

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 182 Session of 2009

INTRODUCED BY GREENLEAF, KASUNIC, TARTAGLIONE, HUGHES, ALLOWAY,  
MUSTO, PILEGGI, O'PAKE, ERICKSON, BROWNE, COSTA, ORIE,  
WOZNIAK, RAFFERTY, STACK AND BOSCOLA, FEBRUARY 2, 2009

REFERRED TO AGING AND YOUTH, FEBRUARY 2, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in kidnapping, further providing for  
3 missing children; providing for a clearinghouse for missing  
4 children; and imposing powers and duties on the Pennsylvania  
5 State Police, 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 CHAPTER 29

12 KIDNAPPING

13 SUBCHAPTER A

14 KIDNAPPING AND RELATED OFFENSES

15 \* \* \*

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

17 § 2908. Missing children.

18 (a) Duties of law enforcement agencies.--Law enforcement  
19 agencies shall have the following duties with respect to missing

1 children:

2 (1) To investigate a report of a missing child  
3 immediately upon receipt of the report regardless of the age  
4 of the missing child or the circumstances surrounding the  
5 disappearance of the child. A missing child shall include a  
6 child who has been abducted by a parent, whether or not a  
7 custody order has been issued by a court. In no case shall  
8 law enforcement agencies impose a mandatory waiting period  
9 prior to commencing the investigation of a missing child.

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

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

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

28 (i) taking custody of an unidentified living child,  
29 such as an infant, or a physically or mentally disabled  
30 child; or

1 (ii) discovering an unidentified deceased child.

2 (4) To insure timely cancellation of any entry made  
3 pursuant to this section where the missing child has returned  
4 or is located.

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

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

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

19 SUBCHAPTER B

20 INFORMATION ON MISSING CHILDREN

21 Sec.

22 2951. Definitions.

23 2952. Missing Children Information Clearinghouse established.

24 2953. Powers and duties of clearinghouse.

25 2954. Duties of school districts.

26 2955. File of child who is transferring.

27 2956. Failure to comply with requirements of chapter.

28 § 2951. Definitions.

29 The following words and phrases when used in this subchapter  
30 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.

"Clearinghouse." The Missing Children Information  
Clearinghouse.

"Law enforcement agency." The Pennsylvania State Police or  
local police department responsible for investigating missing  
persons or children reports within the political subdivision  
where the child was reported lost, abducted, missing or runaway.

§ 2952. Missing Children Information Clearinghouse established.

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

§ 2953. Powers and duties of clearinghouse.

The powers and duties of the clearinghouse shall include:

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

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

(ii) Correlation of material.

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

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

(3) Cooperation with Federal, State and local agencies  
and other states in the dissemination of information  
regarding missing children, the investigation of missing  
children cases and other programs and activities. Information

1 disseminated shall include, but not be limited to,  
2 photographs, descriptions, circumstances of disappearance and  
3 other information that may be of assistance in locating  
4 missing children.

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

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

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

13 § 2954. Duties of school districts.

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

16 (1) Obtain information necessary for the identification  
17 of a child, including, but not limited to, the child's full  
18 name, date of birth and physical description. Within ten days  
19 of the child's enrollment, the child's parent or guardian  
20 shall produce a birth certificate or such other proof of  
21 identity of the child.

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

1 child's file.

2 (b) Confidentiality.--Any disclosure of information obtained  
3 by schools under this section shall comply with Federal law.  
4 § 2955. File of child who is transferring.

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

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

24 § 2956. Failure to comply with requirements of chapter.

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

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

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

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

6           (2) The remainder of this act shall take effect  
7 immediately.