

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 1000
HOUSE BILL 2081

AN ACT TO EXPAND THE NORTH CAROLINA CENTER FOR MISSING
CHILDREN TO INCLUDE MISSING PERSONS.

The General Assembly of North Carolina enacts:

Section 1. Part 5A of Chapter 143B is amended by rewriting that Part to read:

"Part 5A.

"North Carolina Center for Missing Persons.

"§ 143B-495. North Carolina Center for Missing Persons established. – There is established within the Department of Crime Control and Public Safety the North Carolina Center for Missing Persons, which shall be organized and staffed in accordance with applicable laws. The purpose of the Center is to serve as a central repository for information regarding missing persons and missing children, with special emphasis on missing children. The Center may utilize the Federal Bureau of Investigation/National Crime Information Center's missing person computerized file (hereinafter referred to as FBI/NCIC) through the use of the Police Information Network in the North Carolina Department of Justice.

"§ 143B-496. Definitions. – For the purposes of this act:

(1) 'Missing child' means a juvenile as defined in G.S. 7A- 517(20) 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 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 report prepared on a prescribed form for transmitting information about a missing person or a missing child to an appropriate law enforcement agency.

"§ 143B-497. Control of the Center.–The Center is under the direction of the Secretary of the Department of Crime Control and Public Safety and may be organized and structured in a manner as the Secretary deems appropriate to ensure that the objectives of the Center are achieved. The Secretary may employ those Center personnel as the General Assembly may authorize and provide funding for.

"§ 143B-498. Secretary to adopt rules.–The Secretary shall adopt rules prescribing:

- (1) procedures for accepting and disseminating information maintained at the Center;
- (2) the confidentiality of the data and information, including the missing person report, maintained by the Center;
- (3) 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;
- (4) procedures allowing a communication link with the Police Information Network and the FBI/NCIC's missing person file to ensure compliance with FBI/NCIC policies; and
- (5) forms, including but not limited to a missing person report, considered necessary for the efficient and proper operation of the Center.

"§ 143B-499. Submission of missing person reports to the Center. – Any parent, spouse, guardian, or legal custodian may submit a missing person report to the Center of 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.

"§ 143B-499.1. Dissemination of missing persons data by law enforcement agencies. – A law enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, or legal custodian, 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.

"§ 143B-499.2. Responsibilities of Center. – The Center shall:

- (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;
- (2) Gather and distribute information and data on missing children and missing 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;
- (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;
- (5) Continue increasing public awareness of the reasons why children are missing and vulnerability of missing 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 custodians; and cooperate with interstate and federal efforts to identify deceased individuals;

(7) 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;

(8) 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 Crime Control and Public Safety;

(9) 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;

(10) Provide follow-up referrals for services to missing children or persons and their families;

(11) Maintain a toll-free 1-800 telephone service that will be in service at all times; and

(12) Perform such other activities that the Secretary of Crime Control and Public Safety considers necessary to carry out the intent of its mandate.

"§ 143B-499.3. Duty of individuals to notify Center and law enforcement agency when missing person has been located.—Any parent, spouse, guardian, or legal custodian who submits a missing person report to a law enforcement agency or to the Center, shall immediately notify the law enforcement agency and the Center of any individual whose location has been determined. The Center shall 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.

"§ 143B-499.4. Release of information by Center.—The following may make inquiries of, and receive data or information from, the Center:

(1) Any police, law enforcement, or criminal justice agency investigating a report of a missing or unidentified person or child, whether living or deceased.

(2) A court, upon a finding by the court that access to the data, information, or records of the Center may be necessary for the determination of an issue before the court.

(3) Any district attorney of a judicial district in this State or the district attorney's designee or representative.

(4) Any person engaged in bona fide research when approved by the Secretary; provided, no names or addresses may be supplied to this person.

(5) Any other person authorized by the Secretary of the Department of Crime Control and Public Safety pursuant to G.S. 243B-498(1).

"§ 143B-499.5. Provision of toll-free service; instructions to callers; communication with law enforcement agencies. – The Center shall provide a toll-free telephone line for anyone to report the disappearance of any individual or the sighting of any missing child or missing person. The Center personnel shall instruct the caller, in

the case of a report concerning the disappearance of an individual, of the requirements contained in G.S. 143B-499.3 of first having to submit 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. Any law enforcement agency may retrieve information imparted to the Center by means of this phone line. The Center shall directly communicate any report of a sighting of a missing person or a missing child to the law enforcement agency having jurisdiction in the area of disappearance or sighting.

"§ 143-499.6. Improper release of information; penalty. – Any person working under the supervision of the Director of Victims and Justice Services who knowingly and willfully releases, or authorizes the release of, any data, information, or records maintained or possessed by the Center to any agency, entity, or person other than as specifically permitted by Part 5A or in violation of any rule adopted by the Secretary is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), imprisonment of no less than 30 days nor more than 90 days, or both."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1986.