

Nebraska

CHAPTER 29. CRIMINAL PROCEDURE ARTICLE 2. POWERS AND DUTIES OF CERTAIN OFFICERS

R.R.S. Neb. § 29-212 (2004)

§ 29-212. **Missing person**, defined

For purposes of sections 29-212 to 29-214 AND SECTION 4 OF THIS ACT, unless the context otherwise requires :

- (1) MISSING person MEANS a person who has been reported as missing to a law enforcement agency; AND
- (2) MISSING PERSONS INFORMATION CLEARINGHOUSE MEANS THE REPOSITORY ESTABLISHED WITHIN THE NEBRASKA STATE PATROL PURSUANT TO SECTION 4 OF THIS ACT .

§ 29-213. **Missing person** report; law enforcement agency; duties

When a report of a **missing person** has been received by a law enforcement agency having jurisdiction, the agency shall notify:

- (1) On-duty personnel of the agency, as soon as practicable, through internal means and over the appropriate police radio network;
- (2) All law enforcement agencies considered to be involved by the law enforcement agency having jurisdiction;
- (3) All law enforcement agencies to which the person filing the report requests that the information be sent, if the request is reasonable in light of the information contained in the report; and
- (4) All law enforcement agencies requesting the information; AND
- (5) THE MISSING PERSONS INFORMATION CLEARINGHOUSE.

§ 29-214. **Missing person** report; unemancipated minor; law enforcement agency; duties

(1) If a report of a missing person involves an unemancipated minor, the law enforcement agency shall immediately transmit the proper information for inclusion in the National Crime Information Center computer AND THE MISSING PERSONS INFORMATION CLEARINGHOUSE.

(2) If a report of a missing person involves an unemancipated minor, a law enforcement agency shall not prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation.

§ 29-214.01. Missing Persons Information Clearinghouse; Nebraska State Patrol; powers and duties

(1) The Missing Persons Information Clearinghouse is established within the Nebraska State Patrol. The Nebraska State Patrol shall provide for the administration of the clearinghouse and may adopt and promulgate rules and regulations to carry out the provisions of this section.

(2) The Missing Persons Information Clearinghouse shall be used by all law enforcement agencies in the state as a central repository for information on missing persons. Such information shall be provided on a uniform form prescribed by the Nebraska State Patrol.

(3) In connection with the Missing Persons Information Clearinghouse, the Nebraska State Patrol shall:

(a) Collect, process, maintain, and disseminate information about missing persons in Nebraska through hard copy or electronic means;

(b) Develop training programs for law enforcement agencies concerning the appropriate procedures to report missing persons to the clearinghouse;

(c) Cooperate with other states and the National Crime Information Center in the exchange of information on missing persons;

(d) Maintain a statewide, toll-free telephone line, twenty-four hours a day, to receive and disseminate information related to missing persons;

(e) Maintain an Internet website accessible to law enforcement agencies and to the public with information on missing persons and with information about the resources available through the clearinghouse. Nothing in this section shall prevent the Nebraska State Patrol from establishing a separate link accessible only to law enforcement agencies for the dissemination and collection of sensitive information as determined by the Nebraska State Patrol;

(f) Develop training programs to assist in the prevention of kidnapping;

(g) Maintain a registry of prevention and education materials and programs regarding missing and runaway minors through hard copy or electronic means;

(h) Distribute through hard copy or electronic means monthly missing persons bulletins to local law enforcement agencies and to other interested individuals, agencies, and media outlets which request such information. The bulletins shall contain information on missing persons in Nebraska, including names, photographs or other images, if available, descriptions of missing persons, the law enforcement agencies or persons to contact with information regarding missing persons, and the names of persons reported missing whose locations have been determined and confirmed;

(i) Produce, update at least weekly, and distribute, through hard copy or electronic means, press releases about missing persons to media outlets which request missing person information, containing the same or similar information contained in the monthly missing persons bulletin;

(j) Compile statistics relating to the incidence of missing persons within Nebraska; and

(k) Encourage and seek both financial and in-kind support from private individuals and organizations to assist in carrying out the provisions of this section.

(4) The purpose of the Missing Persons Information Clearinghouse is to serve as a repository. The clearinghouse does not relieve the law enforcement agency having jurisdiction over a missing person case of its investigatory duties and does not automatically involve the Nebraska State Patrol as the primary investigatory agency in such case.

(5) The Missing Persons Information Clearinghouse shall be notified after the location of a missing person has been determined and confirmed. After the location of a missing person has been determined and confirmed, the clearinghouse shall only release information described in subdivision (3) (h) of this section concerning the located person. Other information concerning the history of the missing person case shall be disclosed only to law enforcement agencies of this state and other jurisdictions when necessary for the discharge of official duties, and to the juvenile court in the county of residence of a formerly missing person who is a minor. All information in the clearinghouse relating to a missing person who is an adult shall be purged when the person's location has been determined and confirmed. All information in the clearinghouse relating to a missing person who is a minor shall be purged when the person reaches eighteen years of age and the person's location has been determined and confirmed.

CHAPTER 43. INFANTS AND JUVENILES

ARTICLE 20. MISSING CHILDREN IDENTIFICATION ACT

§ 43-2001. Act, how cited

Sections 43-2001 to 43-2012 shall be known and may be cited as the Missing Children Identification Act.

§ 43-2002. Legislative findings

Each year Nebraska children are reported missing. The Legislature is seeking a procedure whereby it can help locate such missing children through school records and birth certificates filed with the schools and the Department of Health and Human Services Finance and Support.

§ 43-2003. Terms, defined

As used in the Missing Children Identification Act, unless the context otherwise requires:

- (1) County agency means any agency in a county that records and maintains birth certificates;
- (2) Department means the Department of Health and Human Services Finance and Support;
- (3) Missing person means a person sixteen years of age or younger reported to any law enforcement agency as abducted or lost; and
- (4) Patrol means the Nebraska State Patrol.

Upon notification to a local law enforcement agency of the disappearance of a missing person, such agency shall immediately notify the patrol which shall notify the school in which such missing person is enrolled and the department. The department shall notify the county agency if such missing person was born in such county. Any information known to the patrol shall be supplied to the department.

§ 43-2004. Missing person; notification

Upon notification to a local law enforcement agency of the disappearance of a missing person, such agency shall immediately notify the patrol which shall notify the school in which such missing person is enrolled and the department. The department shall notify the county agency if such missing person was born in such county. Any information known to the patrol shall be supplied to the department.

§ 43-2005. Flagging birth certificate

If a missing person was born in Nebraska, the department shall flag such person's birth certificate, and if such person was born in a county where a county agency records and maintains birth certificates, such agency shall also flag the birth certificate in its custody.

§ 43-2006. Flagged birth certificate; inquiry and request; how handled

(1) If an inquiry is made regarding the flagged birth certificate, the department or county agency shall not furnish any information to such requesting person and shall request the name of the inquirer, address, and any other pertinent information. The department and such county agency shall immediately notify the patrol of such inquiry.

(2) If a request is made in person from the department or such county agency for a flagged birth certificate, the department or such county agency shall:

- (a) Immediately notify the patrol or local law enforcement agency;

(b) Have the person requesting the flagged birth certificate fill in a form requesting such person's name, address, telephone number, social security number, and relationship to the person whose birth certificate is being requested and the name, address, and birthdate of the person whose birth certificate is being requested;

(c) Try to obtain a photocopy of the driver's license of the person making the request;

(d) Inform the person making the request that the birth certificate will be mailed to him or her;

(e) Report the description of such person making the request and any other relevant information to the patrol or other law enforcement agency; and

(f) Provide the patrol with copies of such documents but retain the original in the office of the department or county agency.

(3) If a request is made for such birth certificate in writing, the department or county agency shall notify the patrol and provide the patrol with a copy of the request but retain the original request in the office of the department or county agency.

§ 43-2007. Schools; home school; duties

(1) Upon notification by the patrol of a missing person, any school in which the missing person is currently or was previously enrolled shall flag the school records of such person in such school's possession. The school shall report immediately any request concerning a flagged record or any knowledge of the whereabouts of the missing person.

(2) Upon enrollment of a student for the first time in a public school district or private school system, the school of enrollment shall notify in writing the person enrolling the student that within thirty days he or she must provide either (a) a certified copy of the student's birth certificate or (b) other reliable proof of the student's identity and age accompanied by an affidavit explaining the inability to produce a copy of the birth certificate.

(3) The parent or guardian of a child who is receiving his or her education in a home school subject to sections 79-1601 to 79-1607 shall, not later than October 1 of the first year of the child's attendance at the home school, provide to the Commissioner of Education either (a) a certified copy of the child's birth certificate or (b) other reliable proof of the child's identity and age accompanied by an affidavit explaining the inability to produce a copy of the birth certificate.

(4) Upon failure of the person, parent, or guardian to comply with subsection (2) or (3) of this section, the school or Commissioner of Education shall notify such person, parent, or guardian in writing that unless he or she complies within ten days the matter shall be referred to the local law enforcement agency for investigation. If compliance is not obtained within such ten-day period, the school or commissioner shall immediately report such matter. Any affidavit received

pursuant to subsection (2) or (3) of this section that appears inaccurate or suspicious in form or content shall be reported immediately to the local law enforcement agency by the school or commissioner.

- (5) Any school requested to forward a copy of a transferred student's record shall not forward a copy of such record to the requesting school if the record has been flagged pursuant to subsection (1) of this section. If such record has been flagged, the school to whom such request is made shall notify the local law enforcement agency of the request and that such student is a reported missing person.

§ 43-2008. Flag; requirements

The flag on such birth certificate or school record shall be large enough so that any personnel looking at such birth certificate or record shall be alerted to the fact that such birth certificate or record is of a missing person.

§ 43-2009. Removal of flag

Upon notification of recovery of such missing person, the department, the county agency, and any school pursuant to section 43-2007 shall remove the flag from such person's record.

§ 43-2010. Local law enforcement agency; duties

Any local law enforcement agency notified pursuant to the Missing Children Identification Act of the request for the birth certificate, school record, or other information concerning a missing person shall immediately notify the patrol of such request and shall investigate such matter.

§ 43-2011. Immunity from liability

Any school or any person acting on behalf of a school shall be immune from civil and criminal liability for any acts or omissions which occur as a result of the requirements of the Missing Children Identification Act.

§ 43-2012. Bureau; patrol; adopt rules and regulations

The department and the patrol shall adopt and promulgate rules and regulations necessary to carry out their responsibilities under the Missing Children Identification Act.

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