

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 930 Session of
2001

INTRODUCED BY GREENLEAF, CORMAN, O'PAKE, TOMLINSON, COSTA, HOLL,
LEMOND, MOWERY AND TARTAGLIONE, JUNE 7, 2001

REFERRED TO AGING AND YOUTH, JUNE 7, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for missing
3 children; providing for a clearinghouse for missing children;
4 and imposing powers and duties on the Pennsylvania State
5 Police, local school districts and parents.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Chapter 29 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subchapter heading
10 to read:

11 SUBCHAPTER A

12 KIDNAPPING AND RELATED OFFENSES

13 Section 2. Section 2908 of Title 18 is amended to read:

14 § 2908. Missing children.

15 (a) Duties of law enforcement agencies.--Law enforcement
16 agencies shall have the following duties with respect to missing
17 children:

18 (1) To investigate a report of a missing child
19 immediately upon receipt of the report regardless of the age

1 of the missing child or the circumstances surrounding the
2 disappearance of the child. A missing child shall include a
3 child who has been abducted by a parent, whether or not a
4 custody order has been issued by a court. In no case shall
5 law enforcement agencies impose a mandatory waiting period
6 prior to commencing the investigation of a missing child.

7 (2) When conducting a missing child investigation, to
8 record all information relevant to the missing child and the
9 circumstances surrounding the disappearance of the missing
10 child on the appropriate law enforcement investigative
11 report.

12 (3) To make an entry into the Missing Persons File
13 through the Commonwealth Law Enforcement Assistance Network
14 (CLEAN) in accord with Pennsylvania State Police policy and
15 procedures immediately upon receipt of sufficient
16 identification information on the missing child and, no later
17 than 60 days after the original entry of the record into the
18 CLEAN system, to verify and update such record with any
19 additional information, including, where available, medical
20 and dental records.

21 (3.1) To make an entry into the Unidentified Persons
22 File through Commonwealth Law Enforcement Assistance Network
23 (CLEAN) in accord with Pennsylvania State Police policy and
24 procedures immediately upon:

25 (i) taking custody of an unidentified living child,
26 such as an infant, or a physically or mentally disabled
27 child; or

28 (ii) discovering an unidentified deceased child.

29 (4) To insure timely cancellation of any entry made
30 pursuant to this section where the missing child has returned

or is located.

(a.1) Unidentified [deceased] children.--Coroners shall notify law enforcement agencies with respect to unidentified deceased children. Law enforcement agencies [and coroners] shall, with respect to unidentified [deceased] children, living or deceased, have the duty to make an entry into the Unidentified [Deceased] Person File through the Commonwealth Law Enforcement Assistance Network (CLEAN) in accordance with Pennsylvania State Police policy and procedures immediately upon observing or receiving any descriptive information on an unidentified [deceased] child.

(b) Definition.--As used in this section the term "child" means a person under 18 years of age.

Section 3. Chapter 29 of Title 18 is amended by adding a subchapter to read:

SUBCHAPTER B

INFORMATION ON MISSING CHILDREN

Sec.

2951. Definitions.

2952. Missing Children Information Clearinghouse established.

2953. Powers and duties of clearinghouse.

2954. Duties of school districts.

2955. File of child who is transferring.

2956. Failure to comply with requirements of chapter.

§ 2951. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Child." A person under 18 years of age.

"CLEAN." Commonwealth Law Enforcement Assistance Network.

1 "Clearinghouse." The Missing Children Information
2 Clearinghouse.

3 "Law enforcement agency." The Pennsylvania State Police or
4 local police department responsible for investigating missing
5 persons or children reports within the political subdivision
6 where the child was reported lost, abducted, missing or runaway.
7 § 2952. Missing Children Information Clearinghouse established.

8 There is hereby established within the Pennsylvania State
9 Police the Missing Children Information Clearinghouse.

10 § 2953. Powers and duties of clearinghouse.

11 The powers and duties of the clearinghouse shall include:

12 (1) Use of the CLEAN system for the development,
13 collection and maintenance of a central uniform informational
14 repository on children reported missing within this
15 Commonwealth. The CLEAN system shall include, but not be
16 limited to:

17 (i) Compilation of the relevant information
18 regarding a missing child.

19 (ii) Correlation of material.

20 (iii) Making material available for investigative
21 use, including availability to local law enforcement.

22 (2) The submission of all reports of missing children to
23 the National Crime Information Center (NCIC).

24 (3) Cooperation with Federal, State and local agencies
25 and other states in the dissemination of information
26 regarding missing children, the investigation of missing
27 children cases and other programs and activities. Information
28 disseminated shall include, but not be limited to,
29 photographs, descriptions, circumstances of disappearance and
30 other information that may be of assistance in locating

1 missing children.

2 (4) The development of special training courses for
3 criminal justice professionals, medical professionals and
4 other youth service professionals.

5 (5) Advise local law enforcement regarding response and
6 investigation of reports of missing children.

7 (6) Compile and maintain statistics on the number of
8 missing children and submission of the compilation along with
9 an annual report to the General Assembly.

10 § 2954. Duties of school districts.

11 (a) General rule.--When a child is enrolled in a school for
12 the first time, the school shall:

13 (1) Obtain information necessary for the identification
14 of a child, including, but not limited to, a physical
15 description, date of birth and Social Security number, if
16 available. Within ten days of the child's enrollment, the
17 child's parent or guardian shall produce a birth certificate
18 or such other proof of identity of the child.

19 (2) Obtain information necessary for the identification
20 of the child's parent or guardian. The information shall be
21 documented and included in the child's enrollment file and
22 shall include, but not be limited to, the parent or
23 guardian's full name, date of birth, Social Security number,
24 current address and a telephone number where the parent or
25 guardian may be reached in the event of an emergency. The
26 parent or guardian shall produce two forms of identification
27 which shall be documented on enrollment forms by the school
28 and maintained in the child's file.

29 (b) Confidentiality.--Any disclosure of information obtained
30 by schools under this section shall comply with Federal law.

1 § 2955. File of child who is transferring.

2 (a) General rule.--Within ten days of enrolling a child who
3 is transferring from another school, the school shall request
4 the child's file directly from the school from which the student
5 is transferring. Within seven days of the request, the school
6 from which the child is transferring shall provide the
7 information regarding the child which is required under section
8 2954(a)(1) (relating to duties of school districts). The school
9 from which the child is transferring shall mail a certified copy
10 of the child's file to the school in which the child is
11 enrolling.

12 (b) Exception.--If a school receives a request for a child's
13 file and a notation has been placed on that child's file
14 indicating the child is missing, the school shall immediately
15 notify the appropriate law enforcement agency of the request
16 and, once the law enforcement agency has been notified, shall
17 then notify the school requesting the file that the file is not
18 being forwarded because a notation on the file indicates the
19 child is missing and is the subject of an ongoing law
20 enforcement investigation.

21 § 2956. Failure to comply with requirements of chapter.

22 If a person enrolling a child in a school fails to comply
23 with the requirements of this chapter, the school shall notify
24 the parent or guardian enrolling the child that, unless the
25 enrollment requirements are met within ten days, the case will
26 be referred to the appropriate law enforcement agency for
27 investigation.

28 Section 4. All acts and parts of acts are repealed insofar
29 as they are inconsistent with this act.

30 Section 5. This act shall take effect as follows:

1 (1) The addition of 18 Pa.C.S. Ch. 29 Subch. B shall
2 take effect in 60 days.

3 (2) The remainder of this act shall take effect
4 immediately.