

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2640

By: Baker

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6
7 AS INTRODUCED

8 An Act relating to missing persons; creating
9 Francine's Law; defining terms; directing the Chief
10 Medical Examiner to furnish copies of certain
11 documents to the Oklahoma State Bureau of
12 Investigation and National Missing and Unidentified
13 Persons System (NamUs); directing law enforcement
14 agencies to obtain authorization to release dental
15 records; directing law enforcement agencies to
16 deliver release of dental records to dentist;
17 authorizing law enforcement agencies to execute
18 written declaration under certain circumstances;
19 directing dentist to release records to law
20 enforcement upon receipt of release or declaration;
21 requiring law enforcement or Bureau to forward
22 records to NamUs; directing law enforcement to enter
23 names of missing persons into certain databases;
24 directing the Bureau to maintain missing persons
file; providing for the promulgation of rules for
dissemination of records; stating content of rules;
requiring information in missing persons files be
made available to certain entities; prohibiting law
enforcement agencies from establishing waiting
periods prior to accepting missing child reports;
directing law enforcement agencies to enter name of
missing child into National Crime Information Center;
requiring reports of found persons be submitted to
NamUs; authorizing law enforcement agencies to
maintain case files; stating authority of the Office
of the Chief Medical Examiner; directing Council on
Law Enforcement Education and Training to establish
training resources for unidentified and missing
persons cases; requiring law enforcement officers to
complete training; providing for noncodification;

1 providing for codification; and providing an
2 effective date.

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4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 This act shall be known and may be cited as "Francine's Law".

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 151.3 of Title 74, unless there
10 is created a duplication in numbering, reads as follows:

11 A. As used in this section:

12 1. "Missing person" means any person, including a child under
13 the age of eighteen (18), reported to Oklahoma law enforcement as
14 missing and unaccounted for from expected and normal activities; and

15 2. "Unidentified person" means human remains which are
16 unidentified after all available methods have been exhausted. This
17 includes any decedent released to the Office of the Chief Medical
18 Examiner (OCME) where the identity of the decedent cannot be
19 established to the satisfaction of the Chief Medical Examiner.

20 B. The OCME shall furnish to the Oklahoma State Bureau of
21 Investigation (OSBI) and the National Missing and Unidentified
22 Persons System (NamUs), created by the National Institute of Justice
23 of the United States Department of Justice, if physically possible,
24 the following:

1 1. Copies of fingerprints on standardized eight inch by eight
2 inch (8" x 8") fingerprint cards or the equivalent digital image;
3 prints or partial prints of any fingers;

4 2. Any forensic odontology report concerning the body;

5 3. Detailed personal descriptions;

6 4. Deoxyribonucleic acid (DNA) results; and

7 5. All other identifying data, including date and place of
8 death of all deceased persons whose deaths are in a classification
9 requiring inquiry by the Chief Medical Examiner and who remain
10 unidentified after all available methods have been exhausted.

11 C. 1. When any person makes a report of a missing person to a
12 law enforcement agency, the law enforcement agency shall immediately
13 request a member of the family or next of kin of the missing person
14 to authorize the release of dental records of the person reported
15 missing to the law enforcement agency. If the person reported
16 missing is still missing thirty (30) days after the report is made,
17 the law enforcement agency shall deliver the release to the dentist
18 of the missing person and request the dentist to deliver such
19 records, including dental charts and x-rays, to the law enforcement
20 agency.

21 2. If the person reported missing has not been found within the
22 first thirty (30) days and no family or next of kin exists or can be
23 located, the law enforcement agency may execute a written
24 declaration stating that an active investigation seeking the

1 location of the missing person is being conducted and that the
2 dental records are necessary for the exclusive purpose of furthering
3 the investigation. The written declaration signed by a law
4 enforcement officer is sufficient authority for the dentist to
5 release the dental records of the missing person, including dental
6 charts and x-rays, to the law enforcement agency and shall not be
7 the basis for disciplinary action. Upon receipt of a properly
8 executed release and request or declaration, the dentist shall
9 forward the dental records, including dental charts and x-rays, to
10 the law enforcement agency. The law enforcement agency shall
11 maintain a file concerning persons reported as missing and who have
12 not been reported as found. The missing persons file shall include
13 dental records and any other records relating to the missing
14 person's case. Within ten (10) days of receipt of the dental
15 records, a copy of the dental records, including dental charts and
16 x-rays, shall be forwarded by the law enforcement agency or the OSBI
17 to NamUS.

18 D. Whenever a law enforcement agency determines that a person
19 is a missing person or that an unidentified deceased person may be a
20 missing person, the law enforcement agency shall enter the report of
21 such missing person in any database of missing persons currently
22 required by the agency and into any missing persons database
23 utilized by the OSBI and NamUs.

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1 E. If the OSBI receives a report of a missing person, the OSBI
2 shall maintain a record of the case file. The OSBI shall promulgate
3 rules relating to the dissemination of the records. The rules shall
4 require that, pursuant to this subsection, the process of releasing
5 the records shall take no longer than forty-eight (48) hours from
6 the time the OSBI receives a report that a person is missing. The
7 record may be disseminated if the individual to whom the record
8 pertains is reported missing on a subsequent occasion or if needed
9 for evidentiary purposes in any civil litigation against the OSBI or
10 its personnel that arises from the investigation. In the event that
11 there are grounds for a criminal action arising from the
12 investigation, nothing in this subsection shall prohibit the OSBI
13 from allowing the records to remain in its custody until the
14 criminal action is concluded or otherwise resolved.

15 F. The information contained in the missing person files of the
16 OSBI shall be made available to NamUs and to law enforcement
17 agencies attempting to locate missing persons.

18 G. No law enforcement agency shall establish or maintain any
19 policy which requires the observance of a waiting period before
20 accepting and investigating a missing child report. Upon receipt of
21 a report of a missing child, a law enforcement agency shall enter
22 the child into the National Crime Information Center (NCIC) pursuant
23 to a mandate by the Federal Bureau of Investigation which requires
24 the name of the missing child to be entered within two (2) hours

1 from the time the child is reported missing to the law enforcement
2 agency.

3 H. When a person previously reported missing has been found,
4 the sheriff, chief of police, Chief Medical Examiner, regional
5 forensic center or other law enforcement agency shall report to the
6 OSBI and to NamUs within twenty-four (24) hours that the person has
7 been found.

8 I. Nothing in this section prohibits a law enforcement agency
9 or the OCME from maintaining case files related to missing persons
10 or unidentified bodies.

11 J. Nothing in this section supersedes the authority of the OCME
12 to obtain dental records, including dental charts and x-rays, in
13 cases in which these records are necessary for the identification of
14 human remains.

15 K. The Council on Law Enforcement Education and Training
16 (CLEET) shall establish appropriate training resources focused on
17 the investigations of unidentified and missing persons and shall
18 require all CLEET-certified law enforcement officers to complete
19 such training on a regular basis to be determined by CLEET. Such
20 training may be conducted in conjunction with resources available
21 through NamUs.

22 SECTION 3. This act shall become effective November 1, 2019.
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24 57-1-5233 GRS 01/09/19