

North Carolina:

CHAPTER 143B. EXECUTIVE ORGANIZATION ACT OF 1973
ARTICLE 11. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
PART 5A. NORTH CAROLINA CENTER FOR MISSING PERSONS

§ 143B-495. North Carolina Center for Missing Persons established

There is established within the Department of Crime Control and Public Safety the North Carolina Center for Missing Persons, which shall be organized and staffed in accordance with applicable laws. The purpose of the Center is to serve as a central repository for information regarding missing persons and missing children, with special emphasis on missing children. The Center may utilize the Federal Bureau of Investigation/National Crime Information Center's missing person computerized file (hereinafter referred to as FBI/NCIC) through the use of the Police Information Network in the North Carolina Department of Justice.

§ 143B-496. Definitions

For the purpose of this Part:

- (1) "Missing child" means a juvenile as defined in G.S. 7B-101 whose location has not been determined, who has been reported as missing to a law-enforcement agency, and whose parent's, spouse's, guardian's or legal custodian's temporary or permanent residence is in North Carolina or is believed to be in North Carolina.
- (2) "Missing person" means any individual who is 18 years of age or older, whose temporary or permanent residence is in North Carolina, or is believed to be in North Carolina, whose location has not been determined, and who has been reported as missing to a law-enforcement agency.
- (3) "Missing person report" is a report prepared on a prescribed form for transmitting information about a missing person or a missing child to an appropriate law-enforcement agency.

§ 143B-497. Control of the Center

The Center is under the direction of the Secretary of the Department of Crime Control and Public Safety and may be organized and structured in a manner as the Secretary deems appropriate to ensure that the objectives of the Center are achieved. The Secretary may employ those Center personnel as the General Assembly may authorize and provide funding for.

§ 143B-498. Secretary to adopt rules

The Secretary shall adopt rules prescribing:

- (1) procedures for accepting and disseminating information maintained at the Center;
- (2) the confidentiality of the data and information, including the missing person report, maintained by the Center;
- (3) the proper disposition of all obsolete data, including the missing person report; provided, data for an individual who has reached the age of 18 and remains missing must be preserved;
- (4) procedures allowing a communication link with the Police Information Network and the FBI/NCIC's missing person file to ensure compliance with FBI/NCIC policies; and
- (5) forms, including but not limited to a missing person report, considered necessary for the efficient and proper operation of the Center.

§ 143B-499. Submission of missing person reports to the Center

Any parent, spouse, guardian, or legal custodian may submit a missing person report to the Center of any missing child or missing person, regardless of the circumstances, after having first submitted a missing person report on the individual to the law-enforcement agency having jurisdiction of the area in which the individual became or is believed to have become missing, regardless of the circumstances.

§ 143B-499.1. Dissemination of missing persons data by law-enforcement agencies

A law-enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, or legal custodian, shall immediately make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the Center.

If the report involves a missing child and the report meets the criteria established in G.S. 143B-499.7(b), as soon as practicable after receipt of the report, the law enforcement agency shall notify the Center and the National Center for Missing and Exploited Children of the relevant data about the missing child.

§ 143B-499.2. Responsibilities of Center

The Center shall:

- (1) Assist local law-enforcement agencies with entering data about missing persons or missing children into the national missing persons file, ensure that proper entry criteria have been met as

set forth by the FBI/NCIC, and confirm entry of the data about the missing persons or missing children;

- (2) Gather and distribute information and data on missing children and missing persons;
- (3) Encourage research and study of missing children and missing persons, including the prevention of child abduction and the prevention of the exploitation of missing children;
- (4) Serve as a statewide resource center to assist local communities in programs and initiatives to prevent child abduction and the exploitation of missing children;
- (5) Continue increasing public awareness of the reasons why children are missing and vulnerability of missing children;
- (6) Achieve maximum cooperation with other agencies of the State, with agencies of other states and the federal government and with the National Center for Missing and Exploited Children in rendering assistance to missing children and missing persons and their parents, guardians, spouses, or legal custodians; and cooperate with interstate and federal efforts to identify deceased individuals;
- (6a) Develop and maintain the AMBER Alert System as created by G.S. 143B-499.7;
- (7) Forward the appropriate information to the Police Information Network to assist it in maintaining and publishing a bulletin of currently missing children and missing persons;
- (8) Maintain a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the areas of prevention of child abduction, location of missing children and missing persons, and follow-up services to the child or person and family, as determined by the Secretary of Crime Control and Public Safety;
- (9) Annually compile and publish reports on the actual number of children and persons missing each year, listing the categories and causes, when known, for the disappearances;
- (10) Provide follow-up referrals for services to missing children or persons and their families;
- (11) Maintain a toll-free 1-800 telephone service that will be in service at all times; and
- (12) Perform such other activities that the Secretary of Crime Control and Public Safety considers necessary to carry out the intent of its mandate.

§ 143B-499.3. Duty of individuals to notify Center and law-enforcement agency when missing person has been located

Any parent, spouse, guardian, or legal custodian who submits a missing person report to a law-enforcement agency or to the Center, shall immediately notify the law-enforcement agency and

the Center of any individual whose location has been determined. The Center shall confirm the deletion of the individual's records from the FBI/NCIC's missing person file, as long as there are no grounds for criminal prosecution, and follow up with the local law-enforcement agency having jurisdiction of the records.

§ 143B-499.4. Release of information by Center

The following may make inquiries of, and receive data or information from, the Center:

(1) Any police, law-enforcement, or criminal justice agency investigating a report of a missing or unidentified person or child, whether living or deceased.

(2) A court, upon a finding by the court that access to the data, information, or records of the Center may be necessary for the determination of an issue before the court.

(3) Any district attorney of a prosecutorial district as defined in G.S. 7A-60 in this State or the district attorney's designee or representative.

(4) Any person engaged in bona fide research when approved by the Secretary; provided, no names or addresses may be supplied to this person.

(5) Any other person authorized by the Secretary of the Department of Crime Control and Public Safety pursuant to G.S. 143B-498(1).

§ 143B-499.5. Provision of toll-free service; instructions to callers; communication with law-enforcement agencies

The Center shall provide a toll-free telephone line for anyone to report the disappearance of any individual or the sighting of any missing child or missing person. The Center personnel shall instruct the caller, in the case of a report concerning the disappearance of an individual, of the requirements contained in G.S. 143B-499.3 of first having to submit a missing person report on the individual to the law-enforcement agency having jurisdiction of the area in which the individual became or is believed to have become missing. Any law-enforcement agency may retrieve information imparted to the Center by means of this phone line. The Center shall directly communicate any report of a sighting of a missing person or a missing child to the law-enforcement agency having jurisdiction in the area of disappearance or sighting.

§ 143B-499.6. Improper release of information; penalty

Any person working under the supervision of the Director of Victims and Justice Services who knowingly and willfully releases, or authorizes the release of, any data, information, or records maintained or possessed by the Center to any agency, entity, or person other than as specifically

permitted by Part 5A or in violation of any rule adopted by the Secretary is guilty of a Class 2 misdemeanor.

§ 143B-499.7. North Carolina AMBER Alert System established

(a) There is established within the North Carolina Center for Missing Persons the AMBER Alert System. The purpose of AMBER Alert is to provide a statewide system for the rapid dissemination of information regarding abducted children.

(b) The AMBER Alert System shall make every effort to disseminate information on missing children as quickly as possible when the following criteria are met:

(1) The child is 17 years of age or younger;

(2) Repealed by Session Laws 2003-191, s. 3, effective June 12, 2003.

(3) Repealed by Session Laws 2003-191, s. 3, effective June 12, 2003.

(4) The abduction is not known or suspected to be by a parent of the child, unless the child's life is suspected to be in danger of injury or death;

(4a) The child is believed:

a. To have been abducted, or

b. To be in danger of injury or death;

(5) The child is not a runaway or voluntarily missing; and

(6) The abduction has been reported to and investigated by a law enforcement agency.

If the abduction of the child is known or suspected to be by a parent of the child, the Center, in its discretion, may disseminate information through the AMBER Alert System if the child is believed to be in danger of injury or death.

(c) The Center shall adopt guidelines and develop procedures for the statewide implementation of the AMBER Alert System and shall provide education and training to encourage radio and television broadcasters to participate in the System. The Center shall work with the Department of Justice in developing training material regarding the AMBER Alert System for law enforcement, broadcasters, and community interest groups.

(d) The Center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the abduction of a child meeting the criteria established in subsection (b) of this section, when information is available that would enable motorists to assist law enforcement in the recovery of

the missing child. The Center and the Department of Transportation shall develop guidelines for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.

(e) The Center shall consult with the Division of Emergency Management, in the Department of Crime Control and Public Safety, to develop a procedure for the use of the Emergency Alert System to provide information on the abduction of a child meeting the criteria established in subsection (b) of this section.

(f) The Department of Crime Control and Public Safety, on behalf of the Center, may accept grants, contributions, devises, bequests, and gifts, which shall be kept in a separate fund, which shall be nonreverting, and shall be used to fund the operations of the Center and the AMBER Alert System.

CHAPTER 115C. ELEMENTARY AND SECONDARY EDUCATION
SUBCHAPTER 06 . STUDENTS
ARTICLE 29. PROTECTIVE PROVISIONS AND MAINTENANCE OF STUDENT
RECORDS

N.C. Gen. Stat. § 115C-403

§ 115C-403. Flagging and verification of student records; notification of law enforcement agencies

(a) Upon notification by a law enforcement agency or the North Carolina Center for **Missing Persons** of a **child's** disappearance, the superintendent of a local school administrative unit or his designee shall flag or mark the record of any **child** who is currently or was previously enrolled in a school of that unit and who is reported as **missing**. The flag or mark shall be made in such a manner that when a copy of or information regarding the record is requested, school **personnel** are alerted to the fact that the record is that of a **missing child**. Before providing a copy of the school record or other information concerning the **child** whose record is flagged pursuant to this section, the superintendent or his designee shall notify the agency that requested that the record be flagged of every inquiry made concerning the flagged record, and shall provide a copy to the agency of any written request for information concerning the flagged record.

(b) When any child transfers from one school system to another school system, the receiving school shall, within 30 days of the child's enrollment, obtain the child's record from the school from which the child is transferring. If the child's parent, custodian, or guardian provides a copy of the child's record from the school from which the child is transferring, the receiving school shall, within 30 days of the child's enrollment, request written verification of the school record by contacting the school or institution named on the transferring child's record. Upon receipt of a request, the principal or the principal's designee of the school from which the child is transferring shall not withhold the record or verification for any reason, except as is authorized under the Family Educational Rights and Privacy Act. Any information received indicating that the

transferring **child** is a **missing child** shall be reported to the North Carolina Center for **Missing Persons**.

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