AN ACT concerning crimes, criminal procedure and punishment; relating
to reporting and investigation of missing persons; amending K.S.A.
2011 Supp. 75-712b and 75-712c and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2011 Supp. 75-712b is hereby amended to read as
follows: 75-712b. (a) The Kansas bureau of investigation shall establish a
missing and unidentified person system which shall be a central repository
of information received by law enforcement agencies and coroners in this
state relating to persons who have been reported missing or are
unidentified. Such information shall be maintained for the purpose of
improving the ability of law enforcement to locate and return missing
persons, identify persons or human remains and inform and notify, in a
timely manner, family members of missing or unidentified persons.

(b) All law enforcement agencies and coroners in this state shall
report to the missing and unidentified person system established pursuant
to this section all information received relating to missing persons or
unidentified persons or human remains. Such reports shall be made in
accordance with rules and regulations adopted pursuant to this section.

(c) The information in the missing and unidentified person system
established pursuant to this section shall be available to all law
enforcement officers and coroners in this state and all governmental
entities in this state which have a need for information relating to missing
persons or unidentified persons or human remains in this state, in
accordance with rules and regulations adopted pursuant to this section.

(d) Upon receiving information that any person is a high-risk missing
person, as described in K.S.A. 75-712c, and amendments thereto, the
director of the missing and unidentified person system shall immediately
provide information concerning such missing person to every law
enforcement agency within the state.

(e) The director of the Kansas bureau of investigation may apply for,
accept and expend grants, gifts and bequests from any source for the
purpose of carrying out the provisions of this section.

(f) The director of the Kansas bureau of investigation shall adopt
rules and regulations prescribing:

(1) Procedures and forms for reports made to the missing and
unidentified person system established pursuant to this section; and
(2) procedures for disseminating information maintained in the
missing person system to law enforcement agencies and the federal bureau
of investigation as authorized by this section.
(4)(g) Any law enforcement agency or coroner that willfully fails to
make any report required by this section shall be liable to the state for the
payment of a civil penalty, recoverable in an action brought by the attorney
general, in an amount not exceeding $500 for each report not made. Any
civil penalty recovered under this subsection shall be paid into the state
general fund.

Sec. 2. K.S.A. 2011 Supp. 75-712c is hereby amended to read as
follows: 75-712c. (a) All law enforcement agencies in of the state of
Kansas, or any political subdivision of this state thereof, shall receive
reports of any person who is reported missing accept and process, without
delay, any report of a missing person by any person at any time pursuant
to K.S.A. 75-712b through 75-712e, and amendments thereto, and K.S.A.
2011 Supp. 75-712f through 75-712h, and amendments thereto. No law
enforcement agency shall refuse or otherwise fail to accept a missing
person report for any reason. Except when the law enforcement agency
knows the location of the person reported missing, the reports shall be
entered immediately into the missing person system of the national crime
information center and the missing and unidentified person system of the
Kansas bureau of investigation. The law enforcement agency immediately
shall commence an investigation based upon the elements of the initial
reports.
(b) (1) At the time such report is made the law enforcement agency
shall attempt to gather a photograph of the missing person and any
relevant information concerning the missing person, including, but not
limited to, such person’s:
(A) Name and any nicknames or alternate names;
(B) date of birth;
(C) identifying marks such as birthmarks, tattoos and scars;
(D) height and weight;
(E) gender;
(F) race and ethnicity;
(G) hair color;
(H) eye color;
(I) prosthetics, surgical implants or cosmetic implants;
(J) physical anomalies;
(K) blood type;
(L) driver's license number and social security number;
(M) clothing and any items or accessories worn or possessed by such
person at the time of disappearance;
(N) electronic communications information such as email addresses and mobile phone numbers;
(O) primary care physician's or dentist's contact information;
(P) employer or school's contact information;
(Q) vehicle information, including make, model, color, license and vehicle identification number; and
(R) any information concerning credit or debit card usage or cellular phone records.

(2) The law enforcement agency shall attempt to gather information concerning any known or possible abductor and any other person last seen with such missing person, including, but not limited to:
(A) Physical description;
(B) date of birth;
(C) identifying marks such as birthmarks, tattoos and scars;
(D) possible means of transportation including make, model, color, license and vehicle identification number;
(E) known associates; and
(F) any other information that could lead to the location of the missing person.

(3) If such person remains missing the law enforcement agency shall continue to accept and gather information concerning the missing person at all times.

(c) The law enforcement agency shall inquire about any circumstances which:
(1) Lead the reporting person to believe such person is missing;
(2) may indicate that the missing person's disappearance was not voluntary; and
(3) may indicate that the missing person may be at risk of injury or death.

(d) The law enforcement agency shall provide the person making such report with contact information and information concerning the national center for missing and exploited children and the national center for missing adults.

(e) Within a reasonable period of time, and in no case longer than 30 calendar days, follow-up forms from the national crime information center or the Kansas bureau of investigation, or both, shall be given to the reporting party, to be completed and returned to the law enforcement agency. The data reported on the follow-up forms shall be entered immediately into the missing person system of the national crime information center and the missing and unidentified person system of the Kansas bureau of investigation.

(f) The reporting party shall be advised to immediately notify the law enforcement agency in the event the missing person returns or is
located. Except as provided further, the law enforcement agency shall immediately notify the reporting party if the missing person is located or contacted. The law enforcement agency investigating the report shall not give information to the reporting party if the law enforcement agency has reason to believe the missing person is an adult or an emancipated minor and is staying at or has made contact with a domestic violence or sexual assault program and does not expressly consent to the release of this information. Upon location of or contact by the missing person, the law enforcement agency shall clear the case in the national crime information center and Kansas bureau of investigation databases.

(g) (1) Upon receipt of a missing person report, the law enforcement agency shall immediately determine whether such person may be a high-risk missing person.

(2) Upon obtaining any new information concerning the missing person at any time, the law enforcement agency shall evaluate whether such person may be a high-risk missing person.

(3) A high-risk missing person means any person who is at heightened risk of bodily harm or death, including, but not limited to, persons missing:

(A) As a result of an abduction;

(B) under suspicious or known dangerous circumstances;

(C) more than 30 days;

(D) who have been designated as high-risk missing persons by another law enforcement agency; or

(E) under any facts or circumstances that would lead the law enforcement agency to believe such person may be at risk of bodily harm or death.

(4) Upon a determination that a missing person is a high-risk missing person, the law enforcement agency shall immediately and specifically make such determination known to the missing and unidentified person system of the Kansas bureau of investigation and the missing person system of the national crime information center.

Sec. 3. K.S.A. 2011 Supp. 75-712b and 75-712c are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.