

## CHAPTER 41

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**HUMAN SERVICES - SOCIAL SERVICES**


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**HOUSE BILL 15-1078**

BY REPRESENTATIVE(S) Nordberg and McCann, Becker K., Buckner, Conti, Court, DelGrosso, Duran, Esgar, Fields, Hamner, Klingenschmitt, Kraft-Tharp, Lawrence, Lee, Lundeen, Melton, Neville P., Pabon, Pettersen, Primavera, Priola, Rosenthal, Roupe, Ryden, Saine, Salazar, Vigil, Williams, Winter, Young;

also SENATOR(S) Jahn and Woods, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Johnston, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Steadman, Todd, Ulibarri, Cadman.

**AN ACT**

**CONCERNING IMMEDIATE REPORTING OF MISSING CHILDREN WHO ARE IN THE CUSTODY OF A STATE AGENCY TO LAW ENFORCEMENT FOR INCLUSION IN NATIONAL CRIME DATABASES.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 19-1-115.3 as follows:

**19-1-115.3. Missing children and youth from out-of-home placement - required reporting to law enforcement.** IF A CHILD OR YOUTH FOR WHOM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES HAS LEGAL CUSTODY PURSUANT TO THE PROVISIONS OF THIS TITLE IS DETERMINED BY THE AGENCY TO BE MISSING, THE AGENCY HAVING LEGAL CUSTODY OF SAID CHILD OR YOUTH SHALL REPORT THE DISAPPEARANCE IMMEDIATELY, AND IN NO CASE LATER THAN TWENTY-FOUR HOURS AFTER LEARNING OF THE DISAPPEARANCE, TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND TO LAW ENFORCEMENT. LAW ENFORCEMENT AUTHORITIES SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION FOR TRANSMISSION TO THE FEDERAL BUREAU OF INVESTIGATION FOR ENTRY INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE PURSUANT TO SECTION 16-2.7-103, C.R.S. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE REPORTING REQUIREMENTS SET FORTH FOR FOSTER PARENTS AND OUT-OF-HOME PLACEMENT FACILITIES IN SECTION 19-2-920 SHALL STILL APPLY.

**SECTION 2.** In Colorado Revised Statutes, **amend** 16-2.7-103 as follows:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**16-2.7-103. Missing person reports - response.** (1) Upon receiving a report of a missing person, a law enforcement agency shall assess the information received from the reporting person and other available information. The law enforcement agency shall then determine the best course of action based on the circumstances.

(2) (a) If the missing person is eighteen years of age or older and has allegedly been missing for twenty-four hours or more, ~~such~~ THE APPROPRIATE COURSE OF ACTION ~~shall include~~ INCLUDES entry of relevant information into state and national databases and appropriate communications with other law enforcement agencies that may assist in locating the missing person.

(b) (I) If the missing person is under eighteen years of age, the law enforcement agency shall, within twenty-four hours after receiving the report, notify the Colorado bureau of investigation pursuant to section 24-33.5-415.1 (3), C.R.S.; OR

(II) IF THE MISSING PERSON IS UNDER EIGHTEEN YEARS OF AGE AND UNDER THE LEGAL CUSTODY OF THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, THE LAW ENFORCEMENT AGENCY SHALL, WITHIN TWENTY-FOUR HOURS AFTER RECEIVING NOTIFICATION PURSUANT TO SECTION 19-1-115.3, C.R.S., NOTIFY THE COLORADO BUREAU OF INVESTIGATION FOR TRANSMISSION TO THE FEDERAL BUREAU OF INVESTIGATION FOR ENTRY INTO THE NATIONAL CRIME INFORMATION CENTER DATABASE.

**SECTION 3. Act subject to petition - effective date.** This act takes effect January 1, 2016; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 20, 2015