

SENATE BILL No. 461

By Committee on Federal and State Affairs

2-20

1 AN ACT concerning the Kansas bureau of investigation; relating to reports
2 of missing persons; foster children; amending K.S.A. 75-712c and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 75-712c is hereby amended to read as follows: 75-
7 712c. (a) (1) All law enforcement agencies of the state of Kansas, or any
8 political subdivision thereof, shall accept and process, without delay, any
9 report of a missing person by any person at any time pursuant to K.S.A.
10 75-712b through ~~75-712e, and amendments thereto, and K.S.A. 75-712f~~
11 ~~through 75-712h~~ 75-712d, 75-712f and 75-712g, and amendments thereto.

12 (2) No law enforcement agency shall refuse or otherwise fail to
13 accept a missing person report for any reason except when the law
14 enforcement agency:

15 (A) Knows the location of the person reported missing;

16 (B) has confirmed the safe status of the person reported missing; or

17 (C) has confirmed that another law enforcement agency has already
18 completed a report on the missing person incident.

19 (3) The reports shall be entered into the missing person system of the
20 national crime information center and the missing and unidentified person
21 system of the Kansas bureau of investigation within two hours of receipt
22 of the minimum data required to enter a record into such system, except as
23 provided in subsection (e)(4).

24 (4) The law enforcement agency immediately shall commence an
25 investigation based upon the elements of the initial reports.

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

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

1 Kansas bureau of investigation.

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

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

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

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

23 (A) As a result of an abduction;

24 (B) under suspicious or known dangerous circumstances;

25 (C) more than 30 days;

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

28 (E) *who are children in the custody of the secretary for children and*
29 *families; or*

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

33 (4) Upon a determination that a missing person is a high-risk missing
34 person, the law enforcement agency shall immediately and specifically
35 make such determination known to the missing and unidentified person
36 system of the Kansas bureau of investigation and cause the information to
37 be entered into the missing person system of the national crime
38 information center as soon as possible after the minimum information to
39 make such entry is received.

40 Sec. 2. K.S.A. 75-712c is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.