



## 2020 South Dakota Legislature

# Senate Bill 27

*Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General*

1 **An Act to establish a missing persons clearinghouse.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **23-3-18.3. Definitions.**

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

6 (1) "Missing person," a person who has been reported as missing to a law enforcement  
7 agency;

8 (2) "Missing persons clearinghouse," the repository established in § 23-3-18.5.

9 **Section 2.** That a NEW SECTION be added:

10 **23-3-18.4. Missing persons clearinghouse--Establishment--Purpose.**

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

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

18 **Section 3.** That a NEW SECTION be added:

19 **23-3-18.5. Missing persons clearinghouse--Administration--Requirements.**

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

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

- 1       (2) Develop training programs for law enforcement agencies concerning the  
2       appropriate procedures to report missing persons to the clearinghouse;
- 3       (3) Cooperate with other states and the National Crime Information Center in the  
4       exchange of information on missing persons;
- 5       (4) Maintain an internet web site accessible to law enforcement agencies and to the  
6       public with information on missing persons and with information about the  
7       resources available through the clearinghouse. The web site may contain  
8       information on missing persons including names, photographs, or other images, if  
9       available; descriptions of missing persons; the law enforcement agencies or  
10       persons to contact with information regarding missing persons; and the names of  
11       persons reported missing whose locations have been determined and confirmed.  
12       Nothing in this subdivision prevents the Division of Criminal Investigation from  
13       establishing a separate link accessible only to law enforcement agencies for the  
14       dissemination and collection of sensitive information as determined by the Division  
15       of Criminal Investigation;
- 16       (5) Maintain a registry of prevention and education materials and programs regarding  
17       missing and runaway minors through hard copy or electronic means; and
- 18       (6) Compile statistics relating to the incidence of missing persons within this state.

19       **Section 4.** That a NEW SECTION be added:

20                **23-3-18.6. Missing persons clearinghouse--Report--Notification.**

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

27       **Section 5.** That a NEW SECTION be added:

28                **23-3-18.7. Missing person clearinghouse--Purpose.**

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

1 **Section 6.** That a NEW SECTION be added:

2 **23-3-18.8. Missing person located--Purging of information.**

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