

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-90
HOUSE BILL 747

AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO ENTER MISSING CHILD, MISSING PERSONS, OR UNIDENTIFIED PERSONS INFORMATION INTO THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM AFTER THIRTY DAYS HAVE PASSED AND THE PERSON HAS NOT BEEN FOUND OR IDENTIFIED.

The General Assembly of North Carolina enacts:

SECTION 1. Subpart B of Part 5 of Article 13 of Chapter 143B of the General Statutes reads as rewritten:

"Subpart B. North Carolina Center for Missing Persons.

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"§ 143B-1011. Definitions.

For the purpose of this Part:

- (1) ~~"Missing child" means a~~ Missing child. – A juvenile as defined in G.S. 7B-101 whose location has not been determined, who has been reported as missing to a law-enforcement agency, and whose parent's, spouse's, guardian's or legal custodian's temporary or permanent residence is in North Carolina or is believed to be in North Carolina.
- (2) ~~"Missing person" means any~~ Missing person. – Any individual who is 18 years of age or older, whose temporary or permanent residence is in North Carolina, or is believed to be in North Carolina, whose location has not been determined, and who has been reported as missing to a law-enforcement agency.
- (3) ~~"Missing person report" is a~~ Missing person report. – A report prepared on a prescribed form for transmitting information about a missing person or a missing child to an appropriate law-enforcement agency.
- (4) NamUs. – The National Missing and Unidentified Persons System created by the United States Department of Justice's National Institute of Justice.

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"§ 143B-1013. Secretary to adopt rules.

The Secretary shall adopt rules ~~prescribing;~~ prescribing all of the following:

- (1) ~~procedures—~~ Procedures for accepting and disseminating information maintained at the ~~Center;~~ Center.
- (2) ~~the~~ The confidentiality of the data and information, including the missing person report, maintained by the ~~Center;~~ Center.
- (3) ~~the~~ The proper disposition of all obsolete data, including the missing person report; provided, data for an individual who has reached the age of 18 and remains missing must be ~~preserved;~~ preserved.
- (4) ~~procedures—~~ Procedures allowing a communication link with the Police Information Network and the FBI/NCIC's missing person file to ensure compliance with FBI/NCIC ~~polieies;~~ and policies.



- (5) ~~forms, Forms,~~ including but not limited to a missing person report, considered necessary for the efficient and proper operation of the Center.

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"§ 143B-1015. Dissemination of missing persons data by law-enforcement agencies.

(a) A law-enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, legal custodian, or person responsible for the supervision of the missing individual shall immediately make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the Center. No law enforcement agency shall establish or maintain any policy which requires the observance of any waiting period before accepting a missing person report.

If the report involves a missing child and the report meets the criteria established in G.S. 143B-1021(b), as soon as practicable after receipt of the report, the law enforcement agency shall notify the Center and the National Center for Missing and Exploited Children of the relevant data about the missing child.

(b) A law-enforcement agency may enter information from a missing person report or about an unidentified person into NamUs at any time.

(c) A law-enforcement agency shall enter information from a missing person report or about an unidentified person into NamUs in any of the following circumstances:

- (1) A missing person has been missing for more than 30 days.
- (2) An unidentified person has not been identified for more than 30 days following the person's death.
- (3) A missing child has been missing for more than 30 days.

(d) If a law-enforcement agency enters information into NamUs pursuant to subsection (b) or (c) of this section, the law-enforcement agency shall do all of the following:

- (1) Include all information regarding the missing child or person, or unidentified person, including medical records, DNA records, and dental records.
- (2) Enter into NamUs the fact that (i) a missing child or person has been found or (ii) an unidentified person has been identified, if either of these circumstances occurs following the original entry of the person's information into NamUs.

"§ 143B-1016. Responsibilities of Center.

The Center ~~shall~~ shall do all of the following:

- (1) Assist local law-enforcement agencies with entering data about missing persons or missing children into the national missing persons file, ensure that proper entry criteria have been met as set forth by the FBI/NCIC, and confirm entry of the data about the missing persons or missing ~~children;~~ children.
- (2) Gather and distribute information and data on missing children and missing ~~persons;~~ persons.
- (3) Encourage research and study of missing children and missing persons, including the prevention of child abduction and the prevention of the exploitation of missing ~~children;~~ children.
- (4) Serve as a statewide resource center to assist local communities in programs and initiatives to prevent child abduction and the exploitation of missing ~~children;~~ children.
- (5) Continue increasing public awareness of the reasons why children are missing and vulnerability of missing ~~children;~~ children.
- (6) Achieve maximum cooperation with other agencies of the State, with agencies of other states and the federal government and with the National Center for Missing and Exploited Children in rendering assistance to missing children

and missing persons and their parents, guardians, spouses, or legal ~~eustodians;~~
custodians.

- (6a) ~~and cooperate~~ Cooperate with interstate and federal efforts to identify deceased ~~individuals;~~individuals.
- (7) Develop and maintain the AMBER Alert System as created by G.S. 143B-1021.
- (8) Forward the appropriate information to the Police Information Network to assist it in maintaining and publishing a bulletin of currently missing children and missing ~~persons;~~persons.
- (9) Maintain a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the areas of prevention of child abduction, location of missing children and missing persons, and follow-up services to the child or person and family, as determined by the Secretary of Public ~~Safety;~~Safety.
- (10) Annually compile and publish reports on the actual number of children and persons missing each year, listing the categories and causes, when known, for the ~~disappearances;~~disappearances.
- (11) Provide follow-up referrals for services to missing children or persons and their ~~families;~~families.
- (12) Maintain a toll-free 1-800 telephone service that will be in service at all ~~times;~~
~~and~~times.
- (13) Perform such other activities that the Secretary of Public Safety considers necessary to carry out the intent of its mandate.

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SECTION 2. This act becomes effective October 1, 2019.

In the General Assembly read three times and ratified this the 28th day of June, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Sarah Stevens
Speaker Pro Tempore of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:48 a.m. this 8th day of July, 2019