

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 111 Session of 2011

INTRODUCED BY GREENLEAF, TARTAGLIONE, ORIE, WASHINGTON, BROWNE,
FONTANA, KASUNIC, RAFFERTY, LEACH, BOSCOLA AND STACK,
JANUARY 14, 2011

REFERRED TO AGING AND YOUTH, JANUARY 14, 2011

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

1 context clearly indicates otherwise:

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

3 "CLEAN." Commonwealth Law Enforcement Assistance Network.

4 "Clearinghouse." The Missing Children Information
5 Clearinghouse.

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

10 § 2952. Missing Children Information Clearinghouse established.

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

13 § 2953. Powers and duties of clearinghouse.

14 The powers and duties of the clearinghouse shall include:

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

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

22 (ii) Correlation of material.

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

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

27 (3) Cooperation with Federal, State and local agencies
28 and other states in the dissemination of information
29 regarding missing children, the investigation of missing
30 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.