

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0379.02 Conrad Imel x2313

SENATE BILL 22-095

SENATE SPONSORSHIP

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Senate Committees

Judiciary

House Committees

Judiciary

HOUSE
3rd Reading Unamended
March 16, 2022

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>.)

HOUSE
Amended 2nd Reading
March 15, 2022

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,

SENATE
3rd Reading Unamended
March 2, 2022

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.

SENATE
Amended 2nd Reading
March 1, 2022

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 TRANSGENDER
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 AND PERSONS FIFTY YEARS OF AGE AND OLDER.
9 THE DIVISION SHALL PREPARE THE PRESENTATION WITHIN EXISTING
10 APPROPRIATIONS.

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

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

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

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

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

26 (3) Each law enforcement agency ~~is encouraged to~~ SHALL accept
27 a missing person report submitted by telephone or by electronic or other

1 media to the extent that IF:

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

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

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

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

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

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

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

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

1 AGENCY DOCUMENTS THE CIRCUMSTANCE.

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

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

13 (b) (I) If the missing person is under eighteen years of age, the law
14 enforcement agency shall, within ~~twenty-four~~ TWO hours after receiving
15 the report, notify the Colorado bureau of investigation pursuant to section
16 24-33.5-415.1 (3) ~~C.R.S.~~; AND ENTER ANY RELEVANT INFORMATION INTO
17 THE COLORADO CRIME INFORMATION CENTER DATABASE; or

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

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

1 **19-1-115.3. Missing children and youth from out-of-home**
2 **placement - required reporting to law enforcement.** If a child or youth
3 for whom the department of human services or a county department of
4 human or social services has legal custody pursuant to the provisions of
5 this title 19 is determined by the agency to be missing, the agency having
6 legal custody of the child or youth shall report the disappearance
7 immediately, and in no case later than twenty-four hours after learning of
8 the disappearance, to the National Center for Missing and Exploited
9 Children and to law enforcement. Law enforcement authorities shall
10 notify the Colorado bureau of investigation ~~for transmission to the federal~~
11 **~~bureau of investigation for entry into the national~~ AND ENTER ANY**
12 RELEVANT INFORMATION INTO THE COLORADO crime information center
13 database pursuant to section 16-2.7-103. The reporting requirements set
14 forth for foster parents and out-of-home placement facilities in section
15 19-2.5-1508 apply.

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

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

1 **SECTION 6. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.