

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 186 Session of  
2013

INTRODUCED BY GREENLEAF, TARTAGLIONE, BROWNE, TEPLITZ, FARNESE,  
WASHINGTON, STACK, RAFFERTY, VULAKOVICH AND SOLOBAY,  
JANUARY 18, 2013

REFERRED TO AGING AND YOUTH, JANUARY 18, 2013

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

16 § 2908. Missing children.

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

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

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

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

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

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

30           (ii) discovering an unidentified deceased child.

(4) To insure timely cancellation of any entry made 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:

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

2 "CLEAN." Commonwealth Law Enforcement Assistance Network.

3 "Clearinghouse." The Missing Children Information

4 Clearinghouse established by this subchapter.

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

9 § 2952. Missing Children Information Clearinghouse established.

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

12 § 2953. Powers and duties of clearinghouse.

13 The powers and duties of the clearinghouse shall include:

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

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

21 (ii) Correlation of material.

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

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

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

1 photographs, descriptions, circumstances of disappearance and  
2 other information that may be of assistance in locating  
3 missing children.

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

7 (5) The provision of advice to local law enforcement  
8 regarding response and investigation of reports of missing  
9 children.

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

14 § 2954. Duties of school districts.

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

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

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

1 on enrollment forms by the school and maintained in the  
2 child's file.

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

5 § 2955. File of child who is transferring.

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

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

25 § 2956. Failure to comply with requirements of chapter.

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

1 investigation.

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

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

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

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