

ASSEMBLY, No. 3643

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 9, 2006

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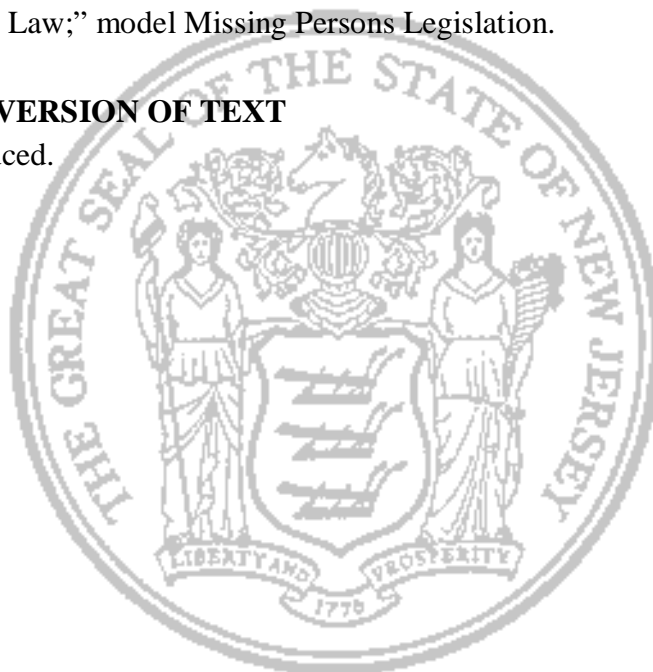
Assemblyman Steele

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.

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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

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- 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.