§ 837-e. Statewide central register for missing children. 1. There is hereby established through electronic data processing and related procedures, a statewide central register for missing children which shall be compatible with the national crime information center register maintained pursuant to the federal missing children act of nineteen hundred eighty-two. As used in this article, the term missing child shall mean any person under the age of eighteen years, or any youth, under the age of twenty-one years, that the office of children and family services or a local department of social services has responsibility for placement, care, or supervision, or who is the subject child of a child protective investigation, or is receiving preventive services or services under section 477 of the Social Security Act, or has run away from foster care, where such office or department has reasonable cause to believe that such youth is, or is at risk of being, a sex trafficking victim, who is missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so.

1-a. (a) Upon the entry of a report of a missing child born in New York into the register, the division shall notify the commissioner of the state department of health or if the child was born in the city of New York, the commissioner of the New York city department of health, of such entry and shall provide such commissioner with information concerning the identity of the missing child and request that the birth certificate record of such child be flagged in accordance with section four thousand one hundred of the public health law.

(b) If the division has reason to believe that a missing child has at any time been enrolled in a New York school, it shall notify the last known school at which time the school shall flag the missing child's schooling record in accordance with section three thousand two hundred twenty-two of the education law. If the division has reason to believe that a child who is listed as a missing child is currently enrolled in and attending a New York school, it shall notify the school and upon receiving notification, such school shall immediately notify the statewide central register for missing children within the division of

criminal justice services.

(c) Upon learning of the recovery of any missing child whose birth certificate record or schooling record has been flagged as the result of notification made pursuant to this subdivision, the division shall so notify the state commissioner of health or if the child was born in the city of New York, the commissioner of the New York city department of health, and the school as appropriate.

1-b. The division shall transmit the report of the missing child to the National Missing and Unidentified Persons System (NamUs) no later than thirty days after entry of a report of a missing child into the register whenever circumstances indicate that the missing child may be at immediate risk of death or injury, or may be a match to a record maintained in the NamUs unidentified person database and within one hundred eighty days in any other case.

2. The following may make inquiries to determine if any entries in the register or in the national crime information center register could match the subject of the inquiry:

(a) a police or criminal justice agency investigating a report of a missing or unidentified child, whether living or deceased; and

(b) the agency licensing, certifying or registering a family day care home, day care center or head start program funded pursuant to Title V of the Federal Economic Opportunity Act of nineteen hundred sixty-four as amended, when an operator or director of such program has reasonable cause to believe that a child in attendance at the home, center or program may be a missing person provided, however, that upon notification that such child appears to match a child registered herein such agency shall immediately notify such operator or director to contact an appropriate local criminal justice agency; and

(c) a district attorney or a county medical examiner or coroner upon a showing that information contained in the register may be necessary for the determination of an issue regarding a missing or unidentified child; and

(d) an authorized agency or state official pursuant to subdivision seven of section three hundred seventy-two of the social services law; and

(e) a superintendent of schools or his authorized representative pursuant to paragraph a of subdivision two of section three thousand two hundred twelve of the education law. No civil or criminal liability shall arise or attach to any school district or employee thereof for any act or omission to act as a result of, or in connection with, the duties or activities authorized or directed by this paragraph.

3. The central register shall contain all available identifying data of any child including, but not limited to, fingerprints, blood types, dental information, and photographs subject to the following conditions:

(a) Except as provided for in paragraph (c) of this subdivision and in section eight hundred thirty-seven-f of this article, the data contained in the register shall be confidential.

(b) Any person who knowingly and intentionally permits the release of any data and information contained in the central register to persons or agencies not permitted by this title shall be guilty of a class A misdemeanor.

(c) Such data may be made available only to:

(i) a police or criminal justice agency investigating a report of a missing child or unidentified child, whether living or deceased;

(ii) the public at large, to expedite the finding of a missing child, when the parent or legal guardian of such a child provides written authorization to the investigating police department for the release of such data except when, according to such department, the release of such data would jeopardize the investigation or the safety of the child. When such department deems the release of such data to be appropriate, it shall transmit such written authorization to the division; and

(iii) any qualified person engaged in bona fide research when approved by the commissioner, provided that the researcher in no event disclose information tending to identify the child or his or her family or caregiver.

4. The commissioner shall promulgate rules and regulations:

(a) insuring the timeliness, completeness and confidentiality of the data contained in the register;

(b) prescribing the manner in which entries to the register shall be made and updated as the investigation progresses;

(c) prescribing the form and manner in which entries and inquiries to the register and notices to other agencies and entities shall be made and processed;

(d) insuring that criminal justice agencies and agencies defined by subdivision seven of section three hundred seventy-two of the social services law making inquiries to the register will be promptly informed if any entries in the statewide central register or in the national crime information center register could match the subject of the inquiry;

(e) insuring the proper disposition of all obsolete register data, provided however that such data for a person who has reached the age of eighteen and remains missing shall be preserved;

(f) linking the register with the national crime information center register; and

(g) establishing procedures for transmitting reports of missing children and adults to the National Missing and Unidentified Persons System (NamUs) pursuant to subdivision one-b of this section and section eight hundred thirty-seven-f-two of this article.

5. The division shall not charge a fee for inquiries made pursuant to this section.

6. When a person previously reported missing has been found alive and there is no ground for criminal action, the superintendent of state police, sheriff, chief of police, coroner or medical examiner, or other criminal justice agency shall purge and destroy identifying material contained in such records and documents with respect to such person which are made and maintained pursuant to this section and shall report to the division that the person has been found and that the identifying materials contained in such records and documents have been so purged or destroyed. After receiving such a report, the division shall purge identifying material contained in such records with respect to such person and/or destroy any identifying material contained in documents which are maintained pursuant to this section.