

SENATE BILL NO. 2161

Introduced by

Judiciary Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact two new sections to chapter 12-60 of the North Dakota
2 Century Code, relating to lost, missing, or runaway children; to amend and reenact section
3 54-23.2-04.1 of the North Dakota Century Code, relating to lost or missing persons; and to
4 repeal section 54-23.2-04.2 of the North Dakota Century Code, relating to school enrollment
5 procedures to aid in the identification and location of missing children.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

- 10 1. Establish and maintain a statewide file system for the purpose of effecting an
11 immediate law enforcement response to reports of lost, missing, or runaway
12 children.
- 13 2. Implement a data exchange system to compile, to maintain, and to make available
14 for dissemination to North Dakota and to out-of-state law enforcement agencies,
15 descriptive information that can assist appropriate agencies in recovering lost,
16 missing, or runaway children.
- 17 3. Establish contacts and exchange information regarding lost, missing, or runaway
18 children with the national crime information center.
- 19 4. Notify all enforcement agencies that reports of lost, missing, or runaway children
20 must be entered as soon as the minimum level of data specified by the bureau is
21 available to the reporting agency and that no waiting period for entry of such data
22 exists. If the enforcement agency is unable to enter the data, the bureau
23 immediately upon notification shall enter the information into the national crime
24 information center file.

- 1 5. Compile and retain information regarding lost, missing, or runaway children in a
2 separate file, in a manner that allows the information to be used by law
3 enforcement and other agencies, considered appropriate by the bureau, for
4 investigative purposes. The enforcement agency is responsible for maintaining the
5 disposition of the case and periodically shall review the case with the reporting
6 party and the bureau to ensure all available information is included and to
7 determine the current status of the case.
- 8 6. Provide prompt confirmation of the receipt and entry of lost, missing, or runaway
9 children reports into the file system to the enforcement agency providing the report
10 or to the parent, guardian, or identified family member as provided in subsection 7.
- 11 7. Allow any parent, guardian, or identified family member to submit a lost, missing, or
12 runaway child report to the bureau which will be included in the bureau file system
13 and transmitted to the national crime information center, if they are unable to
14 receive services from the local law enforcement agency.
- 15 8. Compile and maintain a historical data repository relating to lost, missing, or
16 runaway children for all of the following purposes:
- 17 a. To develop and improve techniques utilized by law enforcement agencies
18 when responding to reports of lost, missing, or runaway children.
- 19 b. To provide a factual and statistical base for research which would address the
20 problem of lost, missing, or runaway children.

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

- 23 1. When a child enrolls in a public or nonpublic school, licensed day care facility,
24 home education, licensed day care center, licensed child care facility, headstart
25 program, or nursery school for the first time, the school, licensed day care facility,
26 headstart program, or school superintendent of the jurisdiction shall:
- 27 a. Require the child's parent, guardian, or legal custodian to present to the
28 school, licensed day care facility, or school superintendent of the jurisdiction,
29 within forty days of enrollment, proof of identity of the child; and

- 1 b. Request the appropriate school records for the child from the previous school
2 attended by the child. The school enrolling the child shall make the request
3 within thirty days of enrollment of the child.
- 4 2. If a child's parent, guardian, or legal custodian does not present the proof of
5 identity required in subsection 1 within forty days of enrollment or if the school does
6 not receive the school records of the child within sixty days of enrollment, the
7 school, licensed day care facility, or school superintendent of the jurisdiction shall
8 notify the bureau and a local law enforcement authority that no proof of identify has
9 been presented for the child.
- 10 3. A school shall transfer records or proof of identity of a child within ten calendar
11 days upon receipt of request.
- 12 4. When a school, licensed day care facility, or school superintendent receives a
13 notice from a law enforcement authority, parent, guardian, or legal custodian that a
14 child who is or has been enrolled in that school or facility has been reported as a
15 lost, missing, or runaway child, the school, licensed day care facility, or school
16 superintendent shall:
- 17 a. Flag the records of the child; and
18 b. Notify the bureau and a local law enforcement authority if a request for school
19 records is received from any source.
- 20 5. When the division of vital records of the state department of health receives a
21 notice from a law enforcement authority that a child is reported as lost, missing, or
22 runaway, the division of vital records shall:
- 23 a. Flag the records of the individual; and
24 b. Notify the bureau and a local law enforcement authority if a request for
25 records is received from any source.
- 26 6. If it is necessary for law enforcement authorities to conduct an investigation on a
27 lost, missing, or runaway child, school or day care personnel may not inform the
28 person claiming custody of the child of the investigation while it is being conducted.
- 29 7. For purposes of this section:
- 30 a. "Flag the records" means marking the division of vital records, school, day
31 care, or home education records in such a manner that any personnel viewing

1 that record will be automatically alerted that the child or individual has been
2 reported as lost, missing, or runaway.

3 b. "Home education" means a program of education supervised by a child's
4 parent, in the child's home, in accordance with the requirements of chapter
5 15.1-23.

6 c. "Proof of identify" means a certified copy of a birth certificate, a certified
7 transcript, or similar student records from the previous school, or any other
8 documentary evidence the school, licensed day care facility, or school
9 superintendent considers appropriate proof of identity.

10 d. "School" or "licensed day care facility" means all elementary and secondary
11 schools, licensed day care centers, licensed child care facilities, headstart
12 programs, and nursery schools whether public or nonpublic.

13 **SECTION 2. AMENDMENT.** Section 54-23.2-04.1 of the North Dakota Century Code
14 is amended and reenacted as follows:

15 **54-23.2-04.1. Lost or ~~runaway children and missing persons.~~** The division shall:

- 16 1. Establish and maintain a statewide file system for the purpose of effecting an
17 immediate law enforcement response to reports of lost or ~~runaway children and~~
18 missing persons.
- 19 2. Implement a data exchange system to compile, to maintain, and to make available
20 for dissemination to North Dakota and to out-of-state law enforcement agencies,
21 descriptive information that can assist appropriate agencies in recovering lost or
22 ~~runaway children and~~ missing persons.
- 23 3. Establish contacts and exchange information regarding lost or ~~runaway children~~
24 ~~and~~ missing persons with the national crime information center.
- 25 4. Notify all enforcement agencies that reports of lost or ~~runaway children and~~
26 missing persons must be entered as soon as the minimum level of data specified
27 by the division is available to the reporting agency and that no waiting period for
28 entry of such data exists. If the enforcement agency is unable to enter the data,
29 the division immediately upon notification shall enter the information into the
30 national crime information center file.

- 1 5. Compile and retain information regarding lost or ~~runaway children or~~ missing
2 persons in a separate file, in a manner that allows the information to be used by
3 law enforcement and other agencies considered appropriate by the division, for
4 investigative purposes. The enforcement agency is responsible for maintaining the
5 disposition of the case and periodically shall review the case with the reporting
6 party and the division to ensure all available information is included and to
7 determine the current status of the case.
- 8 6. Provide prompt confirmation of the receipt and entry of the lost or ~~runaway children~~
9 and missing persons report into the file system to the enforcement agency
10 providing the report or to the parent, guardian, or identified family member as
11 provided in subsection 7.
- 12 7. Allow any parent, guardian, or identified family member to submit a lost or missing
13 persons report to the division which will be included in the division file system and
14 transmitted to the national crime information center, if they are unable to receive
15 services from the local law enforcement agency.
- 16 8. Compile and maintain a historical data repository relating to lost or missing
17 persons for all of the following purposes:
- 18 a. To develop and improve techniques utilized by law enforcement agencies
19 when responding to reports of lost or missing persons.
- 20 b. To provide a factual and statistical base for research which would address the
21 problem of lost or ~~runaway children and~~ missing persons.

22 **SECTION 3. REPEAL.** Section 54-23.2-04.2 of the North Dakota Century Code is
23 repealed.