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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 930 Session of  
2021

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INTRODUCED BY SCHLEGEL CULVER, MILLARD, PICKETT, HILL-EVANS,  
R. BROWN, T. DAVIS, ZIMMERMAN, HOWARD AND WHEELAND,  
MARCH 16, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2021

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 44 (Law and  
2 Justice) of the Pennsylvania Consolidated Statutes, in  
3 kidnapping, further providing for missing children; and, in  
4 DNA data and testing, further providing for policy, for  
5 definitions and for State DNA Data Base, providing for  
6 collection of DNA in investigations of missing persons and  
7 for collection of DNA in investigations of unidentified  
8 decedents and further providing for DNA data base exchange.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 2908(a) and (a.1) of Title 18 of the  
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 2908. Missing children.

14 (a) Duties of law enforcement agencies.--Law enforcement  
15 agencies shall have the following duties with respect to missing  
16 children:

17 (1) To investigate a report of a missing child  
18 immediately upon receipt of the report regardless of the age  
19 of the missing child or the circumstances surrounding the  
20 disappearance of the child. In no case shall law enforcement

1 agencies impose a mandatory waiting period prior to  
2 commencing the investigation of a missing child.

3 (2) When conducting a missing child investigation, to  
4 record all information relevant to the missing child and the  
5 circumstances surrounding the disappearance of the missing  
6 child on the appropriate law enforcement investigative  
7 report.

8 (3) To make an entry into the Missing Persons File  
9 through the Commonwealth Law Enforcement Assistance Network  
10 (CLEAN) in accord with Pennsylvania State Police policy and  
11 procedures immediately upon receipt of sufficient  
12 identification information on the missing child.

13 (3.1) To make an entry into the Unidentified Persons  
14 File through Commonwealth Law Enforcement Assistance Network  
15 (CLEAN) in accord with Pennsylvania State Police policy and  
16 procedures immediately upon:

17 (i) taking custody of an unidentified living child,  
18 such as an infant, or a physically or mentally disabled  
19 child; or

20 (ii) discovering an unidentified deceased child.

21 (3.2) To deliver any of the missing child's DNA to the  
22 Pennsylvania State Police in accordance with 44 Pa.C.S. §  
23 2316.2 (relating to collection of DNA in investigations of  
24 missing persons) for DNA analysis and submission to the  
25 National Missing and Unidentified Persons System.

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

29 (a.1) Unidentified deceased children.--Law enforcement  
30 agencies and coroners shall, with respect to unidentified

1 deceased children, have the duty to collect DNA samples from the  
2 unidentified deceased child and submit the DNA samples to the  
3 Pennsylvania State Police in accordance with 44 Pa.C.S. § 2316.3  
4 (relating to collection of DNA in investigations of unidentified  
5 decedents) for law enforcement identification purposes and make  
6 an entry into the Unidentified Deceased Person File through the  
7 Commonwealth Law Enforcement Assistance Network (CLEAN) in  
8 accordance with Pennsylvania State Police policy and procedures  
9 immediately upon observing or receiving any descriptive  
10 information on an unidentified deceased child.

11 \* \* \*

12 Section 2. Section 2302 of Title 44 is amended to read:

13 § 2302. Policy.

14 The General Assembly finds and declares that:

15 (1) Forensic DNA testing is an important tool in  
16 criminal investigations and investigations of missing persons  
17 or unidentified decedents, in excluding innocent individuals  
18 who are the subject of criminal investigations or  
19 prosecutions and in detecting and deterring repeated crimes  
20 by the same individual.

21 (2) Several states have enacted laws requiring persons  
22 convicted of certain crimes, especially sex offenses, to  
23 provide genetic samples for DNA profiling.

24 (3) Moreover, it is the policy of the Commonwealth to  
25 assist Federal, State and local criminal justice and law  
26 enforcement agencies in the identification and detection of  
27 individuals in criminal investigations and investigations of  
28 missing persons or unidentified decedents.

29 (4) It is in the best interest of the Commonwealth to  
30 establish a DNA data base and a DNA data bank containing DNA

1 samples submitted by individuals convicted of, adjudicated  
2 delinquent for or accepted into ARD for felony sex offenses  
3 and other specified offenses and containing DNA samples  
4 collected as part of an investigation into missing persons or  
5 unidentified decedents.

6 (5) It is in the best interest of the Commonwealth to  
7 authorize the State Police to use DNA analysis and to  
8 identify these individuals to a criminal justice agency in  
9 certain cases.

10 Section 3. Section 2303 of Title 44 is amended by adding a  
11 definition to read:

12 § 2303. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "National Missing and Unidentified Persons System." A  
18 national centralized repository and resource center for missing  
19 persons, unidentified decedents and unclaimed decedents that is  
20 maintained by the National Institute of Justice within the  
21 United States Department of Justice.

22 \* \* \*

23 Section 4. Section 2312 of Title 44 is amended to read:

24 § 2312. State DNA Data Base.

25 A Statewide DNA Data Base is reestablished within the State  
26 Police to store forensic DNA profiles and records developed by  
27 or submitted to the State Police under the former DNA Act, the  
28 former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and  
29 testing) or this chapter, and to contribute forensic DNA  
30 profiles and records to CODIS, the National Missing and

1 Unidentified Persons System and the national DNA identification  
2 index system. The State DNA Data Base shall have the capability  
3 provided by computer software and procedures administered by the  
4 State Police to store and maintain forensic DNA profiles and  
5 records related to:

6 (1) forensic casework;

7 (2) convicted or delinquency adjudicated offenders  
8 required to provide a DNA sample under this chapter; [and]

9 (3) anonymous DNA records used for statistical research  
10 on the frequency of DNA genotypes, quality control or the  
11 development of new DNA identification methods[.]; and

12 (4) missing persons and unidentified decedents.

13 Section 5. Title 44 is amended by adding sections to read:

14 § 2316.2. Collection of DNA in investigations of missing  
15 persons.

16 (a) Collection of DNA samples.--In an investigation of a  
17 missing person, the law enforcement agency shall, within 30 days  
18 of the receipt of a missing persons report or within 30 days of  
19 the commencement of a missing persons investigation, whichever  
20 is earlier, collect a DNA sample from available personal  
21 articles belonging to the missing person for law enforcement  
22 identification purposes.

23 (b) Submission of DNA samples.--Within 48 hours of the  
24 collection under subsection (a), the DNA sample shall be  
25 delivered to the Pennsylvania State Police for forensic DNA  
26 analysis as provided in section 2318 (relating to procedures for  
27 conduct, disposition and use of DNA analysis) and submission to  
28 the National Missing and Unidentified Persons System as provided  
29 in section 2319 (relating to DNA data base exchange), along with  
30 the following information, if known to the investigating law

1 enforcement agency:

2 (1) The name of the missing person.

3 (2) The age of the missing person.

4 (3) The sex of the missing person.

5 (4) The height and weight of the missing person.

6 (5) The race of the missing person.

7 (6) The last known location of the missing person.

8 (7) The date of last contact with the missing person.

9 (8) The circumstances of the disappearance of the

10 missing person.

11 § 2316.3. Collection of DNA in investigations of unidentified  
12 decedents.

13 (a) Collection of DNA samples.--Within 24 hours of  
14 discovering an unidentified decedent, the investigating law  
15 enforcement agency or coroner shall collect DNA samples from the  
16 unidentified decedent for law enforcement identification  
17 purposes.

18 (b) Submission of DNA samples.--Within 48 hours of the  
19 collection under subsection (a), the DNA sample shall be  
20 delivered by the law enforcement agency or coroner to the  
21 Pennsylvania State Police for forensic DNA analysis as provided  
22 in section 2318 (relating to procedures for conduct, disposition  
23 and use of DNA analysis) and submission to the National Missing  
24 and Unidentified Persons System as provided in section 2319  
25 (relating to DNA data base exchange), along with the following  
26 information, if known to the investigating law enforcement  
27 agency or coroner:

28 (1) The estimated age of the unidentified decedent.

29 (2) The sex of the unidentified decedent.

30 (3) The height and weight of the unidentified decedent.

- 1           (4) The race of the unidentified decedent.  
2           (5) The location of the unidentified decedent's body.  
3           (6) An inventory of the remains.  
4           (7) The circumstances of the death of the unidentified  
5           decedent.

- 6           (8) A physical description of the unidentified decedent,  
7           including hair color, hair description, eye color,  
8           distinctive physical features and clothing and accessories.

9           Section 6. Section 2319 of Title 44 is amended by adding a  
10 subsection to read:

11 § 2319. DNA data base exchange.

12           \* \* \*

13           (a.2) National Missing and Unidentified Persons System.--Any  
14 DNA record derived from a DNA sample collected in accordance  
15 with section 2316.2 (relating to collection of DNA in  
16 investigations of missing persons) or 2316.3 (relating to  
17 collection of DNA in investigations of unidentified decedents)  
18 shall be submitted to the National Missing and Unidentified  
19 Persons System, along with any of the information delivered to  
20 the Pennsylvania State Police in accordance with section  
21 2316.2(b) or 2316.3(b).

22           \* \* \*

23           Section 7. This act shall take effect in 60 days.