

Michigan

CHAPTER 28 MICHIGAN STATE POLICE UNIFORM CRIME REPORTING SYSTEM

MCLS § 28.258 (2005)

MCL § 28.258

§ 28.258. Definitions; certain **persons** reported **missing**; preliminary investigation; entering information into LEIN, national crime information center, and clearinghouse; dental records; retaining and broadcasting information; forwarding information to registrar; notice and information to last known school district; request that registrar and school district be notified; emancipated **missing child**; cancellation of information; policy preventing immediate investigation prohibited; unidentified body; unknown identity of **person** found.

Sec. 8. (1) As used in this section and section 9:

(a) "**Child**" means an individual less than 17 years of age.

(b) "Clearinghouse" means the **missing child** information clearinghouse established under section 9.

(c) "Department" means the department of state police.

(d) "Law enforcement agency" means the department; a police agency of a city, village, or township; a sheriff's department; and any other governmental law enforcement agency in this state.

(e) "LEIN" means law enforcement information network regulated under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(f) "Registrar" means the state registrar as defined in section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

(2) If an individual who is any of the following is reported missing, the law enforcement agency receiving the report, after conducting a preliminary investigation, shall immediately enter the information described in subsection (3) regarding that individual into the LEIN, the national crime information center, and if the individual is a child, the clearinghouse:

(a) An individual who has a physical or mental disability as evidenced by written documentation from a physician or other authoritative source. As used in this act, "mental disability" includes Alzheimer's disease and dementia.

(b) An individual who was in the company of another individual under circumstances indicating that the individual's physical safety may be in danger.

(c) An individual who disappeared under circumstances indicating that the disappearance was not voluntary.

(d) A **child** not described in subdivision (a), (b), (c), or (e).

(e) An individual who is **missing** as the result of a natural or intentionally caused catastrophe or extraordinary accident that causes the loss of human life.

(3) The information to be entered into the LEIN, the national crime information center, and the clearinghouse under subsection (2) shall include all of the following, if available:

(a) The name and address of the individual.

(b) The vital statistics of the individual, including a physical description, and if the **missing** individual is a **child**, **the child's** date of birth, state of birth, and if possible, mother's maiden name.

(c) The date the individual was **missing and, if the missing** individual is a **child** under subsection (2)(d), the date the **child** becomes 17 years of age.

(d) Any other information that may assist in the location of the individual, as determined by the department and the LEIN policy council.

(4) If subsections (2) and (3) have been complied with and the individual is not found within 30 days, the law enforcement agency that received the report under subsection (2) shall seek the dental records of the individual under section 2844a of the public health code, 1978 PA 368, MCL 333.2844a . The information from the dental records shall be entered into the national crime information center and, if the individual is a child, the clearinghouse by the law enforcement agency.

(5) The LEIN shall retain the information under subsection (3) reported to it until the law enforcement agency that entered the information cancels the information.

(6) The law enforcement agency receiving a report of a **missing** individual described in subsection (2) may, or if the individual is a **child** and subject to the policy established by the clearinghouse, or if the individual has Alzheimer's disease or dementia, shall, broadcast the information described in subsection (3) over the LEIN to all of the following:

(a) All law enforcement agencies having jurisdiction of the location where the missing individual lives or was last seen.

(b) Any other law enforcement agency that potentially could become involved in locating the missing individual.

(c) All law enforcement agencies to which the individual who reported the individual missing requests the information be sent, if the request is reasonable.

(7) If 14 days have elapsed since the law enforcement agency has received a report that a **child** who was born in this state is **missing**, and the agency has not been notified of the **child's** return, the LEIN shall forward on-line the information described in subsection (3) to the registrar via the registrar's restricted access LEIN terminal.

(8) If 14 days have elapsed since the law enforcement agency has received a report of a **missing child** and the agency has not been notified of the **child's** return, the agency, if it has reason to believe that a **missing child** may be enrolled in a school district in this state, shall notify in writing the **child's** last known local school district or intermediate school district that the **child is missing** and shall provide the school district with the information described in subsection (3).

(9) A parent or legal guardian of a **child missing** before June 29, 1987, may notify a law enforcement agency that he or she wants the registrar and school district notified pursuant to subsections (7) and (8). Upon receiving the request, the law enforcement agency shall proceed as provided in subsections (7) and (8).

(10) On the seventeenth birthday of a **child** who has been reported **missing** pursuant to subsection (2)(d), any information entered into the LEIN regarding that **child** shall be retained and the **child** shall be considered to be an emancipated **missing child** until the information is canceled by the law enforcement agency that entered the information into the network. If the information entered into the LEIN regarding a **child missing** as prescribed by subsection (2) is canceled, the law enforcement agency that entered the information into the network shall inform the registrar and school district notified as prescribed by subsection (7) of the cancellation.

(11) A law enforcement agency shall not establish or maintain a policy that prevents an immediate investigation as soon as practical regarding an individual described in subsection (2) who is reported missing.

(12) When the unidentified body of a deceased individual is found, the law enforcement agency receiving the report, after conducting a preliminary investigation, shall immediately enter

the following information, if available, into the national crime information center and, if the body is that of a child, into the clearinghouse:

(a) The physical description of the unidentified body and whether footprints, body X-rays, and fingerprint classifications are available.

(b) The date the body was found and the cause and manner of death.

(c) What body parts are found if the body is dismembered.

(d) Dental examination records obtained under section 2844a of the public health code, 1978 PA 368, MCL 333.2844a .

(e) Any other information that would assist in the identification of the body, as determined by the department and the LEIN policy council.

(13) When an individual is found whose identity is unknown and cannot be readily determined, the law enforcement agency receiving the report, after conducting a preliminary investigation, shall enter the following information into the national crime information center and, if the individual is a child, into the clearinghouse:

(a) A physical description of the individual.

(b) Any other information that would assist in the identification of the individual, as determined by the department and the LEIN policy council.

§ 28.259. **Missing children** information clearinghouse; establishment; administration; supervision; services; duties; location of **child**; compliance.

Sec. 59. (1) A **missing children** information clearinghouse is established in the department. Except as otherwise provided in this section, the department shall administer the clearinghouse as a central repository of information regarding **missing children**, which information shall be collected and disseminated to assist in the location of **missing children**. The department director shall designate an individual to supervise the clearinghouse. To the extent money is available, the department shall establish services considered appropriate to aid in the location of **missing children**.

(2) In providing a centralized file for exchange of information on **missing children** within the state, the clearinghouse shall do all of the following:

(a) Record each report on a **missing child** received under section 8.

(b) Accept and record a report about a **missing child** from a law enforcement agency.

(c) Exchange information on **children** suspected of interstate travel with the national crime information center.

(d) Establish a policy regarding the compilation of a record of the reasons **children** become **missing**.

(3) Upon locating the **missing child**, the originating law enforcement agency shall remove the **missing child** from the clearinghouse record by means of the LEIN. If the originating law enforcement agency has new information about the **missing child's** location, that agency shall report the information to the law enforcement agency with jurisdiction in the area in which the **missing child** may be located.

(4) The department may audit law enforcement agency records as necessary to determine compliance with this section. A law enforcement agency shall comply with the reasonable requests of the department in carrying out this subsection and in otherwise administering the clearinghouse.

CHAPTER 28 MICHIGAN STATE POLICE
MICHIGAN AMBER ALERT ACT

MCL § 28.751

Preceding § 28.751

AN ACT to prescribe the Amber alert of Michigan as the official response to reports of child abductions.

§ 28.751. Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan Amber alert act".

§ 28.752. Michigan Amber alert plan; establishment; design.

Sec. 2. (1) The department of state police shall establish and maintain the Michigan Amber alert plan.

(2) The Michigan Amber alert plan shall be designed to rapidly disseminate useful information in a predetermined manner to radio and television stations within this state.

§ 28.753. Activation.

Sec. 3. The Michigan Amber alert plan shall be activated only in accordance with the policies established by the department of state police.

Preceding § 28.761

AN ACT to provide for the broadcast of information concerning a child abduction on radio and television stations; and to prescribe the content of the information broadcast.

§ 28.761. Short title.

Sec. 1. This act shall be known and may be cited as the "child abduction broadcast act".

§ 28.762. Child abduction; broadcast.

Sec. 2. A radio or television station receiving information concerning a child abduction from the Michigan state police pursuant to the Amber alert of Michigan act may broadcast that information in any manner designed to assist in the location of the abducted child or apprehension of any suspect.

§ 28.763. Information to be broadcast.

Sec. 3. The information to be broadcast by a radio or television station under section 2 includes all of the information provided by the Michigan state police.

§ 28.764. Radio and television stations to which information provided; method.

Sec. 4. The information shall be provided to predetermined radio and television stations by a method agreed to by the Michigan state police and the Michigan association of broadcasters.

§ 28.765. Liability; immunity.

Sec. 5. A radio or television station that accurately broadcasts information concerning a child abduction obtained from the Michigan state police pursuant to the Amber alert of Michigan is immune from any liability based on the broadcast of that information.

CHAPTER 722 CHILDREN
UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT
ARTICLE 3. ENFORCEMENT

§ 722.1301. "Petitioner" and "respondent" defined.

Sec. 301. As used in this article:

(a) "Petitioner" means a person who seeks enforcement of a child-custody determination or enforcement of an order for return of a child under the Hague convention on the civil aspects of international child abduction.

(b) "Respondent" means a person against whom a proceeding has been commenced for enforcement of a child-custody determination or enforcement of an order for the return of a child under the Hague convention on the civil aspects of international child abduction.

§ 722.1302. Enforcement; temporary order.

Sec. 302. (1) This article may be invoked to enforce 1 or both of the following:

(a) A child-custody determination.

(b) An order for the return of a child made under the Hague convention on the civil aspects of international child abduction.

(2) A court of this state that does not have jurisdiction to modify a child-custody determination may issue a temporary order enforcing either of the following:

(a) A parenting time schedule made by a court of another state.

(b) The parenting time provisions of a child-custody determination of another state that does not provide for a specific parenting time schedule.

(3) If a court of this state makes an order under subsection (2)(b), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having

jurisdiction under the criteria specified in article 2. The order remains in effect until an order is obtained from the other court or the period expires.

§ 722.1314. International child abduction; actions by prosecutor or attorney general.

Sec. 314. (1) In a case arising under this act or involving the Hague convention on the civil aspects of international child abduction, a prosecutor or the attorney general may take any lawful action, including resort to a proceeding under this article or another available civil proceeding, to locate a child, obtain the return of a child, or enforce a child-custody determination if there is 1 or more of the following:

- (a) An existing child-custody determination.
 - (b) A request from a court in a pending child-custody proceeding.
 - (c) A reasonable belief that a criminal statute has been violated.
 - (d) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague convention on the civil aspects of international child abduction.
- (2) A prosecutor or the attorney general acting under this section acts on behalf of the court and shall not represent a party to a child-custody determination.

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