

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 930

**PRINTER NO.** 2240

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

March 16, 2021

**PRIME SPONSOR**

Representative Schlegel Culver

**DESCRIPTION**

House Bill 930 amends Title 18 (Crimes and Offenses) and Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes requiring law enforcement agencies to submit DNA samples of high-risk missing persons, missing children and unidentified decedents to the Pennsylvania State Police for submission to the National Missing and Unidentified Persons System.

“High-risk missing person” is defined as and individual who is 18 years of age or older and:

- (1) Whose temporary or permanent residence is in this Commonwealth or is believed to be in this Commonwealth;
- (2) Whose whereabouts are unknown;
- (3) Who has been reported missing to a law enforcement agency; and
- (4) Circumstances indicate any of the following:
  - a) The individual is missing as a result of a stranger abduction;
  - b) The individual is missing under suspicious, unknown or dangerous circumstances and the law enforcement agency reasonably believes that the individual is at risk of injury or death;
  - c) The individual is missing for more than 30 days; or
  - d) The individual has been designated as a high-risk missing person by another law enforcement agency.

“National Missing and Unidentified Persons System” (NamUs) is defined as a national centralized repository and resource center for missing persons, unidentified decedents and unclaimed decedents that is maintained by the National Institute of Justice within the United States Department of Justice.

The bill amends Section 2908 (relating to missing children) of Title 18 to require law enforcement agencies to collect and deliver DNA samples of any missing child to the Pennsylvania State Police (PSP) for submission to NamUs and DNA samples of an unidentified deceased child to the PSP for law enforcement identification purposes.

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## **FISCAL NOTE**

Title 44 is amended by adding a new section 2316.2 (relating to collection of DNA in investigations of high-risk missing persons and missing children) which provides that in an investigation of a high-risk missing person or missing child, a law enforcement agency shall, within seven days of receipt of a missing persons report or within seven days of commencement of a high-risk missing persons investigation, whichever is earlier, collect a DNA sample from available personal articles belonging to the missing person or missing child. Within 48 hours of the DNA collection, the DNA sample shall be delivered to the PSP for submission to NamUs, along with any known personal identifying information that may assist efforts to identify the high-risk missing person or missing child.

A new section 2316.3 (relating to collection of DNA in investigations of missing persons) is added to provide that in an investigation of a missing person, a law enforcement agency shall, within 30 days of receipt of a missing persons report or within 30 days of commencement of a missing persons investigation, whichever is earlier, collect a DNA sample from available personal articles belonging to the missing person. Within 48 hours of the DNA collection, the DNA sample shall be delivered to the PSP for submission to NamUs, along with any known personal identifying information that may assist efforts to identify the missing person.

A new section 2316.4 (relating to collection of DNA in investigations of unidentified decedents) is added to provide that within 24 hours of discovering an unidentified decedent, the investigating law enforcement agency or coroner shall collect DNA samples from the unidentified decedent for law enforcement identification purposes. Within 48 hours of the collection, the DNA sample shall be delivered to the PSP for submission to NamUs, along with any known personal identifying information that may assist efforts to identify the unidentified decedent.

A new subsection (a.2) (relating to National Missing and Unidentified Persons System) is added to section 2319 (relating to DNA data base exchange) to provide that any DNA sample collected from a high-risk missing person, missing child, missing person or unidentified decedent shall be submitted to NamUs, along with any of the information delivered to the PSP in accordance with sections 2316.2, 2316.3 or 2316.4.

Additionally, the bill provides that the PSP shall promulgate rules, regulations or guidelines to implement the act, including providing that law enforcement agencies may not disclose to a person requesting the information the missing person's location if the missing person is not a minor and requests confidentiality and:

- The missing person was the victim of a personal injury crime as defined in the Crime Victims Act, committed by the person requesting the information;
- A Protection From Abuse order was issued against the person requesting the information for the protection of the missing person;
- The missing person is enrolled in the Address Confidentiality Program administered by the Office of Victim Advocate; or
- The missing person is under the protection of the Witness Protection Program of the United States Department of Justice or a similar program administered by a state or local government.

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## FISCAL NOTE

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

According to the Pennsylvania State Police, lab personnel will continue to accept and process DNA submissions from all law enforcement agencies as is currently done. Any costs related to fulfilling the additional duties required under this legislation would be minimal and capable of being accommodated within the agency's current workload and budget.