1 Section 7. Notice to parents of children absent from
2 school. The trustees of any elementary or high school
3 district shall establish a system for contacting before noon
4 of a school day any parent, guardian, or legal custodian
5 whose child is absent from school but who has not reported
6 the child as absent for the school day to determine whether
7 the parent, guardian, or legal custodian is aware of the
8 child's absence from school.

-End-

FISCAL NOTE

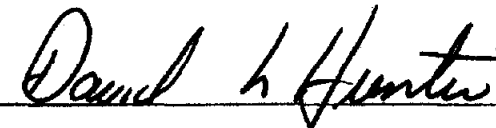
In compliance with a written request received January 24, 19 85, there is hereby submitted a Fiscal Note for House Bill 358 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 358 creates a missing children information program within the Department of Justice; requiring law enforcement authorities to submit reports on missing children to the program; to require the Superintendent of Public Instruction to distribute each month a list of missing school-age children to the schools; and to require schools to contact any parent whose child is absent without parental verification of the absence.

ASSUMPTIONS:

1. It is assumed that the Department of Justice, Identification Bureau, Missing Unidentified Persons Unit, will be responsible for the collection and preparation of the monthly missing school children circulars which will be printed and distributed by the Office of Public Instruction.
2. There will be five missing children per year who are missing for more than thirty days; thus requiring a Missing child Circular to be distributed to the schools.
3. It will be necessary for the Identification Bureau to prepare an information brochure to be distributed to all law enforcement agencies and schools informing them of the program and its procedures.
4. The additional workload and other costs associated with the program that are not mentioned in the fiscal impact will be absorbed by the Department of Justice.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 28, 1985

HB 358

FISCAL IMPACT:

General Fund:	<u>FY 1986</u>	<u>FY 1987</u>	<u>Biennium</u>
Operating Expenses;			
Contracted Services	\$ 500	\$ 300	\$ 800
Postage & Communications	31	-0-	31
Printing	495	-0-	495
TOTAL	<u>\$ 1,026</u>	<u>\$ 300</u>	<u>\$ 1,326</u>

NOTE:

The Department of Justice has requested funds through the budget modification process to support the 1.0 FTE who functions as the missing persons specialist, (44-2-401 & 44-2-401, MCA). Expenditure items such as rent, travel, telephone, and equipment have not been included in this fiscal note since the individual handling this program would assume any duties resulting from the proposed legislation. The costs here are only those which would be incurred by the Department of Justice in addition to current operations.

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE BILL NO. 358

INTRODUCED BY KADAS, PINSONEAULT, REAM, SCHYE, J. HAMMOND, GARCIA, SPAETH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MISSING CHILDREN INFORMATION PROGRAM WITHIN THE DEPARTMENT OF JUSTICE; TO REQUIRE LAW ENFORCEMENT AUTHORITIES TO SUBMIT MISSING CHILDREN REPORTS TO THE PROGRAM; TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE MONTHLY TO THE SCHOOLS A LIST OF MISSING SCHOOL AGE CHILDREN; AND TO REQUIRE SCHOOLS TO CONTACT ANY PARENT WHOSE CHILD IS ABSENT WITHOUT PARENTAL VERIFICATION OF THE ABSENCE."

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

Section 1. Short title. [This act] may be cited as the "Missing Children Act of 1985".

Section 2. Definitions. As used in [this act], the following definitions apply:

- (1) "Missing child" means any person who has been reported as missing to a law enforcement authority and: (a) who is under 18 years of age; (b) whose temporary or permanent residence is in Montana or is believed to be in Montana; and (c) whose location has not been determined. (2) "Missing child report" is a report prepared on a

form designed by the department of justice for use by private citizens and law enforcement authorities to report information about missing children to the missing children information program provided for in [section 3].

Section 3. Missing children information program. (1) The department of justice shall establish a missing children information program to create a central repository to aid in the location of missing children in Montana.

(2) The missing children information program shall:

- (a) establish a system of intrastate communication of information relating to any child determined to be missing by the parent, guardian, or legal custodian of the child or by a law enforcement authority; (b) provide a centralized file for the exchange of information on missing children within the state, including information obtained under the provisions of 44-2-401; (c) interface with the national crime information center computer system for exchange of information on children suspected of interstate travel; and (d) provide the superintendent of public instruction each month with a list of missing Montana school children for the purposes of [section 6].

Section 4. Reports to missing children information program. (1) All state, county, and municipal law enforcement authorities shall submit to the missing children



1 information program provided for in [section 3] any missing
2 child report and other information required by 44-2-401.

3 (2) Any parent, guardian, or legal custodian may
4 submit a missing child report to the missing children
5 information program on any child whose whereabouts are
6 unknown, regardless of the circumstances, subsequent to
7 making a report to the appropriate law enforcement authority
8 within the county in which the child became missing.

9 (3) The parent, guardian, or legal custodian
10 responsible for notifying the missing children information
11 program or a law enforcement authority of a missing child
12 shall immediately notify the authority and the program of
13 any child whose location has been determined.

14 Section 5. Duties of law enforcement authority.
15 Whenever a parent, guardian, or legal custodian of a child
16 files a report with a law enforcement authority that the
17 child is missing, the law enforcement authority shall:

18 (1) immediately inform all on-duty law enforcement
19 officers of the existence of the missing child report;

20 (2) communicate the report to all other law
21 enforcement authorities having jurisdiction in the county;
22 and

23 (3) immediately enter the missing child report into
24 the national crime information center computer system.

25 Section 6. List of missing Montana school children.

1 (1) The superintendent of public instruction shall assist
2 the missing children information program provided for in
3 [section 3] in identifying and locating missing children who
4 are enrolled in Montana public school districts in
5 kindergarten through grade 12 by:

6 (a) collecting each month a list of missing Montana
7 school children as provided by the missing children
8 information program provided for in [section 3];

9 (b) distributing the list of missing school children
10 on a monthly basis, unless the list has no change from the
11 previous month's information, to all school districts
12 admitting children to kindergarten through grade 12;

13 (c) designing the list to include pertinent available
14 information for identification of the missing school child,
15 including if possible a recent photograph of the child; and

16 (d) notifying the appropriate law enforcement agency
17 and the missing children information program as soon as any
18 additional information is obtained or contact is made with
19 respect to a missing school child.

20 (2) Each school district in Montana shall:

21 (a) distribute to each school building within the
22 district the list of missing school children provided for in
23 subsection (1); and

24 (b) notify the appropriate law enforcement agency at
25 the earliest known contact with any child whose name appears

1 on the list of missing school children.

2 Section 7. Notice to parents of children absent from
3 school. The trustees of any elementary or high school
4 district shall establish a system for contacting **before-noon**
5 BY THE END of a school day any parent, guardian, or legal
6 custodian whose child is absent from school but who has not
7 reported the child as absent for the school day to determine
8 whether the parent, guardian, or legal custodian is aware of
9 the child's absence from school.

-End-

HOUSE BILL NO. 358

INTRODUCED BY KADAS, PINSONEAULT, REAM,
SCHYE, J. HAMMOND, GARCIA, SPAETH

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MISSING CHILDREN INFORMATION PROGRAM WITHIN THE DEPARTMENT OF JUSTICE; TO REQUIRE LAW ENFORCEMENT AUTHORITIES TO SUBMIT MISSING CHILDREN REPORTS TO THE PROGRAM; TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE MONTHLY TO THE SCHOOLS A LIST OF MISSING SCHOOL AGE CHILDREN; AND TO REQUIRE SCHOOLS TO CONTACT ANY PARENT WHOSE CHILD IS ABSENT WITHOUT PARENTAL VERIFICATION OF THE ABSENCE."

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

Section 1. Short title. [This act] may be cited as the "Missing Children Act of 1985".

Section 2. Definitions. As used in [this act], the following definitions apply:

(1) "Missing child" means any person who has been reported as missing to a law enforcement authority and:

- (a) who is under 18 years of age;
- (b) whose temporary or permanent residence is in Montana or is believed to be in Montana; and
- (c) whose location has not been determined.

(2) "Missing child report" is a report prepared on a

form designed by the department of justice for use by private citizens and law enforcement authorities to report information about missing children to the missing children information program provided for in [section 3].

Section 3. Missing children information program. (1) The department of justice shall establish a missing children information program to create a central repository to aid in the location of missing children in Montana.

(2) The missing children information program shall:

(a) establish a system of intrastate communication of information relating to any child determined to be missing by the parent, guardian, or legal custodian of the child or by a law enforcement authority;

(b) provide a centralized file for the exchange of information on missing children within the state, including information obtained under the provisions of 44-2-401;

(c) interface with the national crime information center computer system for exchange of information on children suspected of interstate travel; and

(d) provide the superintendent of public instruction each month with a list of missing Montana school children for the purposes of [section 6].

Section 4. Reports to missing children information program. (1) All state, county, and municipal law enforcement authorities shall submit to the missing children



1 information program provided for in [section 3] any missing
 2 child report and other information required by 44-2-401.

3 (2) Any parent, guardian, or legal custodian may
 4 submit a missing child report to the missing children
 5 information program on any child whose whereabouts are
 6 unknown, regardless of the circumstances, subsequent to
 7 making a report to the appropriate law enforcement authority
 8 within the county in which the child became missing.

9 (3) The parent, guardian, or legal custodian
 10 responsible for notifying the missing children information
 11 program or a law enforcement authority of a missing child
 12 shall immediately notify the authority and the program of
 13 any child whose location has been determined.

14 Section 5. Duties of law enforcement authority.
 15 Whenever a parent, guardian, or legal custodian of a child
 16 files a report with a law enforcement authority that the
 17 child is missing, the law enforcement authority shall:

18 (1) immediately inform all on-duty law enforcement
 19 officers of the existence of the missing child report;

20 (2) communicate the report to all other law
 21 enforcement authorities having jurisdiction in the county;
 22 and

23 (3) immediately enter the missing child report into
 24 the national crime information center computer system.

25 Section 6. List of missing Montana school children.

1 (1) The superintendent of public instruction shall assist
 2 the missing children information program provided for in
 3 [section 3] in identifying and locating missing children who
 4 are enrolled in Montana public school districts in
 5 kindergarten through grade 12 by:

6 (a) collecting each month a list of missing Montana
 7 school children as provided by the missing children
 8 information program provided for in [section 3];

9 (b) distributing the list of missing school children
 10 on a monthly basis, unless the list has no change from the
 11 previous month's information, to all school districts
 12 admitting children to kindergarten through grade 12;

13 (c) designing the list to include pertinent available
 14 information for identification of the missing school child,
 15 including if possible a recent photograph of the child; and

16 (d) notifying the appropriate law enforcement agency
 17 and the missing children information program as soon as any
 18 additional information is obtained or contact is made with
 19 respect to a missing school child.

20 (2) Each school district in Montana shall:

21 (a) distribute to each school building within the
 22 district the list of missing school children provided for in
 23 subsection (1); and

24 (b) notify the appropriate law enforcement agency at
 25 the earliest known contact with any child whose name appears

1 on the list of missing school children.

2 Section 7. Notice to parents of children absent from
3 school. The trustees of any elementary or high school
4 district shall ~~establish-a-system-for-contacting~~ ATTEMPT TO
5 CONTACT ~~before--noon~~ BY THE END of a school day any parent,
6 guardian, or legal custodian whose child is absent from
7 school but who has not reported the child as absent for the
8 school day to determine whether the parent, guardian, or
9 legal custodian is aware of the child's absence from school.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

XXXXXXXXXX

DATE

TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 358

third reading copy (blue) as follows:
Color

Page 5, line 4.

Following: "~~contacting~~"

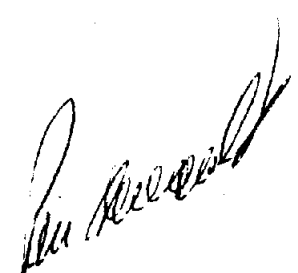
Strike: "~~ATTEMPT~~"

Insert: "establish procedures to be followed by school personnel for attempting"

PC3HB358.621


ADOPT

REJECT


.....
PINSONNEAULT

1 HOUSE BILL NO. 358

2 INTRODUCED BY KADAS, PINSONEAULT, REAM,

3 SCHYE, J. HAMMOND, GARCIA, SPAETH

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MISSING
6 CHILDREN INFORMATION PROGRAM WITHIN THE DEPARTMENT OF
7 JUSTICE; TO REQUIRE LAW ENFORCEMENT AUTHORITIES TO SUBMIT
8 MISSING CHILDREN REPORTS TO THE PROGRAM; TO REQUIRE THE
9 SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE MONTHLY
10 TO THE SCHOOLS A LIST OF MISSING SCHOOL AGE CHILDREN; AND TO
11 REQUIRE SCHOOLS TO CONTACT ANY PARENT WHOSE CHILD IS ABSENT
12 WITHOUT PARENTAL VERIFICATION OF THE ABSENCE."

13

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

15 Section 1. Short title. [This act] may be cited as the
16 "Missing Children Act of 1985".

17 Section 2. Definitions. As used in [this act], the
18 following definitions apply:

19 (1) "Missing child" means any person who has been
20 reported as missing to a law enforcement authority and:

21 (a) who is under 18 years of age;

22 (b) whose temporary or permanent residence is in
23 Montana or is believed to be in Montana; and

24 (c) whose location has not been determined.

25 (2) "Missing child report" is a report prepared on a

1 form designed by the department of justice for use by
2 private citizens and law enforcement authorities to report
3 information about missing children to the missing children
4 information program provided for in [section 3].

5 Section 3. Missing children information program. (1)
6 The department of justice shall establish a missing children
7 information program to create a central repository to aid in
8 the location of missing children in Montana.

9 (2) The missing children information program shall:

10 (a) establish a system of intrastate communication of
11 information relating to any child determined to be missing
12 by the parent, guardian, or legal custodian of the child or
13 by a law enforcement authority;

14 (b) provide a centralized file for the exchange of
15 information on missing children within the state, including
16 information obtained under the provisions of 44-2-401;

17 (c) interface with the national crime information
18 center computer system for exchange of information on
19 children suspected of interstate travel; and

20 (d) provide the superintendent of public instruction
21 each month with a list of missing Montana school children
22 for the purposes of [section 6].

23 Section 4. Reports to missing children information
24 program. (1) All state, county, and municipal law
25 enforcement authorities shall submit to the missing children

1 information program provided for in [section 3] any missing
 2 child report and other information required by 44-2-401.

3 (2) Any parent, guardian, or legal custodian may
 4 submit a missing child report to the missing children
 5 information program on any child whose whereabouts are
 6 unknown, regardless of the circumstances, subsequent to
 7 making a report to the appropriate law enforcement authority
 8 within the county in which the child became missing.

9 (3) The parent, guardian, or legal custodian
 10 responsible for notifying the missing children information
 11 program or a law enforcement authority of a missing child
 12 shall immediately notify the authority and the program of
 13 any child whose location has been determined.

14 Section 5. Duties of law enforcement authority.
 15 Whenever a parent, guardian, or legal custodian of a child
 16 files a report with a law enforcement authority that the
 17 child is missing, the law enforcement authority shall:

18 (1) immediately inform all on-duty law enforcement
 19 officers of the existence of the missing child report;

20 (2) communicate the report to all other law
 21 enforcement authorities having jurisdiction in the county;
 22 and

23 (3) immediately enter the missing child report into
 24 the national crime information center computer system.

25 Section 6. List of missing Montana school children.

1 (1) The superintendent of public instruction shall assist
 2 the missing children information program provided for in
 3 [section 3] in identifying and locating missing children who
 4 are enrolled in Montana public school districts in
 5 kindergarten through grade 12 by:

6 (a) collecting each month a list of missing Montana
 7 school children as provided by the missing children
 8 information program provided for in [section 3];

9 (b) distributing the list of missing school children
 10 on a monthly basis, unless the list has no change from the
 11 previous month's information, to all school districts
 12 admitting children to kindergarten through grade 12;

13 (c) designing the list to include pertinent available
 14 information for identification of the missing school child,
 15 including if possible a recent photograph of the child; and

16 (d) notifying the appropriate law enforcement agency
 17 and the missing children information program as soon as any
 18 additional information is obtained or contact is made with
 19 respect to a missing school child.

20 (2) Each school district in Montana shall:

21 (a) distribute to each school building within the
 22 district the list of missing school children provided for in
 23 subsection (1); and

24 (b) notify the appropriate law enforcement agency at
 25 the earliest known contact with any child whose name appears

1 on the list of missing school children.

2 Section 7. Notice to parents of children absent from
3 school. The trustees of any elementary or high school
4 district shall ~~establish-a--system--for--contacting~~ ATTEMPT
5 ESTABLISH PROCEDURES TO BE FOLLOWED BY SCHOOL PERSONNEL FOR
6 ATTEMPTING TO CONTACT ~~before-noon~~ BY THE END of a school day
7 any parent, guardian, or legal custodian whose child is
8 absent from school but who has not reported the child as
9 absent for the school day to determine whether the parent,
10 guardian, or legal custodian is aware of the child's absence
11 from school.

-End-