

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0379.02 Conrad Imel x2313

SENATE BILL 22-095

SENATE SPONSORSHIP

Fields and Moreno,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPROVING MISSING PERSON INVESTIGATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the division of criminal justice within the department of public safety (department) to annually report to the general assembly during the department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearings any significant data, including trends over time, regarding missing person cases in Colorado. The report must include specific information about missing person cases involving women from minority communities, which includes women from African-American, Black, Asian-American,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Pacific Islander, Indigenous and tribal, Hispanic, Latino, aging population, disabled, lesbian, gay, bisexual, and transgender communities.

Under existing law, a law enforcement agency is required to accept a missing person report submitted in person if the missing person resides in the agency's jurisdiction or was last believed to be in the agency's jurisdiction, and law enforcement agencies are encouraged to accept reports by telephone or other electronic media. The bill requires any law enforcement agency to accept a missing person report submitted in person if the missing person is a Colorado resident or was last believed to be in Colorado. The bill requires law enforcement agencies to accept a missing person report by telephone or other electronic media if accepting the report by those means is consistent with the agency's policies or practices.

Under existing law, a law enforcement agency that receives a report of a missing adult must enter relevant information into state and national databases and communicate with other law enforcement agencies after the person has been missing for 24 hours or more. In the case of a reported missing child, a law enforcement agency must notify the Colorado bureau of investigation within 24 hours. The bill reduces those times to within 8 hours in the case of a missing adult and within 2 hours in the case of a missing child, and requires the law enforcement agency to enter relevant information into the Colorado crime information center database.

The bill requires a state or local agency that has legal custody of a child who is missing to report the disappearance within 2 hours of learning of the disappearance.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-525 as
3 follows:

4 **24-33.5-525. Missing person investigation information - report**
5 **- definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES, "MINORITY COMMUNITIES" MEANS
7 AFRICAN-AMERICAN, BLACK, ASIAN-AMERICAN, PACIFIC ISLANDER,
8 INDIGENOUS AND TRIBAL, HISPANIC, LATINO, AND AGING POPULATION
9 COMMUNITIES. ___

10 (2) (a) AS PART OF THE DEPARTMENT'S ANNUAL REPORT TO THE
11 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE DIVISION

1 SHALL PRESENT TO THE COMMITTEES INFORMATION ON MISSING PERSON
2 CASES IN COLORADO. THE DIVISION SHALL REVIEW AVAILABLE
3 INFORMATION ABOUT MISSING PERSON CASES, INCLUDING CASES IN THE
4 COLD CASE DATABASE DESCRIBED IN SECTION 24-33.5-425 (2), AND
5 REPORT ANY SIGNIFICANT DATA, INCLUDING TRENDS OVER TIME,
6 REGARDING MISSING PERSON CASES. THE REPORT MUST INCLUDE SPECIFIC
7 INFORMATION ABOUT MISSING PERSON CASES INVOLVING WOMEN FROM
8 MINORITY COMMUNITIES. THE DIVISION SHALL PREPARE THE
9 PRESENTATION WITHIN EXISTING APPROPRIATIONS.

10 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
11 (11)(a)(I), THE REPORT REQUIRED IN THIS SUBSECTION (2) CONTINUES
12 INDEFINITELY.

13 **SECTION 2.** In Colorado Revised Statutes, 16-2.7-102, **amend**
14 (2)(a), (2)(b), (3), and (5) as follows:

15 **16-2.7-102. Missing person reports - acceptance.** (2) A law
16 enforcement agency shall accept without delay a missing person report
17 that is submitted in person if:

18 (a) The missing person resides, or was last known to reside, ~~within~~
19 ~~the jurisdiction of the law enforcement agency and the missing person's~~
20 ~~last-known location is the missing person's residence or his or her~~
21 ~~location is unknown~~ IN COLORADO; or

22 (b) There is credible information indicating that the missing
23 person was last believed to be ~~within the jurisdiction of the law~~
24 ~~enforcement agency~~ IN COLORADO.

25 (3) Each law enforcement agency ~~is encouraged to~~ SHALL accept
26 a missing person report submitted by telephone or by electronic or other
27 media ~~to the extent that~~ IF:

1 (a) The report meets the conditions of ~~paragraph (a) or (b) of~~
2 ~~subsection (2)~~ SUBSECTION (2)(a) OR (2)(b) of this section; and

3 (b) Acceptance of the report BY TELEPHONE OR BY ELECTRONIC OR
4 OTHER MEDIA is consistent with THE law enforcement AGENCY'S policies
5 or practices.

6 (5) Notwithstanding the provisions of THE REQUIREMENTS IN
7 subsections (2) and (3) of this section, a law enforcement agency is not
8 required to accept a missing person report if:

9 (a) The person is the subject of a missing person report under
10 investigation by another law enforcement agency within this state OR
11 ANOTHER LAW ENFORCEMENT AGENCY HAS INDICATED THAT IT INTENDS
12 TO ACCEPT A MISSING PERSON REPORT FOR THE PERSON;

13 (b) THE LAW ENFORCEMENT AGENCY KNOWS THE LOCATION OF
14 THE PERSON REPORTED MISSING OR THE AGENCY CAN CONFIRM THE SAFE
15 STATUS OF THE PERSON;

16 (c) THE INDIVIDUAL REPORTING A PERSON AS MISSING IS UNABLE
17 TO ARTICULATE A BONAFIDE RELATIONSHIP WITH THE PERSON OR A
18 LEGITIMATE RATIONALE FOR CONCERN;

19 (d) THE LAW ENFORCEMENT AGENCY SUSPECTS, AND CAN
20 ARTICULATE, THAT THE PERSON REPORTED AS MISSING IS BEING SOUGHT
21 FOR REASONS OF HARASSMENT, STALKING, RETALIATION, COURT
22 TESTIMONY, DEBT COLLECTION, OR ANY ACTION IN DEFIANCE OF A
23 PROTECTION ORDER; OR

24 (e) ANY OTHER ARTICULABLE EXTENUATING CIRCUMSTANCE NOT
25 INCONSISTENT WITH THIS SECTION EXISTS THAT MAKES ACCEPTING THE
26 REPORT IMPRACTICAL OR UNREASONABLE AND THE LAW ENFORCEMENT
27 AGENCY DOCUMENTS THE CIRCUMSTANCE.

1 **SECTION 3.** In Colorado Revised Statutes, 16-2.7-103, **amend**
2 (2) as follows:

3 **16-2.7-103. Missing person reports - response.** (2) (a) If the
4 missing person is eighteen years of age or older, ~~and has allegedly been~~
5 ~~missing for twenty-four hours or more, the appropriate course of action~~
6 ~~includes entry of~~ THE LAW ENFORCEMENT AGENCY SHALL, WITHIN EIGHT
7 HOURS AFTER RECEIVING THE REPORT, ENTER ANY relevant information
8 into ~~state and national databases~~ THE COLORADO CRIME INFORMATION
9 CENTER and, AS appropriate, ~~communications with~~ CONTACT other law
10 enforcement agencies that may assist in locating the missing person.

11 (b) (I) If the missing person is under eighteen years of age, the law
12 enforcement agency shall, within ~~twenty-four~~ TWO hours after receiving
13 the report, notify the Colorado bureau of investigation pursuant to section
14 24-33.5-415.1 (3) ~~C.R.S.~~; AND ENTER ANY RELEVANT INFORMATION INTO
15 THE COLORADO CRIME INFORMATION CENTER DATABASE; or

16 (II) If the missing person is under eighteen years of age and under
17 the legal custody of the state department of human services or a county
18 department of human or social services, the law enforcement agency
19 shall, within ~~twenty-four~~ TWO hours after receiving notification pursuant
20 to section 19-1-115.3, ~~C.R.S.~~, notify the Colorado bureau of investigation
21 ~~for transmission to the federal bureau of investigation for entry into the~~
22 ~~national~~ AND ENTER ANY RELEVANT INFORMATION INTO THE COLORADO
23 crime information center database.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 19-1-115.3
25 as follows:

26 **19-1-115.3. Missing children and youth from out-of-home**
27 **placement - required reporting to law enforcement.** If a child or youth

1 for whom the department of human services or a county department of
2 human or social services has legal custody pursuant to the provisions of
3 this title 19 is determined by the agency to be missing, the agency having
4 legal custody of the child or youth shall report the disappearance
5 immediately, and in no case later than twenty-four hours after learning of
6 the disappearance, to the National Center for Missing and Exploited
7 Children and to law enforcement. Law enforcement authorities shall
8 notify the Colorado bureau of investigation ~~for transmission to the federal~~
9 ~~bureau of investigation for entry into the national~~ AND ENTER ANY
10 RELEVANT INFORMATION INTO THE COLORADO crime information center
11 database pursuant to section 16-2.7-103. The reporting requirements set
12 forth for foster parents and out-of-home placement facilities in section
13 19-2.5-1508 apply.

14 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-415.1,
15 **amend** (3) as follows:

16 **24-33.5-415.1. List of missing children.** (3) To assist the bureau
17 in compiling the list of missing children, every law enforcement agency
18 in this state shall, upon receipt of information that a child is believed to
19 be missing, send a missing child report containing identifying and
20 descriptive information about the child to the bureau as soon as possible
21 but no later than ~~twenty-four~~ TWO hours after obtaining ~~such~~ THE
22 information. If, at a later time, the law enforcement agency determines
23 that the missing child has been located, the agency shall send notification
24 to the bureau no later than twenty-four hours after making ~~such~~ THAT
25 determination.

26 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.