

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE BILL**

**No. 530**      Session of  
2007

---

INTRODUCED BY GREENLEAF, ORIE, O'PAKE, STACK, WASHINGTON,  
RAFFERTY, FONTANA, KASUNIC, BOSCOLA, CORMAN, MUSTO, REGOLA,  
RHOADES, TARTAGLIONE, COSTA, KITCHEN, TOMLINSON, McILHINNEY  
AND M. WHITE, MARCH 19, 2007

---

REFERRED TO AGING AND YOUTH, MARCH 19, 2007

---

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

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

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

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

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

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

29 (ii) discovering an unidentified deceased child.

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

1 pursuant to this section where the missing child has returned  
2 or is located.

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

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

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

17 SUBCHAPTER B

18 INFORMATION ON MISSING CHILDREN

19 Sec.

20 2951. Definitions.

21 2952. Missing Children Information Clearinghouse established.

22 2953. Powers and duties of clearinghouse.

23 2954. Duties of school districts.

24 2955. File of child who is transferring.

25 2956. Failure to comply with requirements of chapter.

26 § 2951. Definitions.

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

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

1 "CLEAN." Commonwealth Law Enforcement Assistance Network.

2 "Clearinghouse." The Missing Children Information

3 Clearinghouse.

4 "Law enforcement agency." The Pennsylvania State Police or

5 local police department responsible for investigating missing

6 persons or children reports within the political subdivision

7 where the child was reported lost, abducted, missing or runaway.

8 § 2952. Missing Children Information Clearinghouse established.

9 There is hereby established within the Pennsylvania State

10 Police the Missing Children Information Clearinghouse.

11 § 2953. Powers and duties of clearinghouse.

12 The powers and duties of the clearinghouse shall include:

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

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

20 (ii) Correlation of material.

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

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

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

1 other information that may be of assistance in locating  
2 missing children.

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

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

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

11 § 2954. Duties of school districts.

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

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

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

30 (b) Confidentiality.--Any disclosure of information obtained

1 by schools under this section shall comply with Federal law.

2 § 2955. File of child who is transferring.

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

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

22 § 2956. Failure to comply with requirements of chapter.

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

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

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

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

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