

Louisiana:

TITLE 14. CRIMINAL LAW
CHAPTER 2. MISCELLANEOUS CRIMES AND OFFENSES
PART V. OFFENSES AFFECTING LAW ENFORCEMENT

§ 403.3 Reports of missing children; procedures; false reports or communications; penalties

A. (1) Any state or local law enforcement agency receiving a report of a missing child and having reasonable grounds to believe such report is accurate shall within forty-eight hours after the date of receipt of the report notify each of the following of the fact and contents of such report:

(a) The Department of Health and Human Resources.

(b) The Department of Public Safety and Corrections, if it did not originally receive the report.

(c) The office of the sheriff for the parish in which such report was received, if it did not originally receive the report.

(d) The office of the sheriff for all parishes adjacent to the parish in which such report was received.

(e) The National Crime Information Computer System.

(2) The law enforcement agency may also notify any other appropriate local, state, or federal agency of the fact and contents of such report.

B. No person shall knowingly file a false missing child report with a law enforcement agency.

C. No person shall intentionally communicate false information concerning a missing child to a law enforcement agency when such information is communicated with the specific intent to delay or otherwise hinder an investigation to locate the child.

D. Whoever violates the provisions of Subsections B or C herein shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.

LOUISIANA REVISED STATUTES
TITLE 37. PROFESSIONS AND OCCUPATIONS
CHAPTER 20. MISCELLANEOUS PROVISIONS COMMON TO CERTAIN PROFESSIONS
PART V. GOOD SAMARITAN LAW

§ 1737 Immunity from liability; implementation of the "Amber Alert" system

A. Louisiana's statewide "Amber Alert" system is a cooperative effort among the Louisiana State Police and local law enforcement agencies, Louisiana Sheriffs' Association and Louisiana Association of Chiefs of Police, working in conjunction with the Amber Alert Foundation of

Louisiana, the Louisiana Association of Broadcasters, radio and television stations, the Louisiana Cable & Telecommunications Association, cable television operators, the Louisiana Lottery Corporation and its retailers throughout the state and other entities who may become an active component part of this effort. This statewide system provides law enforcement agencies with intermediary access to the transmitted signals of those radio and television broadcast stations and cable systems, across the state which voluntarily participate during the critical minutes following an initial report to local authorities of the abduction of a child. By utilizing remote access equipment linked to the National Emergency Alert System (EAS) and an electronic mail network, maintained by the Louisiana State Police, all radio and television broadcast stations, cable television operators and the Louisiana Lottery Corporation will receive an alert to interrupt programming, via the EAS, and transmit information about a child's abduction. Accurate information about the disappearance, together with a photograph and description of the child, will be disseminated to as many residents of the state as possible as quickly as possible. Citizens having information which may lead to the recovery of the abducted child, will be requested to contact law enforcement agencies by calling 911, or their local law enforcement agency.

B. Over utilization of the EAS or false information could render the "Amber Alert" system ineffective, therefore, all necessary precautions to authenticate information and limit interruptions of local radio and television broadcasts shall be taken.

C. Any state police officer, members of other law enforcement entities, radio or television broadcasters, cable television operators, lottery corporation or lottery vendors who transmit or display, or who fail to transmit or display such information concerning an abducted child, and other entities who may become an active component of this effort, shall not be liable for any civil damages or criminal penalty as a result of any acts or omissions relative to the "Amber Alert" program.

D. The immunity herein granted to state police officers, members of other law enforcement entities, radio and television broadcasters, cable television operators, lottery corporation or lottery vendors as provided for in Subsection (C) of this Section shall extend to and include the officers, directors, members and employees of the Louisiana Sheriffs' Association, Louisiana Association of Chiefs of Police, Louisiana Association of Broadcasters, Louisiana Cable & Telecommunications Association, and the Amber Alert Foundation of Louisiana.

LOUISIANA REVISED STATUTES
TITLE 40. PUBLIC HEALTH AND SAFETY
CHAPTER 24. MISSING CHILDREN IDENTIFICATION ACT

§ 2511 Short title

This Chapter may be cited as the Missing Children Identification Act.

§ 2512 Findings; statement of purpose

The legislature finds and declares that the high incidence of young children who are missing from their homes is a problem of concern to the parents and citizens of Louisiana. The legislature further finds that the creation and keeping of identification records for elementary school

children will assist in the recovery of missing children. The legislature expressly declares its intent that such records be used solely to assist with the finding and identification of missing children and only with parental permission.

§ 2513 Definitions

As used in this Chapter:

(1) "Child identification card" means a record of a child's fingerprints and photograph, together with basic identifying information. There shall be only one copy of any child identification card.

(2) "Elementary school" means any public or nonpublic school in this state which includes grades one through six or any of these grades.

(3) "Entering student" means any child beginning the first grade in any elementary school in this state.

(4) "Identification officer" means the sheriff or a deputy sheriff or an employee of the sheriff's office who is designated by the sheriff to perform the duties of an identification officer set forth in this Chapter.

(5) "Parent" means the parent, custodial parent, or other legal custodian of an entering student or transfer student.

(6) "Transfer student" means a child who is not an entering student who enters school in grades one through six in this state from a school outside this state.

§ 2514 Child identification card

There shall be one child identification card created for each entering student whose parent has been sent a parent notification form and who has not indicated by his signature that his child will not participate. There shall also be one child identification card created for each transfer student whose parent has requested in writing that his child participate. Each child identification card shall be created, retained, transferred, and released only as provided in this Chapter.

§ 2515 Department of Public Safety and Corrections to provide forms

The Department of Public Safety and Corrections shall provide the following forms to each sheriff in such quantity as the sheriff may request:

(1) Parent notification form. This form shall be a single sheet which notifies a parent that his child will have a child identification card prepared. The notice shall further state the date and place where the child identification card will be prepared and shall state that any parent who does not wish to have a child identification card prepared for his child must sign the form to indicate his refusal of consent and return it to his child's elementary school before the day on which the child identification card will be created. The form shall clearly state that the child identification

card to be created will be the property of the parent kept at the child's school and cannot be released without the written consent of the parent.

(2) Parent request form. This form shall be a single sheet which notifies a parent that his child may have a child identification card prepared and the place where the child identification card will be prepared. The form shall provide a space for the parent to sign indicating his consent and shall state that the parent must return the form to his child's elementary school before a child identification card will be prepared for his child. The form shall clearly state that the child identification card to be created will be the property of the parent kept at the child's school and cannot be released without the written consent of the parent.

(3) Child identification card blank. This shall be a form of a convenient size and shape for retention in school files. It shall include a space for fingerprints and a photograph and such other basic identification information as may be necessary to identify a child, including the child's name, address, school, date of birth, name of parent, and date of creation of the child identification card. The form shall also include the following statement in a prominent position: "This card is the property of the parent of the child described hereon. Possession of this card or a copy of this card without written permission of the parent of the child is a violation of law."

§ 2516 Notice to parent

A. The principal of each elementary school shall request from the sheriff and the sheriff shall provide, prior to the beginning of each school year, a supply of parent notification forms sufficient to provide one form for each entering student and a supply of parent request forms sufficient for the anticipated number of transfer students. The sheriff shall provide additional forms upon request of the principal.

B. The principal shall deliver, by whatever means he deems appropriate, a parent notification form to the parent of each entering student in his school no less than two weeks prior to the date on which the creation of child identification cards is scheduled.

C. At the time a transfer student enrolls in school, the principal shall inform the transfer student's parent about the child identification card and shall transmit to the parent of each transfer student a parent request form.

D. The principal shall retain all returned parent notification forms on which a parent indicates he does not wish a child identification card created for his child. The principal shall also retain all signed parent request forms. No cause of action shall lie against any principal for any failure to comply with the requirements of this Subsection.

§ 2517 Creation of child identification cards

A. The sheriff shall annually send an identification officer to each elementary school in his parish at a time mutually agreed upon between the sheriff and the principal of the school. The visit shall be scheduled as soon after the beginning of the school year as is practicable and convenient. During the visit, the identification officer shall create a child identification card for each entering student whose parent has received a parent notification form and has not indicated

his intention that his child not participate, and for each transfer student whose parent has signed a parent request form for his child.

B. The identification officer shall create the child identification card by affixing a child's photograph and fingerprints to a child identification card blank and by completing such other identifying information as required on the child identification form blank. The other identifying information may be completed by a school employee, volunteer, or other person designated by the identification officer.

C. A single set of fingerprints shall be taken for each child to be affixed to his child identification card. No copies shall be made or retained in any other manner than on a single child identification card. The card of each child shall be the property of the child's parent and shall be kept in the care and custody of the principal of the elementary school which the child attends.

§ 2518 Retention of child identification card; release or transfer; return

A. The principal of each elementary school shall keep each child identification card on the school premises and shall release or transfer a card only as provided in this Chapter. He shall not permit the inspection, copying, or removal of any child identification card by any person without written permission of the child's parent, except as provided in Subsection B of this Section.

B. The principal of the elementary school of each student who moves from an elementary school to another elementary school within the state shall transfer the child identification card to the new school with the child's other school records. The principal of the elementary school of each student who moves from an elementary school to another school outside of this state shall return the child identification card to the child's parent.

C. The principal shall deliver a child identification card to the parent of that child at any time the parent so requests in writing and the principal shall retain the written request.

D. The principal may release the child identification card of any child to a law enforcement agency or other public agency or entity only if he receives written permission from the child's parent to do so. However, the principal may release the child identification card of any child to a law enforcement agency or other public agency or entity without written permission from the child's parent for good cause shown after a contradictory hearing.

E. The principal shall deliver each child identification card to the child's parent at the end of the child's sixth grade school year. No copy of the card shall be kept by the school.

§ 2519 Confidentiality of card; penalty for violation

A. Each child identification card shall be the property of the child's parent. It shall not be inspected, copied, removed from the school premises, transferred, or possessed except as provided in this Chapter.

B. Each willful violation of this Section shall be punishable by imprisonment for not more than six months or a fine of not more than five hundred dollars, or both. Each unauthorized inspection, copying, removal, transfer, or possession shall constitute a separate violation.

§ 2521 Law enforcement agency receiving report of missing child; duty

The law enforcement agency which receives an initial report of a missing child shall immediately report the missing child to national law enforcement agencies and the state law enforcement agencies of neighboring states. This notification shall include entry of the child's name into the National Crime Information Center registry. These reports shall be made for each reported missing child without regard to whether the child is believed to be missing due to stranger abduction, parental abduction, or any other cause.

LOUISIANA REVISED STATUTES
TITLE 46. PUBLIC WELFARE AND ASSISTANCE
CHAPTER 14-A. MISSING AND EXPLOITED CHILDREN

§ 1431 Missing and Exploited Children Information Clearinghouse; establishment; definitions

A. There is hereby created a Missing and Exploited Children Information Clearinghouse within the Department of Social Services. The clearinghouse shall be operated by the office of human development. The secretary shall establish services deemed appropriate by the department to aid in the location of missing and/or exploited children.

B. The clearinghouse is established as a central repository of information regarding missing and/or exploited children. Such information shall be collected and disseminated to assist in the location of missing children and the reporting of exploited children to the proper agency.

C. As used in this Section:

(1) "Exploited child" means one whose health or welfare has been harmed by any person, responsible or not for the child's health or welfare, which harm occurs or is threatened through nonaccidental sexual contact which includes sexual abuse as defined in Ch.C. Article 603.

(2) "Missing child" means any individual under the age of eighteen years, whose temporary or permanent residence is in Louisiana, whose location has not been determined, and who has been reported missing to a federal or state law enforcement agency.

(3) "Missing child report" is a report prepared on a form designed by the Department of Social Services for use by private citizens and law enforcement agencies to report missing children information to the Missing and Exploited Children Information Clearinghouse.

§ 1432 Duties of the clearinghouse

A. The clearinghouse shall:

(1) Establish a system of intrastate communication of information relating to children determined, by the parent, guardian, or legal custodian of the child, or by a law enforcement agency, to be missing and/or exploited.

(2) Provide a centralized file for the exchange of information on missing children within the state.

(3) Interface with the National Crime Information Center for the exchange of information on children suspected of interstate travel.

B. Any parent, guardian, or legal custodian may submit to the clearinghouse a missing child report on any child whose whereabouts is unknown, regardless of the circumstances, subsequent to the reporting of such to the appropriate law enforcement agency and may also submit to the clearinghouse information on exploited children. Such reports and information shall be included in the clearinghouse data base.

C. The clearinghouse shall collect, process, maintain, and disseminate information on missing and/or exploited children and shall strive to maintain or disseminate only accurate and complete information.

§ 1433 Notification of location of missing and/or exploited child

The parent, guardian, or legal custodian responsible for notifying the clearinghouse or a law enforcement agency of a missing and/or exploited child shall immediately notify such agency or the clearinghouse of any child whose location has been determined.

§ 1434 Fingerprints, missing children

A. When fingerprints are taken for the purpose of identifying a child, should that child become missing, the state agency, public or private organization, or other person taking such fingerprints shall not reveal the fingerprints to any law enforcement agency or other person for any purpose other than the identification of a missing child.

B. Fingerprints of children taken and retained by any state agency, public or private organization, or other person, excluding the parent or legal custodian of the child, shall be destroyed upon the child's reaching eighteen years of age.

LOUISIANA REVISED STATUTES
TITLE 43. PUBLIC PRINTING AND ADVERTISEMENTS
CHAPTER 1. STATE PRINTING

La. R.S. 43:33 (2005)

§ 43:33. Printed matter; **missing children** information

A. As a public service, each state department and agency that publishes a periodical of an informational nature that has as its intent public distribution rather than solely internal or interagency distribution is authorized to have published in each issue of such periodical the picture and name of one or more Louisiana **children** believed to be **missing, or children** from other states believed to be **missing** in Louisiana. The periodical also may include the toll-free telephone number provided by the National Center for **Missing** and Exploited **Children** for the purpose of receiving information related to a **missing child or children**.

B. (1) Each state department and agency shall identify and provide to the Division of Administration a list of their periodicals that have public distribution and such other department or agency publications that have wide enough circulation to be useful for the purpose of disseminating information about such **missing children**.

(2) The Division of Administration and the office of state police shall develop such policies, rules, and regulations as shall be necessary to implement this Section, including, but not limited to, policies, rules, and regulations concerning the nature and number of department or agency publications that shall be used for this purpose, the number of such **missing child** identities that may be published in each periodical, and the provision of any other information deemed pertinent to this purpose.

(3) The Division of Administration is hereby authorized to consult and coordinate with the National Center for **Missing** and Exploited **Children**, any other public, quasi-public, or private organization, or agency, the purpose of which is to provide information and assistance related to **missing children**, and local law enforcement agencies in order to implement the provisions of this Section.

§ 43:34. Louisiana Conservationist magazine; information on **missing children**; publication required

The Department of Wildlife and Fisheries, in conjunction with the **Missing** and Exploited **Children** Information Clearinghouse¹ of the Department of Social Services, shall publish in each issue of the Louisiana Conservationist magazine the picture, name, and description of one or more Louisiana **children** believed to be **missing** or the picture, name, and description of one or more **children** believed to be **missing** in Louisiana. In addition, the department shall also publish in the Louisiana Conservationist magazine in reasonable proximity to such names and pictures, the names of children whose pictures were published in the magazine and the dates that they were located. The toll-free telephone number provided by the National Center for **Missing** and Exploited **Children** for the purpose of receiving information related to a **missing child or children** shall be published with the consent of the organization.

[Return to AMBER Alert Legal Database](#)