

Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009

SENATE BILL NO. 2161
(Judiciary Committee)
(At the request of the Adjutant General)

AN ACT to create and enact two new sections to chapter 12-60 of the North Dakota Century Code, relating to lost, missing, or runaway children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new sections to chapter 12-60 of the North Dakota Century Code are created and enacted as follows:

Lost, missing, or runaway children. The bureau shall:

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost, missing, or runaway children.
2. Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information that can assist appropriate agencies in recovering lost, missing, or runaway children.
3. Establish contacts and exchange information regarding lost, missing, or runaway children with the national crime information center.
4. Notify all enforcement agencies that reports of lost, missing, or runaway children must be entered as soon as the minimum level of data specified by the bureau is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the bureau immediately upon notification shall enter the information into the national crime information center file.
5. Compile and retain information regarding lost, missing, or runaway children in a separate file, in a manner that allows the information to be used by law enforcement and other agencies, considered appropriate by the bureau, for investigative purposes. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the bureau to ensure all available information is included and to determine the current status of the case.
6. Provide prompt confirmation of the receipt and entry of lost, missing, or runaway children reports into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. Allow any parent, guardian, or identified family member to submit a lost, missing, or runaway child report to the bureau which will be included in the bureau file system and transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.
8. Compile and maintain a historical data repository relating to lost, missing, or runaway children for all of the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost, missing, or runaway children.

- b. To provide a factual and statistical base for research which would address the problem of lost, missing, or runaway children.

School enrollment procedures to aid identification and location of lost, missing, and runaway children.

1. When a child enrolls in a public or nonpublic school, licensed day care facility, home education, licensed day care center, licensed child care facility, headstart program, or nursery school for the first time, the school, licensed day care facility, headstart program, or school superintendent of the jurisdiction shall:
 - a. Require the child's parent, guardian, or legal custodian to present to the school, licensed day care facility, or school superintendent of the jurisdiction, within forty days of enrollment, proof of identity of the child; and
 - b. Request the appropriate school records for the child from the previous school attended by the child. The school enrolling the child shall make the request within thirty days of enrollment of the child.
2. If a child's parent, guardian, or legal custodian does not present the proof of identity required in subsection 1 within forty days of enrollment or if the school does not receive the school records of the child within sixty days of enrollment, the school, licensed day care facility, or school superintendent of the jurisdiction shall notify the bureau and a local law enforcement authority that no proof of identity has been presented for the child.
3. A school shall transfer records or proof of identity of a child within ten calendar days upon receipt of request.
4. When a school, licensed day care facility, or school superintendent receives a notice from a law enforcement authority, parent, guardian, or legal custodian that a child who is or has been enrolled in that school or facility has been reported as a lost, missing, or runaway child, the school, licensed day care facility, or school superintendent shall:
 - a. Flag the records of the child; and
 - b. Notify the bureau and a local law enforcement authority if a request for school records is received from any source.
5. When the division of vital records of the state department of health receives a notice from a law enforcement authority that a child is reported as lost, missing, or runaway, the division of vital records shall:
 - a. Flag the records of the individual; and
 - b. Notify the bureau and a local law enforcement authority if a request for records is received from any source.
6. If it is necessary for law enforcement authorities to conduct an investigation on a lost, missing, or runaway child, school or day care personnel may not inform the person claiming custody of the child of the investigation while it is being conducted.
7. For purposes of this section:
 - a. "Flag the records" means marking the division of vital records, school, day care, or home education records in such a manner that any personnel viewing that record will be automatically alerted that the child or individual has been reported as lost, missing, or runaway.

- b. "Home education" means a program of education supervised by a child's parent, in the child's home, in accordance with the requirements of chapter 15.1-23.
- c. "Proof of identity" means a certified copy of a birth certificate, a certified transcript, or similar student records from the previous school, or any other documentary evidence the school, licensed day care facility, or school superintendent considers appropriate proof of identity.
- d. "School" or "licensed day care facility" means all elementary and secondary schools, licensed day care centers, licensed child care facilities, headstart programs, and nursery schools whether public or nonpublic.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2161.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 83 Nays 0 Absent 11

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State