

Massachusetts

PART I. ADMINISTRATION OF THE GOVERNMENT TITLE II. EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH CHAPTER 22A. CENTRAL REGISTER FOR MISSING CHILDREN

§ 1. Definitions.

As used in sections two to eight, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Board", the criminal history systems board.

"Central register", identifying data file of missing children.

"Director", the executive director of the criminal history systems board.

"Law enforcement authority", any police department in the commonwealth or any of its political subdivisions.

"Missing child or children", any person under the age of eighteen years missing from his normal and ordinary place of residence and whose whereabouts cannot be determined by the person responsible for such child's care.

"Person", any individual, whether an adult or a child.

§ 2. Establishment of Statewide Central Register.

The director in consultation with the colonel of state police, through electronic data processing and related procedures, shall establish a statewide central register containing all available identifying data of any missing child, including, but not limited to, fingerprints and blood types. The director may use existing data processing and data communications systems of the criminal justice information system.

§ 3. Rules and Regulations; Promulgation by Commissioner.

The director with the advice and consent of the colonel of state police shall promulgate rules and regulations which shall (1) insure the accuracy of the data contained in the central register; (2) prescribe the manner in which reports to the central register shall be made; (3) prescribe the manner which inquiries to the central register shall be made and processed; (4) prescribe the manner and extent of dissemination of the data contained in the central register to law enforcement personnel, other interested parties and the public; and (5) insure the prompt removal of all obsolete data from the central register.

The board shall not charge a fee for providing information in response to inquiries made pursuant to this section. FORMS

Resolution of Department of Public Safety Adopting Rules and Regulations

Be it resolved by the Department of Public Safety of the Commonwealth of Massachusetts that the following rules and regulations shall [-----] [set forth pertinent provisions of Section 3 of Chapter 22A of the Annotated Laws of Massachusetts]: [-----] [set forth rules and regulations]

These rules and regulations shall take effect on the date of their adoption and shall supersede all other rules and regulations not in accordance herewith.

Adopted on [-----] , [--] , by the Department of Public Safety of the Commonwealth of Massachusetts.

[Authorized Signature]

§ 4. Reports of Missing Children; Entry into Central Register; Search for Missing Children.

Whenever a parent, guardian, or governmental unit responsible for a child, reports to any police officer or law enforcement official that a child is missing, such police officer or official shall immediately cause to be entered into the central register relevant information relative to said missing child. Such police officer or law enforcement official shall also immediately undertake to locate such missing child.

Police officers, law enforcement officials and others so designated by the colonel of state police solely for the purpose of locating a missing child shall have access to the fingerprints and other data and information concerning the missing child on file with the central register.

§ 5. County Medical Examiners to Furnish Fingerprints; Dental Examinations; Comparison of Data.

Every county medical examiner shall furnish the department of the state police promptly with copies of fingerprints on standardized eight inch fingerprint cards, personal descriptions and other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the medical examiner where the deceased is not identified or the medical examiner is not satisfied with the decedent's identification. In any case where it is not physically possible to furnish prints of the ten fingers of the deceased, prints or partial prints of any fingers with other identifying data shall be forwarded by the county medical examiner to the department of the state police.

In addition to the foregoing provisions of this section, the county medical examiner shall cause a dentist to carry out a dental examination of the deceased. The medical examiner shall forward the dental records to the department of the state police on a form supplied by the department for such purpose.

The department of the state police shall compare the fingerprints received from the county medical examiners to fingerprints on file with the department of the state police for purposes of attempting to determine the identity of the deceased. Other descriptive data supplied with the fingerprints shall also be compared to records maintained by the department concerning missing persons. The department of the state police shall submit the results of the comparisons to the

appropriate medical examiner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing person.

§ 6. Authorization to Release Medical and Dental Records; Comparison of Records.

When any person makes a report of a missing person to a law enforcement authority, the authority shall request a member of the family or next of kin of the missing person to authorize the release to the department of the medical and dental records of the person reported missing.

The department of the state police shall compare the dental records received from the medical examiner to dental records of missing persons on file with the department of the state police. The department of the state police shall submit the results of the comparison to the medical examiner and if a tentative or positive identification is made, to the law enforcement authority which submitted the report of the missing person.

§ 7. Departments of Social Services, Youth Services, Public Health and Mental Health to Report Missing Children.

Notwithstanding the provisions of any special or general law to the contrary, the department of social services, the department of youth services, the department of public health, department of mental retardation, and the department of mental health shall report a missing child under its custody to the central register and shall provide said central register with available identifying data relating to said missing child.

§ 9. Notice by Law Enforcement Agency to Last Known School of Missing Child; Marking of Child's Record; Notice That Child Has Been Located.

Upon receipt of a report of a missing child to a law enforcement authority, such authority shall notify the last known elementary or secondary school, either public or private, in which such child had been enrolled as to such child's disappearance. If said law enforcement authority has reason to believe that a missing child or person has been enrolled in a specific school in the commonwealth, said authority shall notify such school as to such disappearance. Upon notification by a law enforcement authority of a child's disappearance, each elementary and secondary school, either public or private, in which such child is currently or was previously enrolled shall mark the record of such child in such a manner that whenever a copy of or information regarding the record is requested, said school shall be alerted to the fact that the record is that of a missing child. The school shall immediately report to the appropriate law enforcement authority any request concerning such marked records or knowledge as to the whereabouts of such missing child.

Upon learning that a missing child has been located, such law enforcement authority shall notify any school previously informed of such child's disappearance that such child has been located, and the school shall remove such mark from the record of such child.

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