

SENATE BILL NO. 2161
with House AmendmentsSixty-first
Legislative Assembly
of North Dakota

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.

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

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

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

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

1 does not receive the school records of the child within sixty days of enrollment, the
2 school, licensed day care facility, or school superintendent of the jurisdiction shall
3 notify the bureau and a local law enforcement authority that no proof of identify has
4 been presented for the child.

5 3. A school shall transfer records or proof of identity of a child within ten calendar
6 days upon receipt of request.

7 4. When a school, licensed day care facility, or school superintendent receives a
8 notice from a law enforcement authority, parent, guardian, or legal custodian that a
9 child who is or has been enrolled in that school or facility has been reported as a
10 lost, missing, or runaway child, the school, licensed day care facility, or school
11 superintendent shall:

12 a. Flag the records of the child; and

13 b. Notify the bureau and a local law enforcement authority if a request for school
14 records is received from any source.

15 5. When the division of vital records of the state department of health receives a
16 notice from a law enforcement authority that a child is reported as lost, missing, or
17 runaway, the division of vital records shall:

18 a. Flag the records of the individual; and

19 b. Notify the bureau and a local law enforcement authority if a request for
20 records is received from any source.

21 6. If it is necessary for law enforcement authorities to conduct an investigation on a
22 lost, missing, or runaway child, school or day care personnel may not inform the
23 person claiming custody of the child of the investigation while it is being conducted.

24 7. For purposes of this section:

25 a. "Flag the records" means marking the division of vital records, school, day
26 care, or home education records in such a manner that any personnel viewing
27 that record will be automatically alerted that the child or individual has been
28 reported as lost, missing, or runaway.

29 b. "Home education" means a program of education supervised by a child's
30 parent, in the child's home, in accordance with the requirements of chapter
31 15.1-23.

- 1 c. "Proof of identify" means a certified copy of a birth certificate, a certified
2 transcript, or similar student records from the previous school, or any other
3 documentary evidence the school, licensed day care facility, or school
4 superintendent considers appropriate proof of identity.
5 d. "School" or "licensed day care facility" means all elementary and secondary
6 schools, licensed day care centers, licensed child care facilities, headstart
7 programs, and nursery schools whether public or nonpublic.