

1 **SENATE FLOOR VERSION**

2 April 1, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2640

By: Baker, Bush, Boles,
Hasenbeck, Humphrey,
Tadlock, Sims, Randleman,
Conley and Hilbert of the
House

6 and

7 Daniels, Bice and Bergstrom
8 of the Senate

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11 An Act relating to missing persons; creating
12 Francine's Law; defining terms; directing the Chief
13 Medical Examiner and Oklahoma State Bureau of
Investigation (OSBI) to input certain data into the
14 National Missing and Unidentified Persons System
(NamUs); directing law enforcement agencies to
15 initiate certain procedures upon receiving a missing
persons report; providing for confidentiality of
16 medical and dental records; directing the OSBI to
locate and submit to NamUs certain information upon
17 request by law enforcement agencies; prohibiting law
enforcement agencies from requiring a delay when
18 taking missing persons reports and mandating the
appearance of next of kin before initiating an
19 investigation; directing the OSBI to maintain missing
persons case file; providing for the promulgation of
20 rules for dissemination and retention of records;
making information in files of the OSBI available to
21 the medical examiner and law enforcement agencies;
prohibiting law enforcement agencies from
22 establishing waiting periods prior to accepting
missing child reports; directing law enforcement
23 agencies to enter name of missing child into the
National Crime Information Center (NCIC); requiring
24 agencies to submit reports of persons who have been
found or identified to NamUs; authorizing law
enforcement agencies or medical examiner to maintain

1 case files; stating authority of the Office of the
2 Chief Medical Examiner to obtain certain information;
3 directing Council on Law Enforcement Education and
4 Training to establish training resources for
5 unidentified and missing persons cases; requiring law
6 enforcement officers to complete training; providing
7 for noncodification; providing for codification; and
8 providing an effective date.

9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law not to be
11 codified in the Oklahoma Statutes reads as follows:

12 This act shall be known and may be cited as "Francine's Law".

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 151.3 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Missing person" means any person, including a child under
18 eighteen (18) years of age, reported to Oklahoma law enforcement as
19 missing and unaccounted for from expected and normal activities; and

20 2. "Unidentified person" means any person living or deceased
21 who is unidentified after all available methods have been exhausted.

22 This includes any decedent released to the Office of the Chief
23 Medical Examiner (OCME) where the identity of the decedent cannot be
24 established to the satisfaction of the Chief Medical Examiner.

25 B. Unidentified Persons. The OCME and the Oklahoma State
26 Bureau of Investigation (OSBI) shall input the following data, if

1 available for unidentified persons, into the National Missing and
2 Unidentified Persons System (NamUs), created by the National
3 Institute of Justice of the United States Department of Justice:

4 1. Copies of fingerprints on standardized eight inch by eight
5 inch (8" x 8") fingerprint cards or the equivalent digital image;
6 prints or partial prints of any fingers;

7 2. Any forensic dental report or radiology imaging;

8 3. Detailed personal descriptions;

9 4. Deoxyribonucleic acid (DNA) information;

10 5. Radiology imaging and medical data; and

11 6. All other identifying data, including date and place of
12 death.

13 C. Missing Persons. Once a missing persons report is received,
14 the law enforcement agency shall initiate the following procedures
15 within thirty (30) days of receiving the report:

16 1. Submit the missing persons case to NamUs and to any database
17 of missing persons currently required by the agency, providing all
18 appropriate data;

19 2. Locate and obtain biometric records, including medical and
20 dental records, medical and dental X-rays or other medical imaging,
21 and enter the records into NamUs. All medical and dental records
22 obtained shall be considered confidential and shall not be released
23 to the public;

1 3. Utilize NamUs family reference sample (FRS) submission kits,
2 obtain voluntary DNA samples from appropriate family members to
3 submit to an institution of higher education that specializes in DNA
4 identification for a full genetic profile, including testing of
5 mitochondrial DNA (mtDNA), short tandem repeats on the Y-chromosome
6 (Y-STR) and nuclear analyses, to be documented in the NamUs missing
7 persons file and submitted to the FBI's National DNA Index System
8 (NDIS) using the Combined DNA Index System (CODIS). If necessary,
9 the law enforcement agency may request assistance in obtaining FRS
10 DNA samples; and

11 4. Attempt to locate any fingerprints from available resources
12 and submit those records to NamUs.

13 D. Upon request by local law enforcement, the OSBI shall
14 attempt to locate any fingerprints and photographs from the
15 available resources and submit those records to NamUs.

16 E. No Oklahoma law enforcement agency shall require a delay in
17 the taking of a report of a missing person when reliable information
18 has been provided to the law enforcement agency that the person is
19 missing. No law enforcement agency shall mandate the appearance of
20 a next of kin before initiating a missing persons investigation.

21 F. If the OSBI receives a report of a missing person from
22 another law enforcement agency or medical examiner, the OSBI shall
23 maintain a record of the case file. The OSBI shall promulgate rules
24 relating to the dissemination and retention of the records. The

1 rules shall require that the process of releasing the records shall
2 occur as soon as practicable from the time the OSBI receives a
3 report that a person, for whom there is a previous record, is
4 missing.

5 G. The information contained in the missing persons files of
6 the OSBI shall be available to the OCME and law enforcement agencies
7 attempting to identify unidentified persons.

8 H. No law enforcement agency shall establish or maintain any
9 policy which requires the observance of a waiting period before
10 accepting and investigating a missing child report. Upon receipt of
11 a report of a missing child, a law enforcement agency shall enter
12 the child into the National Crime Information Center (NCIC) pursuant
13 to a mandate by the Federal Bureau of Investigation which requires
14 the name of the missing child to be entered within two (2) hours
15 from the time the child is reported missing to the law enforcement
16 agency.

17 I. When a person previously reported missing has been found or
18 when an unidentified person has been identified, the reporting
19 agency or OCME shall report to NamUs within twenty-four (24) hours
20 that the person has been found and that the case can be archived
21 within NamUs.

22 J. Nothing in this section prohibits a law enforcement agency
23 or the OCME from maintaining case files related to missing persons
24 or unidentified bodies.

1 K. Nothing in this section supersedes the authority of the OCME
2 to obtain dental or medical records, including X-rays, in cases in
3 which these records are necessary for the identification of human
4 remains.

5 L. The Council on Law Enforcement Education and Training
6 (CLEET) shall establish appropriate training resources focused on
7 the investigations of unidentified and missing persons and shall
8 require all CLEET-certified law enforcement officers to complete
9 such training on a regular basis to be determined by CLEET. Such
10 training may be conducted in conjunction with resources available
11 through NamUs.

12 SECTION 3. This act shall become effective November 1, 2019.

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
14 April 1, 2019 - DO PASS
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