~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 5, 2010

**H. 3719**

Introduced by Reps. Clemmons, Weeks, Willis and Dillard

S. Printed 5/5/10--S.

Read the first time May 20, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3719) to amend Section 23‑3‑240, Code of Laws of South Carolina, 1976, relating to the submission of a missing person report to the Missing Person Information Center, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety, and inserting:

/ SECTION 2. Section 23‑3‑250 of the 1976 Code is amended to read:

“Section 23‑3‑250. A law enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, immediately 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 ~~it’s~~ the agency’s on‑duty law enforcement officers of the missing person report, initiate a statewide broadcast to all other law enforcement agencies to be on the lookout for the individual, contact the agency’s local media outlets when appropriate, and transmit a copy of the report to the MPIC.” /

Amend the bill further, as and if amended, by striking SECTION 4 in its entirety, and inserting:

/ SECTION 4. Article 5, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑330. (A) The Endangered Person Notification System is established within the Missing Person Information Center. The purpose of the Endangered Person Notification System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or some other cognitive impairment.

(B) If the center receives a report that involves a missing person who is believed to be suffering from dementia or some other cognitive impairment, for the protection of the person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue a notification providing for the appropriate dissemination of information regarding the person.

(C) The center shall adopt guidelines and develop procedures for issuing notifications for missing persons believed to be suffering from dementia or some other cognitive impairment, provide education and training to local law enforcement agencies, and encourage radio and television broadcasters to participate in the notifications.

(D) The center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on a missing person who is believed to be suffering from dementia or some other cognitive impairment when the person’s vehicle and license tag information is available. The Department of Transportation shall utilize current protocol for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.” /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs are expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

Minimal (Some additional costs are expected but can be absorbed)

**EXPLANATION OF IMPACT:**

State Law Enforcement Division (SLED)

SLED indicates this bill will have a minimal impact on the state general fund, which can be absorbed by the agency at the current level of funding.

Department of Transportation (SCDOT)

The bill requires SCDOT to work with the Missing Person Information Center to develop a procedure for the use of overhead permanent changeable message signs to provide information on the missing person. It would cost the department an estimated $3,000 in employee time/salary to develop this system.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 23‑3‑240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23‑3‑250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23‑3‑270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTER TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23‑3‑330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23‑3‑240 of the 1976 Code is amended to read:

“Section 23‑3‑240. Any parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, may submit a missing person report to the MPIC on any missing child or missing person, regardless of the circumstances, after having first submitted a missing person report on the individual to the law enforcement agency having jurisdiction of the area in which the individual became or is believed to have become missing, regardless of the circumstances.”

SECTION 2. Section 23‑3‑250 of the 1976 Code is amended to read:

“Section 23‑3‑250. A law enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, immediately 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 other law enforcement agencies to be on the lookout for the individual, and, when appropriate, contact their local media outlets and transmit a copy of the report to the MPIC.”

SECTION 3. Section 23‑3‑270 of the 1976 Code is amended to read:

“Section 23‑3‑270. Any parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, who submits a missing person report to a law enforcement agency or to the MPIC, after having first submitted the missing person report to the appropriate law enforcement agency, immediately shall ~~immediately~~ notify the law enforcement agency and the MPIC of any individual whose location has been determined. The MPIC shall instigate and confirm the deletion of the individual’s records from the FBI/NCIC’s missing person file, as long as there are no grounds for criminal prosecution, and follow up with the local law enforcement agency having jurisdiction of the records.”

SECTION 4. Article 5, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑330. (A)There is established within the Missing Person Information Center the Endangered Person Notification System. The purpose of the Endangered Person Notification System is to provide a system statewide for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or other cognitive impairment.

(B) If the center receives a report that involves a missing person who is believed to be suffering from dementia or other cognitive impairment, for the protection of the missing person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue notification providing for the appropriate dissemination of information regarding the missing person.

(C) The center shall adopt guidelines and develop procedures for issuing a notification for missing persons believed to be suffering from dementia or other cognitive impairment and shall provide education and training to local law enforcement agencies, and to encourage radio and television broadcasters to participate in the notification.

(D) The center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the missing person who is believed to be suffering from dementia or other cognitive impairment when vehicle and license tag information is available. The Department of Transportation shall utilize current protocol for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.”

SECTION 5. This act takes effect upon approval by the Governor.

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