



2020 South Dakota Legislature
Senate Bill 27
ENROLLED

AN ACT

ENTITLED An Act to establish a missing persons clearinghouse.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added:

23-3-18.3. Definitions.

Terms used in §§ 23-3-18.1 to 23-3-18.8, inclusive, mean:

- (1) "Missing person," a person who has been reported as missing to a law enforcement agency;
- (2) "Missing persons clearinghouse," the repository established in § 23-3-18.5.

Section 2. That a NEW SECTION be added:

23-3-18.4. Missing persons clearinghouse--Establishment--Purpose.

The missing persons clearinghouse is hereby established within the Division of Criminal Investigation. The Division of Criminal Investigation shall administer the clearinghouse as provided in § 23-3-18.5.

The missing persons clearinghouse shall be used by all law enforcement agencies in the state as a central repository for information on missing persons. A law enforcement agency shall provide information to the clearinghouse on a form prescribed by the Division of Criminal Investigation.

Section 3. That a NEW SECTION be added:

23-3-18.5. Missing persons clearinghouse--Administration--Requirements.

To administer the missing persons clearinghouse, the Division of Criminal Investigation shall:

- (1) Collect, process, maintain, and disseminate information about missing persons in this state through a hard copy or an electronic means;

- (2) Develop training programs for law enforcement agencies concerning the appropriate procedures to report missing persons to the clearinghouse;
- (3) Cooperate with other states and the National Crime Information Center in the exchange of information on missing persons;
- (4) Maintain an internet web site accessible to law enforcement agencies and to the public with information on missing persons and with information about the resources available through the clearinghouse. The web site may contain information on missing persons 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. Nothing in this subdivision prevents the Division of Criminal Investigation from establishing a separate link accessible only to law enforcement agencies for the dissemination and collection of sensitive information as determined by the Division of Criminal Investigation;
- (5) Maintain a registry of prevention and education materials and programs regarding missing and runaway minors through hard copy or electronic means; and
- (6) Compile statistics relating to the incidence of missing persons within this state.

Section 4. That a NEW SECTION be added:

23-3-18.6. Missing persons clearinghouse--Report--Notification.

If a report of a missing person is received by a law enforcement agency having jurisdiction, the agency shall make an immediate entry into the National Crime Information Center and shall then notify the missing persons clearinghouse. If the report of a missing person involves a child, the law enforcement agency shall transmit the proper information for inclusion in the National Crime Information Center computer pursuant to § 26-17-2 and to the missing persons clearinghouse.

Section 5. That a NEW SECTION be added:

23-3-18.7. Missing person clearinghouse--Purpose.

The purpose of the missing persons clearinghouse is to serve as a repository. The clearinghouse does not relieve the law enforcement agency having jurisdiction over a missing person case of the agency's investigatory duties and does not automatically involve the Division of Criminal Investigation as the primary investigatory agency in any case.

Section 6. That a NEW SECTION be added:

23-3-18.8. Missing person located--Purging of information.

After the location of a missing person is determined and confirmed, the clearinghouse may only release information described in subdivision 23-3-18.5(4) concerning the located person. Other information concerning the history of the missing person case may only be disclosed to law enforcement agencies of this state and other jurisdictions if necessary for the discharge of official duties, and to the juvenile court in the county of residence of a located person who is a minor. Any information in the clearinghouse relating to a missing person shall be purged when the person's location is determined and confirmed.

An Act to establish a missing persons clearinghouse.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 27

2020 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2020

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 27

By _____

File No. _____

Asst. Secretary of State

Chapter No. _____