

Tennessee

TITLE 37. JUVENILES CHAPTER 10. MISCELLANEOUS PROVISIONS PART 2. MISSING CHILDREN RECOVERY ACT

37-10-201. Short title – Definitions

- (a) This part shall be referred to as the "Tennessee Missing Children Recovery Act."
- (b) As used in this part, unless the context otherwise requires:
- (1) "Child" means any person under twenty-one (21) years of age;
 - (2) "Missing child" means a child who is believed to have been removed by force, persuasion, trick, enticement, false pretense, has voluntarily left the custody of such child's parent without permission or is absent for unexplained or unknown reasons; and
 - (3) "Parent" means a natural or adoptive parent, guardian, or person or organization standing in a loco parentis position by virtue of an order of a court.

37-10-202. Initial missing child report -- Statement of identification information

Whenever the parent knows, learns or believes that a child under the parent's charge and care is missing, such parent shall report the child to a police or sheriff's office, Tennessee bureau of investigation or any law enforcement officer and make a statement to the agency of all available facts which will aid in the recognition, identification or location and recovery of the child.

37-10-203. Formal missing child report -- Reports to law enforcement agencies

Every law enforcement officer receiving information from a parent or any source which it deems creditable shall prepare a formal missing child report and transmit a copy thereof immediately to the Tennessee bureau of investigation by computer pursuant to title 38, chapter 10, or in the absence of a computer terminal, by mail. A law enforcement agency reporting a missing child is further authorized to report the missing child to any other law enforcement agency. The Tennessee bureau of investigation shall distribute the report among all law enforcement agencies in Tennessee or to any interstate and federal agencies which it may believe would be of assistance in locating the missing child.

37-10-204. Reports to juvenile court judge -- Missing child order

(a) The law enforcement agency taking and/or making a report of a missing child shall submit its report, together with any additional data reduced to writing in the form of statements or notes, to a judge of the juvenile court within a reasonable time.

(b) The judge shall review the report and information and determine whether or not there is probable cause to believe the child is a missing child.

(c) (1) If a decision of "missing child" is made, a "missing child" order shall be issued and delivered to any lawful officer or the Tennessee bureau of investigation authorizing the bureau or any officer holding the order, a true copy thereof or possessing knowledge of the existence thereof, to investigate the circumstances relating to the missing child in compliance with existing constitutional, statutory and case law and upon identification or location of the missing child to take custody of the child, using legal process when necessary, for immediate delivery to a judge of any juvenile or other court of record for appropriate orders and disposition pursuant to law.

(2) If probable cause for issuance of a "missing child" order is not found, the judge shall so order and the missing child report should be cancelled by the bureau which shall give notice of the cancellation to all appropriate law enforcement agencies.

37-10-205. Forms -- File of missing children -- Monthly reports of missing children -- Dissemination of information

The Tennessee bureau of investigation shall specify a uniform form for the missing child report and data, so that the same may be transmitted by computer or mail. The bureau shall also establish, maintain and manage a file of "missing children" and collect any available relevant data concerning the missing child and disseminate the same by computer, mail or any other reliable communication device to any law enforcement agency. The bureau shall publish a monthly report of all missing children and recovery of children and distribute the same to all full-time law enforcement agencies in the state, the general assembly and executive branches of government, to the news media, and to every school superintendent in the state, who shall then distribute the report to the principal of every school within such superintendent's school system. Whenever possible, this report shall contain the photographs of the missing children. The bureau is authorized to transmit information on missing children to the federal bureau of investigation or any other state maintaining missing children files and may conform its reports to any federal agency reports so as to facilitate the automated exchange of information.

37-10-206. Child fingerprint cards

Parents are authorized to have official fingerprint cards made for their children by taking their children to any law enforcement office or by having the same made by any private or public agency upon signing an authorization therefor. The Tennessee bureau of investigation shall deliver appropriate blank child fingerprint cards to law enforcement offices or private agencies upon request without cost. Whenever any child is fingerprinted as authorized in this section, the card shall be delivered to the Tennessee bureau of investigation or the parent as specified by the parent in the authorization form. The bureau shall not be required to accept any nonstandard child fingerprint card.

37-10-207. Children's fingerprint card file

The Tennessee bureau of investigation shall maintain a separate fingerprint card file for "Children" which shall consist of the "children" fingerprint cards submitted to it pursuant to § 37-10-206, together with any latent prints believed to be children's prints which have been submitted to it for purposes of identifying missing children. Once each year the bureau shall remove and return to the parent or destroy all fingerprint cards from the children's fingerprint file for children who have become eighteen (18) years of age, unless the child has been reported missing or the child requests in writing that such child's fingerprint remain in the file. Also, the bureau shall destroy any child's fingerprint card upon written request of the parent. The bureau is also authorized to receive "children" fingerprint cards or copies thereof from the federal bureau of investigation when the prints may have been sent directly to the bureau without having also been sent to the Tennessee bureau of investigation as herein provided. The bureau shall not file any of the children's fingerprints authorized herein in any other fingerprint card file. The bureau shall only search the children's fingerprint card file for the purpose of trying to locate and/or identify children who have been reported as missing children, and the file shall never be searched for the purpose of identifying a child as having committed a crime unless the parent so requests in writing.

37-10-209. Distribution of materials concerning missing children -- Solicitation of contributions

(a) No organization shall solicit contributions for the purpose of distributing materials containing information relating to missing children unless it complies with all of the following requirements:

(1) Such organization has been incorporated under title 48, chapters 51-68, or the nonprofit corporation law of another state prior to the time of the solicitation of contributions, or such organization is an unincorporated charitable association, trust, society, or other group; and

(2) It has been exempt from federal income taxation under 26 U.S.C. § 501(a) and described in 26 U.S.C. § 501(c)(3), 501(4), 501(8), 501(10) or 501(19) as now or hereafter amended, prior to the time of the solicitation of contributions.

(b) No organization that solicits contributions for the purpose of distributing materials containing information relating to missing children shall expressly state or imply in any way that it is affiliated with, or is soliciting contributions on behalf of, an organization established to assist in the location of missing children without the express written consent of that organization.

(c) Whoever violates subsection (a) or (b) is guilty of improper solicitation of contributions for missing children which shall be punishable as a Class A misdemeanor.

(d) "Missing children" or "missing child" means a minor child who has run away from or who is otherwise missing from the home of, or the care, custody and control of, such child's parents, custodial parent, guardian, legal guardian, or other person having responsibility for the minor.

- (d) Nothing in this section shall be construed as exempting any person or organization from the requirements of the Solicitation of Charitable Funds Act, codified as title 48, chapter 101, part 5.

TITLE 38. PREVENTION AND DETECTION OF CRIME
CHAPTER 6. BUREAU OF INVESTIGATION
PART 1. GENERAL PROVISIONS

38-6-116. Tennessee internet criminal information center

(a) The Tennessee bureau of investigation shall, no later than January 1, 1998, create an office within the bureau to be known as the Tennessee internet criminal information center (TICIC). The purpose of such center is the development, maintenance and updating of an online database, toll-free hotline and such other means as are appropriate to provide easily accessible information to members of the public concerning persons of interest to the public safety and welfare.

(b) Upon creation of the TICIC, the bureau shall compile and maintain databases consisting of a registry and associated information for the following groups of persons:

(1) (A) The Out-of-State Parole and Probation Supervision Registry. This registry shall consist of at least the name and conviction offense of those persons who have been placed on probation or parole in another state but who are residing in Tennessee pursuant to the compact for out-of-state supervision, codified in title 40, chapter 28, part 4;

(B) This registry shall also include a photograph of each probationer or parolee approved for residence in this state under the interstate compact after May 30, 1997;

(2) (A) The Sexual Offense Registry. This registry shall consist of all public information regarding persons who are required to complete a TBI sexual offender registration/monitoring form pursuant to title 40, chapter 39;

(B) This registry shall also include the registrant's photograph for persons registering pursuant to title 40, chapter 39, after May 30, 1997;

(C) No later than January 1, 1999 this registry shall include the photograph of all persons who are registered pursuant to title 40, chapter 39;

(3) The Tennessee Missing Children Registry. This registry shall consist of those children who have been placed by the bureau on the Tennessee Missing Children Registry; and

(4) Any other registry, information or database that, in the opinion of the bureau, would be in the interest of the public safety or welfare.

- (d) When one (1) or more of the databases comprising the TICIC is complete and in an accessible format, the bureau shall place and maintain each of them on the TICIC's

internet home page which shall be accessible through the state of Tennessee's internet home page.

38-6-117. Missing children registry

(a) The Tennessee bureau of investigation is authorized to create within the bureau a missing children registry. The registry shall contain pertinent information about, a picture of, and the current status of certain children in this state who have been reported as missing.

(b) The bureau shall have the sole discretion to determine the number of missing children to be placed on the registry, the criteria for placing a child on the registry and the definition of "missing child."

(c) When the missing children registry is complete and in an accessible format, but no later than January 1, 1998, the bureau shall place, maintain and update it on the state of Tennessee's internet home page.

(e) When the Tennessee internet criminal information center is created within the bureau and becomes operational, the missing children registry shall become a part of such center.

TITLE 4. STATE GOVERNMENT
CHAPTER 51. TENNESSEE EDUCATION LOTTERY IMPLEMENTATION LAW
PART 1. GENERAL PROVISIONS

Tenn. Code Ann. § 4-51-134

4-51-134. Participation in "Amber Alert"

The Tennessee Education Lottery Corporation shall formulate and implement a plan, in cooperation with the Tennessee bureau of investigation, for the Tennessee lottery's participation in the state's AMBER ALERT program via on-line lottery ticket terminals and all other appropriate media and technology at the corporation's disposal.

[Return to AMBER Alert Legal Database](#)