

1603

2009-2010 Regular Sessions

I N S E N A T E

February 3, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to improving the ability of law enforcement to locate and return missing persons, to improving the identification of human remains, and to improving timely information and notification to family members of missing persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as "Lori Ann's
2 law".

3 S 2. The executive law is amended by adding a new article 11-A to read
4 as follows:

5 ARTICLE 11-A

6 PROCEDURES FOR LAW ENFORCEMENT OFFICERS,
7 CORONERS/MEDICAL EXAMINERS AND OTHER GOVERNMENT
8 PERSONNEL RELATING TO MISSING PERSONS REPORTS
9 AND IDENTIFYING UNIDENTIFIED PERSONS/HUMAN REMAINS

10 SECTION 235. MISSING PERSON REPORTS.

11 236. LAW ENFORCEMENT ANALYSIS AND REPORTING OF MISSING PERSON
12 INFORMATION.

13 237. REPORTING OF UNIDENTIFIED PERSONS/HUMAN REMAINS.

14 238. UNIDENTIFIED PERSONS/HUMAN REMAINS IDENTIFICATION RESPONSIBILITIES.

15
16 S 235. MISSING PERSON REPORTS. 1. REPORT ACCEPTANCE. ALL LAW ENFORCEMENT AGENCIES WITHIN THE STATE SHALL ACCEPT WITHOUT DELAY ANY REPORT OF A MISSING PERSON. ACCEPTANCE OF A MISSING PERSON REPORT MAY NOT BE REFUSED ON ANY GROUND. NO LAW ENFORCEMENT AGENCY MAY REFUSE TO ACCEPT A MISSING PERSONS REPORT ON THE BASIS THAT:

21 (A) THE MISSING PERSON IS AN ADULT;

22 (B) THE CIRCUMSTANCES DO NOT INDICATE FOUL PLAY;

23 (C) THE PERSON HAS BEEN MISSING FOR A SHORT PERIOD OF TIME;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD03741-02-9

(D) THE PERSON HAS BEEN MISSING FOR A LONG PERIOD OF TIME;

(E) THERE IS NO INDICATION THAT THE MISSING PERSON WAS IN THE JURISDICTION SERVED BY THE LAW ENFORCEMENT AGENCY AT THE TIME OF THE DISAPPEARANCE;

(F) THE CIRCUMSTANCES SUGGEST THAT THE DISAPPEARANCE MAY BE VOLUNTARY;

(G) THE PERSON REPORTING DOES NOT HAVE PERSONAL KNOWLEDGE OF THE FACTS;

(H) THE REPORTING INDIVIDUAL CANNOT PROVIDE ALL OF THE INFORMATION REQUESTED BY THE LAW ENFORCEMENT AGENCY;

(I) THE REPORTING PERSON LACKS A FAMILIAL OR OTHER RELATIONSHIP WITH THE MISSING PERSON;

(J) OR FOR ANY OTHER REASON.

2. MANNER OF REPORTING. ALL LAW ENFORCEMENT AGENCIES SHALL ACCEPT MISSING PERSON REPORTS IN PERSON. LAW ENFORCEMENT AGENCIES ARE ENCOURAGED TO ACCEPT REPORTS BY PHONE OR BY ELECTRONIC OR OTHER MEDIA TO THE EXTENT THAT SUCH REPORTING IS CONSISTENT WITH LAW ENFORCEMENT POLICIES OR PRACTICES.

3. CONTENTS OF REPORT. IN ACCEPTING A REPORT OF A MISSING PERSON, THE LAW ENFORCEMENT AGENCY SHALL ATTEMPT TO GATHER RELEVANT INFORMATION RELATING TO THE DISAPPEARANCE. THE LAW ENFORCEMENT AGENCY SHALL ATTEMPT TO GATHER AT THE TIME OF THE REPORT INFORMATION THAT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(A) THE NAME OF THE MISSING PERSON (INCLUDING ALTERNATIVE NAMES USED);

(B) THE DATE OF BIRTH;

(C) IDENTIFYING MARKS (SUCH AS BIRTHMARKS, MOLES, TATTOOS, SCARS, ETC.);

(D) HEIGHT AND WEIGHT;

(E) GENDER;

(F) RACE;

(G) CURRENT HAIR COLOR AND TRUE OR NATURAL HAIR COLOR;

(H) EYE COLOR;

(I) PROSTHETICS, SURGICAL IMPLANTS, OR COSMETIC IMPLANTS;

(J) PHYSICAL ANOMALIES;

(K) BLOOD TYPE (IF KNOWN);

(L) DRIVERS LICENSE NUMBER (IF KNOWN);

(M) SOCIAL SECURITY NUMBER (IF KNOWN);

(N) A PHOTOGRAPH OF THE MISSING PERSON (RECENT PHOTOGRAPHS ARE PREFERABLE; THE AGENCY IS ENCOURAGED TO ATTEMPT TO ASCERTAIN THE APPROXIMATE DATE THE PHOTOGRAPH WAS TAKEN);

(O) A DESCRIPTION OF THE CLOTHING THE MISSING PERSON WAS BELIEVED TO BE WEARING;

(P) A DESCRIPTION OF ITEMS THAT MIGHT BE WITH THE MISSING PERSON (JEWELRY, ACCESSORIES, SHOES OR BOOTS, ETC.);

(Q) INFORMATION ON MISSING PERSON'S ELECTRONIC COMMUNICATIONS DEVICES SUCH AS BUT NOT LIMITED TO CELL PHONE NUMBERS, EMAIL ADDRESSES, ETC.;

(R) THE REASONS WHY THE REPORTING PERSON BELIEVES THAT THE PERSON IS MISSING;

(S) NAME AND LOCATION OF MISSING PERSON'S SCHOOL OR EMPLOYER (IF KNOWN);

(T) NAME AND LOCATION OF MISSING PERSON'S DENTIST AND/OR PRIMARY CARE PHYSICIAN (IF KNOWN);

(U) ANY CIRCUMSTANCES THAT MAY INDICATE THAT THE DISAPPEARANCE WAS NOT VOLUNTARY;

(V) ANY CIRCUMSTANCES THAT INDICATE THAT THE MISSING PERSON MAY BE AT RISK OF INJURY OR DEATH;

1 (W) A DESCRIPTION OF THE POSSIBLE MEANS OF TRANSPORTATION OF THE MISS-
2 ING PERSON (INCLUDING MAKE, MODEL, COLOR, LICENSE, AND VIN OF A VEHI-
3 CLE);
4 (X) ANY IDENTIFYING INFORMATION ABOUT A KNOWN OR POSSIBLE ABDUCTOR
5 AND/OR PERSON LAST SEEN WITH THE MISSING PERSON INCLUDING:
6 (I) NAME;
7 (II) A PHYSICAL DESCRIPTION;
8 (III) DATE OF BIRTH;
9 (IV) IDENTIFYING MARKS;
10 (V) THE DESCRIPTION OF POSSIBLE MEANS OF TRANSPORTATION (INCLUDING
11 MAKE, MODEL, COLOR, LICENSE, AND VIN OF A VEHICLE);
12 (VI) KNOWN ASSOCIATES;
13 (Y) ANY OTHER INFORMATION THAT CAN AID IN LOCATING THE MISSING PERSON;
14 AND
15 (Z) DATE OF LAST CONTACT.
16 4. NOTIFICATION AND FOLLOW UP ACTION. (A) THE LAW ENFORCEMENT AGENCY
17 SHALL NOTIFY THE PERSON MAKING THE REPORT, A FAMILY MEMBER, OR OTHER
18 PERSON IN A POSITION TO ASSIST THE LAW ENFORCEMENT AGENCY IN ITS EFFORTS
19 TO LOCATE THE MISSING PERSON:
20 (I) OF GENERAL INFORMATION ABOUT THE HANDLING OF THE MISSING PERSON
21 CASE OR ABOUT INTENDED EFFORTS IN THE CASE TO THE EXTENT THAT THE LAW
22 ENFORCEMENT AGENCY DETERMINES THAT DISCLOSURE WOULD NOT ADVERSELY AFFECT
23 ITS ABILITY TO LOCATE OR PROTECT THE MISSING PERSON, TO APPREHEND OR
24 PROSECUTE ANY PERSON CRIMINALLY INVOLVED IN THE DISAPPEARANCE;
25 (II) THAT THE PERSON MAKING THE REPORT OR OTHER NECESSARY PERSON
26 SHOULD PROMPTLY CONTACT THE LAW ENFORCEMENT AGENCY IF THE MISSING PERSON
27 REMAINS MISSING TO PROVIDE ADDITIONAL INFORMATION AND MATERIALS THAT
28 WILL AID IN LOCATING THE MISSING PERSON. THE LAW ENFORCEMENT AGENCY
29 SHOULD ALSO NOTIFY THE PERSON OF THE SPECIFIC INFORMATION OR MATERIALS
30 NEEDED SUCH AS CREDIT/DEBIT CARDS THE MISSING PERSON HAS ACCESS TO (AND
31 OTHER BANKING INFORMATION) AND RECORDS OF CELL PHONE USE;
32 (III) THAT ANY DNA SAMPLES PROVIDED FOR THE MISSING PERSON CASE ARE
33 PROVIDED ON A VOLUNTARY BASIS AND WILL BE USED SOLELY TO HELP LOCATE OR
34 IDENTIFY THE MISSING PERSON AND WILL NOT BE USED FOR ANY OTHER PURPOSE;
35 (IV) THE LAW ENFORCEMENT AGENCY IS ENCOURAGED TO MAKE AVAILABLE INFOR-
36 MATIONAL MATERIALS (THROUGH PUBLICATIONS OR ELECTRONIC OR OTHER MEDIA)
37 THAT ADVISE THE PUBLIC ABOUT HOW THE INFORMATION OR MATERIALS IDENTIFIED
38 IN THIS SUBDIVISION ARE USED TO HELP LOCATE OR IDENTIFY MISSING PERSONS.
39 (B) IF THE PERSON IDENTIFIED IN THE MISSING PERSON REPORT REMAINS
40 MISSING AFTER THIRTY DAYS, AND THE ADDITIONAL INFORMATION AND MATERIALS
41 SPECIFIED BELOW HAVE NOT BEEN RECEIVED, THE LAW ENFORCEMENT AGENCY SHALL
42 ATTEMPT TO OBTAIN:
43 (I) DNA SAMPLES FROM FAMILY MEMBERS AND/OR FROM THE MISSING PERSON
44 ALONG WITH ANY NEEDED DOCUMENTATION, INCLUDING ANY CONSENT FORMS,
45 REQUIRED FOR THE USE OF STATE OR FEDERAL DNA DATABASES INCLUDING BUT NOT
46 LIMITED TO THE LOCAL DNA DATABASE (LDIS), STATE DNA DATABASE (SDIS), AND
47 NATIONAL DNA DATABASE (NDIS);
48 (II) AN AUTHORIZATION TO RELEASE DENTAL OR SKELETAL X-RAYS OF THE
49 MISSING PERSON;
50 (III) ANY ADDITIONAL PHOTOGRAPHS OF THE MISSING PERSON THAT MAY AID
51 THE INVESTIGATION OR AN IDENTIFICATION. THE LAW ENFORCEMENT AGENCY SHALL
52 NOT BE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION BEFORE IT RELEASES
53 PUBLICLY ANY PHOTOGRAPH THAT WOULD AID IN THE INVESTIGATION OR IDENTIFI-
54 CATION OF THE MISSING PERSON;
55 (IV) DENTAL INFORMATION AND X-RAYS; AND
56 (V) FINGERPRINTS.

(C) ALL DNA SAMPLES OBTAINED IN MISSING PERSON CASES SHALL BE IMMEDIATELY FORWARDED TO THE STATE POLICE FOR ANALYSIS. THE STATE POLICE SHOULD ESTABLISH PROCEDURES FOR DETERMINING HOW TO PRIORITIZE ANALYSIS OF THE SAMPLES RELATING TO MISSING PERSONS CASES;

(D) INFORMATION RELEVANT TO THE FEDERAL BUREAU OF INVESTIGATION'S VIOLENT CRIMINAL APPREHENSION PROGRAM SHALL BE ENTERED AS SOON AS POSSIBLE.

S 236. LAW ENFORCEMENT ANALYSIS AND REPORTING OF MISSING PERSON INFORMATION. 1. PROMPT DETERMINATION OF HIGH-RISK MISSING PERSON. A HIGH-RISK MISSING PERSON IS AN INDIVIDUAL WHOSE WHEREABOUTS IS NOT CURRENTLY KNOWN AND THE CIRCUMSTANCES INDICATE THAT THE INDIVIDUAL MAY BE AT RISK OF INJURY OR DEATH. THE CIRCUMSTANCES THAT INDICATE THAT AN INDIVIDUAL IS A "HIGH-RISK MISSING PERSON" INCLUDE ANY OF THE FOLLOWING, BUT ARE NOT LIMITED TO:

(A) THE PERSON IS MISSING AS A RESULT OF A STRANGER ABDUCTION;

(B) THE PERSON IS MISSING UNDER SUSPICIOUS CIRCUMSTANCES;

(C) THE PERSON IS MISSING UNDER UNKNOWN CIRCUMSTANCES;

(D) THE PERSON IS MISSING UNDER KNOWN DANGEROUS CIRCUMSTANCES;

(E) THE PERSON IS MISSING MORE THAN THIRTY DAYS;

(F) THE PERSON HAS ALREADY BEEN DESIGNATED AS A "HIGH-RISK MISSING PERSON" BY ANOTHER LAW ENFORCEMENT AGENCY;

(G) THERE IS EVIDENCE THAT THE PERSON IS AT RISK BECAUSE:

(I) THE PERSON MISSING IS IN NEED OF MEDICAL ATTENTION, OR PRESCRIPTION MEDICATION;

(II) THE PERSON MISSING DOES NOT HAVE A PATTERN OF RUNNING AWAY OR DISAPPEARING;

(III) THE PERSON MISSING MAY HAVE BEEN ABDUCTED BY A NON-CUSTODIAL PARENT;

(IV) THE PERSON MISSING IS MENTALLY IMPAIRED;

(V) THE PERSON MISSING IS A PERSON UNDER THE AGE OF TWENTY-ONE;

(VI) THE PERSON MISSING HAS BEEN THE SUBJECT OF PAST THREATS OR ACTS OF VIOLENCE.

(H) ANY OTHER FACTOR THAT MAY, IN THE JUDGMENT OF THE LAW ENFORCEMENT OFFICIAL, DETERMINE THAT THE MISSING PERSON MAY BE AT RISK.

2. LAW ENFORCEMENT RISK ASSESSMENT. (A) UPON INITIAL RECEIPT OF A MISSING PERSON REPORT, THE LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY DETERMINE WHETHER THERE IS A BASIS TO DETERMINE THAT THE PERSON MISSING IS A HIGH-RISK MISSING PERSON;

(B) IF A LAW ENFORCEMENT AGENCY HAS PREVIOUSLY DETERMINED THAT A MISSING PERSON IS NOT A HIGH-RISK MISSING PERSON, BUT OBTAINS NEW INFORMATION, IT SHALL IMMEDIATELY DETERMINE WHETHER THE INFORMATION PROVIDED TO THE LAW ENFORCEMENT AGENCY INDICATES THAT THE PERSON MISSING IS A HIGH-RISK MISSING PERSON;

(C) RISK ASSESSMENTS IDENTIFIED IN THIS PARAGRAPH SHALL BE PERFORMED NO LATER THAN TWO HOURS AFTER THE INITIAL MISSING PERSON REPORT OR THE NEW INFORMATION WAS PROVIDED TO THE LAW ENFORCEMENT AGENCY; AND

(D) LAW ENFORCEMENT AGENCIES ARE ENCOURAGED TO ESTABLISH WRITTEN PROTOCOLS FOR THE HANDLING OF MISSING PERSON CASES TO ACCOMPLISH THE PURPOSE OF THIS ARTICLE.

3. LAW ENFORCEMENT AGENCY REPORTS. (A) WHEN THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE MISSING PERSON IS A HIGH-RISK MISSING PERSON IT SHALL NOTIFY THE STATE POLICE. IT SHALL IMMEDIATELY PROVIDE TO THE STATE POLICE THE INFORMATION MOST LIKELY TO AID IN THE LOCATION AND SAFE RETURN OF THE HIGH-RISK MISSING PERSON. IT SHALL PROVIDE AS SOON AS PRACTICABLE ALL OTHER INFORMATION OBTAINED RELATING TO THE MISSING PERSON CASE;

(B) THE STATE POLICE SHALL PROMPTLY NOTIFY ALL LAW ENFORCEMENT AGENCIES WITHIN THE STATE AND SURROUNDING REGION OF THE INFORMATION THAT WILL AID IN THE PROMPT LOCATION AND SAFE RETURN OF THE HIGH-RISK MISSING PERSON;

(C) THE LOCAL LAW ENFORCEMENT AGENCIES WHO RECEIVED THE NOTIFICATION FROM THE STATE POLICE SHALL NOTIFY OFFICERS TO "BE ON THE LOOK OUT" FOR THE MISSING PERSON OR A SUSPECTED ABDUCTOR;

(D) THE RESPONDING LOCAL LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY ENTER ALL COLLECTED INFORMATION RELATING TO THE MISSING PERSON CASE IN AVAILABLE STATE AND FEDERAL DATABASES. IF THE RESPONDING LOCAL LAW ENFORCEMENT AGENCY DOES NOT HAVE THE CAPABILITY TO ENTER THIS DATA DIRECTLY IN THE STATE AND FEDERAL DATABASES, THE STATE POLICE SHALL IMMEDIATELY ENTER ALL COLLECTED INFORMATION RELATING TO THE MISSING PERSON CASE IN AVAILABLE STATE AND FEDERAL DATABASES. THE INFORMATION SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE GUIDELINES RELATING TO THE DATABASES. THE INFORMATION SHALL BE ENTERED AS FOLLOWS:

(I) A MISSING PERSON REPORT IN HIGH-RISK MISSING PERSON CASES (AND RELEVANT INFORMATION PROVIDED IN THE REPORT) SHALL BE ENTERED IN THE NATIONAL CRIME INFORMATION CENTER DATABASE IMMEDIATELY, BY NO MORE THAN TWO HOURS OF THE DETERMINATION THAT THE MISSING PERSON IS A HIGH-RISK MISSING PERSON. ALL OTHER MISSING PERSON REPORTS (AND RELEVANT INFORMATION PROVIDED IN THE REPORT) SHALL BE ENTERED WITHIN ONE DAY AFTER THE MISSING PERSON REPORT IS RECEIVED. SUPPLEMENTAL INFORMATION IN HIGH-RISK MISSING PERSON CASES SHOULD BE ENTERED AS SOON AS PRACTICABLE;

(II) ALL DNA PROFILES SHALL BE UPLOADED INTO THE MISSING PERSON DATABASES OF THE STATE DNA INDEX SYSTEM (SDIS) AND NATIONAL DNA INDEX SYSTEM (NDIS) AFTER COMPLETION OF THE DNA ANALYSIS AND OTHER PROCEDURES REQUIRED FOR DATABASE ENTRY;

(III) INFORMATION RELEVANT TO THE FEDERAL BUREAU OF INVESTIGATION'S VIOLENT CRIMINAL APPREHENSION PROGRAM SHALL BE ENTERED AS SOON AS POSSIBLE.

(E) THE STATE POLICE SHALL ENSURE THAT PERSONS ENTERING DATA RELATING TO MEDICAL OR DENTAL RECORDS IN STATE OR FEDERAL DATABASES ARE SPECIFICALLY TRAINED TO UNDERSTAND AND CORRECTLY ENTER THE INFORMATION SOUGHT BY THESE DATABASES. THE STATE POLICE ARE STRONGLY ENCOURAGED TO EITHER USE PERSONS WITH SPECIFIC EXPERTISE IN MEDICAL OR DENTAL RECORDS FOR THIS PURPOSE OR CONSULT WITH EXPERT MEDICAL EXAMINERS, FORENSIC ANTHROPOLOGISTS, OR ODONTOLOGISTS TO ENSURE THE ACCURACY AND COMPLETENESS OF INFORMATION ENTERED INTO THE STATE AND FEDERAL DATABASES;

(F) PURSUANT TO ANY APPLICABLE STATE CRITERIA, LOCAL LAW ENFORCEMENT AGENCIES SHOULD ALSO PROVIDE FOR THE PROMPT USE OF AN AMBER ALERT OR PUBLIC DISSEMINATION OF PHOTOGRAPHS IN APPROPRIATE HIGH-RISK CASES.

S 237. REPORTING OF UNIDENTIFIED PERSONS/HUMAN REMAINS. 1. HANDLING OF DEATH SCENE INVESTIGATIONS. (A) THE STATE POLICE SHALL PROVIDE INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES ABOUT BEST PRACTICES FOR HANDLING DEATH SCENE INVESTIGATIONS;

(B) THE STATE POLICE SHALL IDENTIFY ANY PUBLICATIONS OR TRAINING OPPORTUNITIES THAT MAY BE AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES OR LAW ENFORCEMENT OFFICERS CONCERNING THE HANDLING OF DEATH SCENE INVESTIGATIONS.

2. LAW ENFORCEMENT REPORTS. (A) AFTER PERFORMING ANY DEATH SCENE INVESTIGATION DEEMED APPROPRIATE UNDER THE CIRCUMSTANCES, THE OFFICIAL WITH CUSTODY OF THE HUMAN REMAINS SHALL ENSURE THAT THE HUMAN REMAINS ARE DELIVERED TO THE APPROPRIATE CORONER OR MEDICAL EXAMINER;

(B) ANY PERSON WITH CUSTODY OF HUMAN REMAINS THAT ARE NOT IDENTIFIED WITHIN TWENTY-FOUR HOURS OF DISCOVERY SHALL PROMPTLY NOTIFY THE STATE POLICE OF THE LOCATION OF THOSE REMAINS;

(C) IF THE PERSON WITH CUSTODY OF REMAINS CANNOT DETERMINE WHETHER OR NOT THE REMAINS FOUND ARE HUMAN, THEY SHALL NOTIFY THE STATE POLICE OF THE EXISTENCE OF POSSIBLE HUMAN REMAINS.

S 238. UNIDENTIFIED PERSONS/HUMAN REMAINS IDENTIFICATION RESPONSIBILITIES. 1. IF THE OFFICIAL WITH CUSTODY OF THE HUMAN REMAINS IS NOT A MEDICAL EXAMINER, THE OFFICIAL SHALL PROMPTLY TRANSFER THE UNIDENTIFIED REMAINS TO THE APPROPRIATE MEDICAL EXAMINER QUALIFIED TO EXAMINE HUMAN REMAINS FOR THE PURPOSE OF IDENTIFICATION WITH RESPONSIBILITY FOR SEEKING TO DETERMINE THE IDENTITY OF THE HUMAN REMAINS.

2. NOTWITHSTANDING ANY OTHER ACTION DEEMED APPROPRIATE FOR THE HANDLING OF THE HUMAN REMAINS, THE MEDICAL EXAMINER SHALL MAKE REASONABLE ATTEMPTS TO PROMPTLY IDENTIFY HUMAN REMAINS. THESE ACTIONS MAY INCLUDE, BUT NOT BE LIMITED TO, OBTAINING:

(A) PHOTOGRAPHS OF THE HUMAN REMAINS (PRIOR TO AN AUTOPSY);

(B) DENTAL OR SKELETAL X-RAYS;

(C) PHOTOGRAPHS OF ITEMS FOUND WITH THE HUMAN REMAINS;

(D) FINGERPRINTS FROM THE REMAINS (IF POSSIBLE);

(E) SAMPLES OF TISSUE SUITABLE FOR DNA TYPING (IF POSSIBLE);

(F) SAMPLES OF WHOLE BONE AND/OR HAIR SUITABLE FOR DNA TYPING;

(G) ANY OTHER INFORMATION THAT MAY SUPPORT IDENTIFICATION EFFORTS.

3. NO MEDICAL EXAMINER OR ANY OTHER PERSON SHALL DISPOSE OF, OR ENGAGE IN ACTIONS THAT WILL MATERIALLY AFFECT THE UNIDENTIFIED HUMAN REMAINS BEFORE THE MEDICAL EXAMINER OBTAINS:

(A) SAMPLES SUITABLE FOR DNA IDENTIFICATION, ARCHIVING;

(B) PHOTOGRAPHS OF THE UNIDENTIFIED PERSON/HUMAN REMAINS; AND

(C) ALL OTHER APPROPRIATE STEPS FOR IDENTIFICATION HAVE BEEN EXHAUSTED.

4. CREMATION OF UNIDENTIFIED HUMAN REMAINS IS PROHIBITED.

5. THE MEDICAL EXAMINER, CORONER, OR THE STATE POLICE SHALL MAKE REASONABLE EFFORTS TO OBTAIN PROMPT DNA ANALYSIS OF BIOLOGICAL SAMPLES, IF THE HUMAN REMAINS HAVE NOT BEEN IDENTIFIED BY OTHER MEANS WITHIN THIRTY DAYS.

6. A MEDICAL EXAMINER OR CORONER, DESIGNATED BY THE STATE POLICE SHALL SEEK SUPPORT FROM APPROPRIATE STATE AND FEDERAL AGENCIES FOR HUMAN REMAINS IDENTIFICATION EFFORTS. SUCH SUPPORT MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, AVAILABLE MITOCHONDRIAL OR NUCLEAR DNA TESTING, FEDERAL GRANTS FOR DNA TESTING, OR FEDERAL GRANTS FOR CRIME LABORATORY OR MEDICAL EXAMINER OFFICE IMPROVEMENT.

7. A MEDICAL EXAMINER DESIGNATED BY THE STATE POLICE SHALL PROMPTLY ENTER INFORMATION IN FEDERAL AND STATE DATABASES THAT CAN AID IN THE IDENTIFICATION OF MISSING PERSONS. INFORMATION SHALL BE ENTERED INTO FEDERAL DATABASES AS FOLLOWS:

(A) INFORMATION FOR THE NATIONAL CRIME INFORMATION CENTER WITHIN TWENTY-FOUR HOURS;

(B) DNA PROFILES AND INFORMATION SHALL BE ENTERED INTO THE NATIONAL DNA INDEX SYSTEM (NDIS) WITHIN FIVE BUSINESS DAYS AFTER THE COMPLETION OF THE DNA ANALYSIS AND PROCEDURES NECESSARY FOR THE ENTRY OF THE DNA PROFILE; AND

(C) INFORMATION SOUGHT BY THE VIOLENT CRIMINAL APPREHENSION PROGRAM DATABASE AS SOON AS PRACTICABLE.

8. IF MEDICAL EXAMINER OFFICE PERSONNEL DO NOT INPUT THE DATA DIRECTLY INTO THE FEDERAL DATABASES, THE STATE POLICE SHALL CONSULT WITH THE MEDICAL EXAMINERS OFFICE TO ENSURE APPROPRIATE TRAINING OF THE DATA

1 ENTRY PERSONNEL AND THE ESTABLISHMENT OF A QUALITY ASSURANCE PROTOCOL
2 FOR ENSURING THE ONGOING QUALITY OF DATA ENTERED IN THE FEDERAL AND
3 STATE DATABASES.
4 9. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO PRECLUDE ANY
5 MEDICAL EXAMINER OFFICE, THE STATE POLICE, OR A LOCAL LAW ENFORCEMENT
6 AGENCY FROM PURSUING OTHER EFFORTS TO IDENTIFY UNIDENTIFIED HUMAN
7 REMAINS INCLUDING EFFORTS TO PUBLICIZE INFORMATION, DESCRIPTIONS OR
8 PHOTOGRAPHS THAT MAY AID IN THE IDENTIFICATION OF THE UNIDENTIFIED
9 REMAINS, ALLOW FAMILY MEMBERS TO IDENTIFY MISSING PERSONS, AND SEEK TO
10 PROTECT THE DIGNITY OF THE MISSING PERSON.
11 S 3. This act shall take effect January 1, 2010.