

CHAPTER 279

AN ACT concerning missing persons, designating the act as “Patricia’s Law,” and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:17B-212 Definitions relative to missing persons.

1. As used in this act:

“High risk missing person” means a person whose whereabouts are not currently known and the circumstances of the person’s disappearance suggest that the person may be at imminent or likely risk of injury or death. The circumstances that indicate that a person is a high risk missing person shall include, but not be limited to:

a. the person is missing as a result of a confirmed abduction or under circumstances that indicate that the person’s disappearance was not voluntary;

b. the person is missing under known dangerous circumstances;

c. the person is missing more than 30 days;

d. there is evidence that the person is at risk because:

(1) the person missing is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person’s health if he or she does not receive the needed care or medication;

(2) the person missing does not have a pattern of running away or disappearing;

(3) the person missing may have been abducted by a non-custodial parent;

(4) the person missing is mentally impaired;

(5) the person missing is a person over the age of 13 and under the age of 21 years and any other risk factor is known; or

(6) the person missing has been the subject of past threats or acts of violence; and

e. any other factor that may indicate, in the judgment of the lead law enforcement agency, that the missing person may be at risk.

“Law enforcement agency” means a department, division, bureau, commission, board, or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

“Law enforcement officer” means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State.

“Lead law enforcement agency” means the law enforcement agency with primary responsibility for investigating a missing person case.

“Missing child” means a person 13 years of age or younger whose whereabouts are not currently known.

“Missing Persons Unit” means the Missing Persons Unit in the Division of State Police in the Department of Law and Public Safety established pursuant to section 2 of P.L.1983, c.467 (C.52:17B-9.7).

C.52:17B-213 Acceptance of report of missing person without delay.

2. a. A law enforcement agency shall accept without delay any report of a missing person. No law enforcement agency may refuse to accept a missing person report on the basis that:

(1) The missing person is an adult;

(2) The circumstances do not indicate foul play;

(3) The person has been missing for a short period of time;

(4) The person has been missing for a long period of time;

(5) There is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;

(6) The circumstances suggest that the disappearance may be voluntary;

(7) The reporting person does not have personal knowledge of the facts;

(8) The reporting person cannot provide all of the information requested by the law enforcement agency;

(9) The reporting person lacks a familial or other relationship with the missing person; or

(10) For any other reason, except in cases where the law enforcement agency has direct knowledge that the person is, in fact, not missing and the exact whereabouts and welfare of the person are known to the agency at the time the report is being made.

b. The law enforcement agency that receives a report of a missing person shall be the lead law enforcement agency in charge of the missing person investigation, and shall continue in that capacity unless another law enforcement agency assumes primary responsibility over the investigation.

c. The lead law enforcement agency shall be entitled to the cooperation of any other law enforcement agency in the State.

C.52:17B-214 Information about the missing person for record.

3. At the time a missing person report is filed, the law enforcement agency shall seek to ascertain and record the following information about the missing person:

- a. The name of the missing person, including any aliases;
- b. Date of birth;
- c. Identifying marks, such as birthmarks, moles, tattoos, and scars;
- d. Height and weight;
- e. Gender;
- f. Race;
- g. Current hair color and true or natural hair color;
- h. Eye color;
- i. Prosthetics, surgical implants, or cosmetic implants;
- j. Physical anomalies;
- k. Blood type, if known;
- l. Any medications the missing person is taking or needs to take;
- m. Driver's license number, if known;
- n. Social security number, if known;
- o. A recent photograph of the missing person, if available;
- p. A description of the clothing the missing person was believed to be wearing at the time of disappearance;
- q. A description of notable items that the missing person may be carrying and wearing;
- r. Information regarding the missing person's electronic communications devices, such as a cell phone number or e-mail address;
- s. The reasons why the reporting person believes that the person is missing;
- t. The name and location of the missing person's school or employer, if known;
- u. The name and location of the missing person's dentist and primary care physician, if known;
- v. Any circumstances that may indicate that the disappearance was not voluntary;
- w. Any circumstances that indicate that the missing person may be at risk of injury or death;

- x. A description of the possible means of transportation of the missing person, such as the make, model, color, license, and Vehicle Identification Number (VIN) of a motor vehicle;
- y. Any identifying information about a known or possible abductor or the person last seen with the missing person including:
 - (1) name;
 - (2) physical description;
 - (3) date of birth;
 - (4) identifying marks;
 - (5) description of possible means of transportation, such as the make, model, color, license, and Vehicle Identification Number (VIN) of a motor vehicle; and
 - (6) known associates;
- z. Any other information that can aid in locating the missing person; and
- aa. Date of last contact.

C.52:17B-215 Information provided to person making report or family member.

4. a. The law enforcement agency shall notify the person making the report, a family member, or any other person in a position to assist the law enforcement agency in its efforts to locate the missing person by providing to that person or family member:

(1) general information about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person, to apprehend or to prosecute any persons criminally involved in the disappearance;

(2) information advising the person making the report and other involved persons that if the missing person remains missing, they should contact the law enforcement agency to provide additional information and materials that will aid in locating the missing person, such as any credit or debit cards the missing person has access to, other banking or financial information and any records of cell phone use;

(3) in those cases where DNA samples are requested, the law enforcement agency shall notify the person or family member that all such DNA samples are provided on a voluntary basis and shall be used solely to help locate or identify the missing person and shall not be used for any other purpose; and

(4) the law enforcement agency, upon acceptance of a missing person report, shall inform the person filing the report that there are two clearing houses for missing person's information. If the person reported missing is age 17 or under, the person filing the report shall be provided with contact information for the National Center for Missing and Exploited Children. If the person reported missing is age 18 or older, the person filing the report shall be provided with contact information for the National Center for Missing Adults.

b. If the person identified in the missing person report remains missing for 30 days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:

(1) DNA samples from family members and, if possible, from the missing person along with any needed documentation, including any consent forms, required for the use of State or federal DNA databases;

(2) dental information and x-rays, and an authorization to release dental or skeletal x-rays of the missing person;

(3) any additional photographs of the missing person that may aid the investigation or an identification. The law enforcement agency shall not be required to obtain written

authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person; and

(4) fingerprints.

c. All DNA samples obtained in missing persons cases shall be immediately forwarded to the New Jersey Forensic DNA Laboratory for analysis. The laboratory shall establish procedures for determining how to prioritize analysis of the samples relating to missing persons cases.

d. Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.

e. Nothing in this section shall be construed to preclude a law enforcement agency from obtaining any of the materials identified in this section before the 30th day following the filing of the missing person report.

C.52:17B-216 Determination of designation as high risk missing person.

5. a. Upon the initial receipt of a missing person report, a law enforcement agency shall seek to determine whether the person reported missing is to be designated a high risk missing person.

b. If the initial determination of a person reported missing does not warrant designation of that person as high risk, it shall not preclude a later determination, based on further investigation or the discovery of additional information, that the missing person is high risk.

C.52:17B-217 Actions relative to high risk missing person or child.

6. a. Upon a determination that a missing person investigation involves a high risk missing person or a missing child, the lead law enforcement agency shall take such actions as are specified in the uniform investigative standards for a high risk missing person or a missing child, as the case may be, as set forth in the protocol developed pursuant to section 10 of P.L.2007, c.279 (C.52:17B-221), and also may contact the Missing Persons Unit and request assistance. The Missing Persons Unit, in consultation with the lead law enforcement agency, shall determine whether the circumstances warrant a cooperative investigative effort. If the determination is made that a cooperative effort is warranted, then the Missing Persons Unit shall coordinate the deployment of additional State Police resources in support of the investigation.

b. The lead law enforcement agency shall promptly notify all law enforcement agencies within the State and, if deemed appropriate, law enforcement agencies in adjacent states or jurisdictions of the information that may aid in the prompt location and safe return of the high risk missing person.

c. Local law enforcement agencies that receive notification from the lead law enforcement agency pursuant to subsection b. of this section shall forward that information immediately to their officers and members.

d. The lead law enforcement agency shall, as expeditiously as possible, prepare and disseminate a photographic information bulletin utilizing the Missing Child Alert System, or any successor law enforcement notification system the State may employ.

e. The lead law enforcement agency shall, as appropriate, enter all collected information relating to the missing person case to applicable federal databases. The information shall be provided in accordance with applicable guidelines relating to the databases, as follows:

(1) a missing person report, and relevant information, in a high risk missing person case shall be entered in the National Crime Information Center database immediately, but in no

case no more than two hours after the determination that the missing person is a high risk missing person;

(2) a missing person report, and relevant information, in a case not involving a high risk missing person shall be entered within 24 hours of the initial filing of the missing person report;

(3) all DNA profiles shall be uploaded into the missing persons databases of the New Jersey Forensic DNA Laboratory and all appropriate and suitable federal database systems;

(4) information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as practicable;

(5) all due care shall be given to insure that the data, particularly medical and dental records, entered in State and federal database systems is accurate and, to the greatest extent possible, complete; and

(6) the State Police shall, when deemed appropriate and likely to facilitate a resolution to a particular missing person report, activate the Amber Alert program for the State.

f. If, after the dissemination of a photographic information bulletin utilizing the Missing Child Alert System information, the missing person is found, the lead law enforcement agency shall promptly disseminate an additional bulletin on the Missing Child Alert System indicating that the person was found.

C.52:17B-218 Practices, protocol for death scene investigations.

7. a. The Attorney General shall provide information to local law enforcement agencies about best practices and protocols for handling death scene investigations.

b. The Attorney General shall identify any publications or training opportunities that may be available to local law enforcement officers concerning the handling of death scene investigations.

C.52:17B-219 Custody of human remains, notification if remains unidentified.

8. a. After performing any death scene investigation, as deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the human remains are delivered to the appropriate county medical examiner.

b. Any county medical examiner with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Missing Persons Unit of the location of those remains.

c. If the county medical examiner with custody of remains cannot determine whether or not the remains found are human, the medical examiner shall so notify the Missing Persons Unit.

C.52:17B-220 Responsibilities of county medical examiner.

9. a. If the official with custody of the human remains is not a medical examiner, the official shall promptly transfer the unidentified remains to the appropriate county medical examiner.

b. The county medical examiner shall make reasonable attempts to promptly identify human remains. These actions may include but are not limited to obtaining:

- (1) photographs of the human remains;
- (2) dental or skeletal X-rays;
- (3) photographs of items found with the human remains;
- (4) fingerprints from the remains, if possible;
- (5) samples of tissue suitable for DNA typing, if possible;

- (6) samples of whole bone or hair suitable for DNA typing; and
- (7) any other information that may support identification efforts.

c. No medical examiner or any other person shall dispose of, or engage in actions that will materially affect the unidentified human remains before the county medical examiner obtains:

- (1) samples suitable for DNA identification archiving;
- (2) photographs of the unidentified human remains; and
- (3) all other appropriate steps for identification have been exhausted.

d. Unidentified human remains shall not be cremated.

e. The county medical examiner shall make reasonable efforts to obtain prompt DNA analysis of biological samples if the human remains have not been identified by other means within 30 days.

f. The medical examiner shall seek support from appropriate State and federal agencies to assist in the identification of unidentified human remains. Such assistance may include, but not be limited to, available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants for crime laboratory or medical examiner office improvement.

g. The county medical examiner shall seek support from appropriate federal and State agency representatives to have information promptly entered in federal and State databases by those representatives that can aid in the identification of a missing person. Information shall be entered into federal databases as follows:

- (1) information for the National Crime Information Center within 24 hours;
- (2) DNA profiles and information shall be entered into the National DNA Index System (NDIS) within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and
- (3) information sought by the Violent Criminal Apprehension Program database as soon as practicable.

h. Nothing in this act shall be construed to preclude any medical examiner office, the State Police or any local law enforcement agency from other actions to facilitate the identification of unidentified human remains including efforts to publicize information, descriptions, or photographs that may aid in the identification of the unidentified remains, including allowing family members to identify a missing person; provided that in taking these actions, all due consideration is given to protect the dignity and well-being of the missing person and the family of the missing person.

i. Agencies handling the remains of a missing person who is deceased shall notify the law enforcement agency handling the missing person's case. Documented efforts shall be made to locate family members of the deceased person to inform them of the death and location of the remains of their family member.

C.52:17B-221 Development, dissemination of best practices protocol to law enforcement.

10. In implementing the provisions of this act and prior to the effective date, the Superintendent of State Police shall develop and disseminate to all law enforcement agencies in the State a best practices protocol for State and local law enforcement agencies to follow when addressing reports of missing persons, which protocol shall set forth uniform investigative standards for missing persons cases and any other procedures, practices and standards that the superintendent deems appropriate for handling missing person cases. The protocol shall include specific procedures, practices and standards applicable to cases involving high risk missing persons or missing children. The Superintendent of State Police shall develop and make available to each law enforcement agency in this State a training

program on the procedures, practices and standards for the handling of high risk missing persons, missing children and missing persons cases set forth in the protocol adopted pursuant to and consistent with this act and section. Each law enforcement agency in this State shall comply with this protocol when the agency is notified of a missing person.

To assess the effectiveness of this protocol, the Missing Persons Unit annually shall review a sample of open missing persons cases from the immediately preceding year. Based upon its assessment, the Missing Persons Unit may recommend to the superintendent that the protocol be revised or amended and whether the training programs currently available to law enforcement agencies are adequate.

11. This act shall take effect on the first day of the seventh month following enactment, but the Attorney General may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 13, 2008.