

Policy Goal

State law requires reporting of missing children and located missing children.

Many children are reported missing each year. Unfortunately, there is a strong correlation between missing and runaway children and domestic minor sex trafficking as children removed from the stability of a home and supervision have heightened vulnerabilities that are identified and exploited quickly by traffickers and buyers. State laws that mandate the reporting of missing and located missing children can lead to data that assists in tracking these children and, ultimately, provide a tool for law enforcement to identify runaways and missing children as children at high-risk for exploitation through sex trafficking. Integrated reporting requirements between law enforcement, schools, and child welfare agencies can further help to close gaps that interfere with identification and reporting of missing children who may be, or who may become, victims of sex trafficking.

EXAMPLES OF LEGISLATIVE SOLUTIONS

The following state laws mandate the reporting of missing children and located missing children.

CALIFORNIA

Cal. Penal Code § 14211 (Missing person reports; persons under 16 and persons at risk) states, “(a) All local police and sheriffs’ departments shall accept any report, by any party, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. (b) In cases where the person making a report of a missing person or runaway, contacts, including by telephone, the California Highway Patrol, the Department of the California Highway Patrol may take the report, and shall immediately advise the person making the report of the name and telephone number of the police or sheriff’s department having jurisdiction of the residence address of the missing person and of the name and telephone number of the police or sheriff’s department having jurisdiction of the place where the person was last seen. (c) In cases of reports involving missing persons, including, but not limited to, runaways, the local police or sheriff’s department shall immediately take the report and make an assessment of reasonable steps to be taken to locate the person . . . (d) If the missing person is under 21 years of age, or there is evidence that the person is at risk, the police department or sheriff’s department shall broadcast a ‘Be On the Look-Out’

bulletin, without delay, within its jurisdiction . . .”

Cal. Penal Code § 14206(a)–(c) (Missing and exploited children’s recovery network) states, “(a) The Attorney General shall establish within the Department of Justice the Missing and Exploited Children’s Recovery Network . . . (b) This network shall consist of an automated computerized system that shall have the capability to electronically transmit to all state and local law enforcement agencies, and all cooperating news media services, either by facsimile or computer modem, a missing child poster that includes the name, personal description data, and picture of the missing child . . . (c) The Department of Justice shall work in cooperation with the National Center for Missing and Exploited Children to develop and implement a network that can electronically interface with the National Missing and Exploited Children’s Network.”

Cal. Penal Code § 14213(a), (b) (Report of finding missing person) states, “(a) [w]hen a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or the law enforcement agency locating the missing person shall immediately report that information to the Attorney General’s office. The Attorney General’s office shall then notify the National Crime Information Center that the missing person has been found. (b) When a missing person is found, the report indicating that the person is found shall be made not later than 24 hours after the person is found to the law enforcement agency that made the initial missing person report.”

COLORADO

Colo. Rev. Stat. Ann. § 24-33.5-415.1(3) (List of missing children) provides, “Every law enforcement agency in this state shall, upon receipt of information that a child is believed to be missing, send a missing child report containing identifying and descriptive information about the child to the bureau as soon as possible but no later than twenty-four hours after obtaining such information. If, at a later time, the law enforcement agency determines that the missing child has been located, the agency shall send notification to the bureau no later than twenty-four hours after making such determination.”

Pursuant to Colo. Rev. Stat. Ann. § 19-1-115.3 (Missing children and youth from out-of-home placement - required reporting to law enforcement.), “If a child or youth for whom the Department of Human Services or a county department of human or social services has legal custody pursuant to the provisions of this title is determined by the agency to be missing, the agency having legal custody of said child or youth shall report the disappearance immediately, and in no case later than twenty-four hours after learning of the disappearance, to the National Center for Missing and Exploited Children and to law enforcement. Law enforcement authorities shall notify the Colorado Bureau of Investigation for transmission to the Federal Bureau of Investigation for entry into the National Crime Information Center database pursuant to section 16-2-7-103, C.R.S. notwithstanding the provisions of this section, the reporting requirements set forth for foster parents and out-of-home placement facilities in section 19-2-920 shall still apply.”

Pursuant to Colo. Rev. Stat. Ann. § 16-2-7-103(2)(b)(II) (Missing person reports – response), “If the missing person is under eighteen years of age and under the legal custody of the state Department of Human Services or a county department of human or social services, the law enforcement agency shall, within twenty-four hours after receiving notification pursuant to section 19-1-115.3, C.R.S., notify the Colorado Bureau of Investigation for transmission to the Federal Bureau of Investigation for entry into the National Crime Information Center database.”

FLORIDA

Fla. Stat. § 937.025(1) (Missing children; student records; reporting requirements; penalties) states that “upon notification by the Department of Law Enforcement that a child is listed or reported as a missing child, the school in which the child is currently enrolled, or was previously enrolled, shall flag the student records in such a manner that whenever a copy of or information concerning the records of the missing child is requested, the person authorized to provide such copy or information is alerted to the fact that the child has been listed or reported as missing.”

LOUISIANA

La. Rev. Stat. Ann. § 40:2521 (Law enforcement agency receiving report of missing or recovered child; duty) requires the law enforcement agency that receives an initial report of a missing child or the recovery of a missing child to “immediately report the missing or recovered child to national law enforcement agencies and the state law enforcement agencies of neighboring states. This notification shall include entry of the name of the child into the National Crime Information Center registry. These reports shall be made for each reported missing child without regard to whether the child is believed to be missing due to stranger abduction, parental abduction, or any other cause.” La. Rev. Stat. Ann. § 46:1433(A) (Notification of location of missing and/or exploited child) requires a “parent, guardian, or legal custodial responsible for notifying the clearinghouse or a law enforcement agency of a missing or exploited child” to “immediately notify such agency or the clearinghouse of any child whose location has been determined.” Additionally, law enforcement agencies are required to “transmit information of the recovery of a missing child to the clearinghouse, which shall maintain the information in the central repository . . .” La. Rev. Stat. Ann. § 46:1433(B).

NEVADA

Pursuant to Nev. Rev. Stat. Ann. § 432.200(1) (Duties of law enforcement agency receiving report of missing child; request for and use of identifying information; notification that child is found or returned), “A law enforcement agency shall accept every report of a missing child which is submitted to the agency, including, but not limited to, a report made by telephone. Upon receipt of such a report, the agency shall immediately conduct a preliminary investigation and classify the cause of the disappearance of the child as ‘runaway,’ ‘abducted by the parent of the child,’ ‘abducted by a stranger’ or ‘cause of disappearance unknown,’ and shall: (a) Transmit all available information about the child to the Clearinghouse within 36 hours after the report is received; (b) Immediately notify such persons and make such inquiries concerning the missing child as the agency deems necessary; . . . (d) Enter into the National Crime Information Center’s Missing Person File, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.” Nev. Rev. Stat. Ann. § 432.200(4) requires the law enforcement agency to transmit information of a recovered child to the National Crime Information Center and Clearinghouse.

Pursuant to Nev. Rev. Stat. Ann. § 432B.165 (Authority of agency which provides child welfare services and other entities to provide information to assist in locating a missing child; information not confidential), child welfare agencies must promptly report missing children who have been in agency custody. Nev. Rev. Stat. Ann. § 432B.165 states, “An agency which provides child welfare services that receives information concerning a child who has been placed in the custody of the agency who is missing, including, without

limitation, a child who has run away or has been abducted, shall report the information to the appropriate law enforcement agency as soon as practicable, but not later than 24 hours after receiving such information, for investigation pursuant to NRS 432.200.”