

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0342.01 Jane Ritter x4342

HOUSE BILL 15-1078

HOUSE SPONSORSHIP

Nordberg and McCann,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMMEDIATE REPORTING OF MISSING CHILDREN WHO ARE**
102 **IN THE CUSTODY OF A STATE AGENCY TO LAW ENFORCEMENT**
103 **FOR INCLUSION IN NATIONAL CRIME DATABASES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill requires the state department of human services or a county department of human or social services that has legal custody of a child or youth to report the child's or youth's disappearance to the National Center for Missing and Exploited Children and to law enforcement immediately, or no later than 24 hours after learning of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

disappearance, for entry into the national crime information center database.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-1-115.3 as
3 follows:

4 **19-1-115.3. Missing children and youth from out-of-home**
5 **placement - required reporting to law enforcement.** IF A CHILD OR
6 YOUTH FOR WHOM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY
7 DEPARTMENT OF HUMAN OR SOCIAL SERVICES HAS LEGAL CUSTODY
8 PURSUANT TO THE PROVISIONS OF THIS TITLE IS DETERMINED BY THE
9 AGENCY TO BE MISSING, THE AGENCY HAVING LEGAL CUSTODY OF SAID
10 CHILD OR YOUTH SHALL REPORT THE DISAPPEARANCE IMMEDIATELY, AND
11 IN NO CASE LATER THAN TWENTY-FOUR HOURS AFTER LEARNING OF THE
12 DISAPPEARANCE, TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED
13 CHILDREN AND TO LAW ENFORCEMENT. LAW ENFORCEMENT AUTHORITIES
14 SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION FOR
15 TRANSMISSION TO THE FEDERAL BUREAU OF INVESTIGATION FOR ENTRY
16 INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE PURSUANT
17 TO SECTION 16-2.7-103, C.R.S. NOTWITHSTANDING THE PROVISIONS OF
18 THIS SECTION, THE REPORTING REQUIREMENTS SET FORTH FOR FOSTER
19 PARENTS AND OUT-OF-HOME PLACEMENT FACILITIES IN SECTION 19-2-920
20 SHALL STILL APPLY.

21 **SECTION 2.** In Colorado Revised Statutes, **amend** 16-2.7-103
22 as follows:

23 **16-2.7-103. Missing person reports - response.** (1) Upon
24 receiving a report of a missing person, a law enforcement agency shall
25 assess the information received from the reporting person and other

1 available information. The law enforcement agency shall then determine
2 the best course of action based on the circumstances.

3 (2) (a) If the missing person is eighteen years of age or older and
4 has allegedly been missing for twenty-four hours or more, ~~such~~ THE
5 APPROPRIATE COURSE OF action ~~shall include~~ INCLUDES entry of relevant
6 information into state and national databases and appropriate
7 communications with other law enforcement agencies that may assist in
8 locating the missing person.

9 (b) (I) If the missing person is under eighteen years of age, the law
10 enforcement agency shall, within twenty-four hours after receiving the
11 report, notify the Colorado bureau of investigation pursuant to section
12 24-33.5-415.1 (3), C.R.S.; OR

13 (II) IF THE MISSING PERSON IS UNDER EIGHTEEN YEARS OF AGE AND
14 UNDER THE LEGAL CUSTODY OF THE STATE DEPARTMENT OF HUMAN
15 SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, THE
16 LAW ENFORCEMENT AGENCY SHALL, WITHIN TWENTY-FOUR HOURS AFTER
17 RECEIVING NOTIFICATION PURSUANT TO SECTION 19-1-115.3, C.R.S.,
18 NOTIFY THE COLORADO BUREAU OF INVESTIGATION FOR TRANSMISSION TO
19 THE FEDERAL BUREAU OF INVESTIGATION FOR ENTRY INTO THE NATIONAL
20 CRIME INFORMATION CENTER DATABASE.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect January 1, 2016; except that, if a referendum petition is filed
23 pursuant to section 1 (3) of article V of the state constitution against this
24 act or an item, section, or part of this act within the ninety-day period
25 after final adjournment of the general assembly, then the act, item,
26 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2016 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.