

SENATE No. 910

The Commonwealth of Massachusetts

PRESENTED BY:

Baddour, Steven (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing the Massachusetts Missing Child Clearinghouse

PETITION OF:

NAME:

Baddour, Steven (SEN)

DISTRICT/ADDRESS:

First Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02350 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING THE MASSACHUSETTS MISSING CHILD CLEARINGHOUSE.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 22A of the General Laws is hereby amended by inserting after section 4A the
2 following section:-

3 Section 4B.

4 (A) For purposes of this section the words “missing person” shall mean any person under the age of 21
5 missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by
6 a person or agency responsible for his care, or any person under the age of 21 known to have been taken,
7 enticed or concealed from the custody of his lawful guardian by a person who has no legal right to do so.

8 (B) There is hereby established a statewide central register in the commonwealth for missing children to
9 be known as the Massachusetts Missing Child Clearinghouse. This clearinghouse shall be created by the
10 Executive Office of Public Safety and Security through electronic data processing and related procedures.
11 The central register shall be maintained by the Department of State Police or the Executive Office of the
12 Public Safety and Security, accessible through a public website and compatible with the National Crime
13 Information Center register, maintained pursuant to the federal Missing Children Act of 1982.

14 (C) Whenever a parent, guardian or other caretaker makes a report to any law enforcement official of a
15 missing person , such law enforcement official shall immediately notify the local police department of
16 jurisdiction where the child went missing from and shall provide relevant identifying information
17 regarding the missing person and the circumstances surrounding his disappearance, including identifying
18 data for persons last seen with the missing person or persons suspected of abducting the missing person.
19 The local police department of jurisdiction receiving the missing persons report shall enter this
20 information into the Criminal Justice Information Systems and the National Crime Information Center
21 computer networks. The entering police department may also forward the intake report to the
22 Massachusetts Missing Child Clearinghouse and other agency designated within the state to receive such
23 reports. The Clearinghouse coordinator will review the submitted information and the missing child's
24 flier will be posted to the Massachusetts Missing Child Clearinghouse website for public viewing. Local
25 police and or the state police may immediately undertake to locate the missing person.

26 (D) No law enforcement agency within the commonwealth shall establish or maintain any policy that
27 requires the observance of any waiting period before accepting a missing person report or a report of an
28 unidentified person.

29 (E) The Massachusetts Missing Child Clearinghouse shall contain all available identifying data of a
30 missing person including, but not limited to: the name, date of birth, sex, race, height, weight and eye and
31 hair color of the missing person; the date and location of the last known contact with the missing person;
32 recent photographs of the missing person; and the category under which the person is reported missing.

33 (F) After receipt of a missing person report, the Department of State Police shall:

34 (1) institute or assist with appropriate search and investigative procedures;

35 (2) maintain a close liaison with the National Center for Missing and Exploited Children for the exchange
36 of information and technical assistance in missing persons cases; and

37 (3) verify and update the Massachusetts Missing Child Clearinghouse records with any additional
38 information not later than 60 days after the original entry of the missing person data into the
39 clearinghouse.

40 (G) The Secretary of Public Safety and Security shall adopt regulations consistent with this section
41 including, but not limited to:

42 (1) ensuring the timeliness and completeness of the data contained in the clearinghouse ;

43 (2) prescribing the manner in which entries to the register shall be made and updated as investigations
44 progress ;

45 (3) prescribing the manner in which entries and inquiries to the clearinghouse and notices to other
46 relevant agencies and entities shall be made and processed;

47 (4) ensuring the proper disposition of all obsolete clearinghouse data, except that data related to a missing
48 person who has reached the age of 21 and remains missing shall be preserved;

49 (5) linking the clearinghouse with the National Crime Information Center register;

50 (6) verifying and updating clearinghouse records with any additional information not later than 60 days
51 after the original entry of the missing person data into the clearinghouse.

52 (H) The Secretary of Public Safety and Security may:

53 (1) plan and implement programs to ensure the most effective use of federal, state and local resources in
54 the investigation of missing persons ;

55 (2) exchange information and resources with other states, and within the commonwealth, concerning
56 missing persons;

57 (3) establish a case database which includes non-identifying information on reported missing persons and
58 facts developed in the phases of a search, and analyze such data for the purposes of: assisting law
59 enforcement in current investigations of missing persons; developing prevention programs and increasing
60 the understanding of the nature and extent of the problem; and sharing the data and analysis on a regular
61 basis with the National Center for Missing and Exploited Children;

62 (4) cooperate with public and private schools and organizations to develop education advertising
63 prevention programs concerning child safety for communities, parents and children;

64 (5) utilize available resources to duplicate photographs and posters of missing persons and, with the
65 consent of parents , guardians or others legally responsible, disseminate this information throughout the
66 commonwealth;

67 (6) operate a toll-free 24 - hour hotline for the public to use to relay information concerning missing
68 persons; and

69 (7) implement such other measures deemed to assist in education, prevention, service provision and
70 investigation of cases involving missing persons .

71 SECTION 2. Within 180 days of the passage of this act, the Secretary of Public Safety and Security shall
72 arrange for the development of a curriculum within the department of state police for the training of law
73 enforcement personnel investigating cases involving missing persons.