

SECOND REGULAR SESSION

HOUSE BILL NO. 1167

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WRIGHT (Sponsor), FRANKLIN, FISHER, WELLS, SHUMAKE, SATER, WHITE, ROWLAND, SCHIEFFER, TILLEY, PHILLIPS, SCHNEIDER, HAMPTON, JONES (89), GATSCHENBERGER, BLACK, KRATKY, CASEY, MEADOWS, FALLERT, SHIVELY, HUGHES, SWINGER, GRISAMORE, McGHEE, BROWN (50), ZERR, STREAM, LAIR AND BRANDOM (Co-sponsors).

4429L.01H

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.401, 43.404, 194.117, 194.425, and 568.050, RSMo, and to enact in lieu thereof six new sections relating to the reporting of missing and dead children, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.401, 43.404, 194.117, 194.425, and 568.050, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 43.399, 43.401, 43.404,
3 194.117, 194.425, and 568.050, to read as follows:

**43.399. The amendments to sections 43.401, 43.404, 194.117, 194.425, and 568.050
2 shall be known and may be cited as "Caylee's Law".**

43.401. 1. The reporting of missing persons by law enforcement agencies, private
2 citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons
3 are as follows:

- 4 (1) A person may file a complaint of a missing person with a law enforcement agency
5 having jurisdiction. The complaint shall include, but need not be limited to, the following
6 information:
- 7 (a) The name of the complainant;
 - 8 (b) The relationship of the complainant to the missing person;
 - 9 (c) The name, age, address, and all identifying characteristics of the missing person;
 - 10 (d) The length of time the person has been missing;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (e) All other information deemed relevant by either the complainant or the law
12 enforcement agency;

13 (2) A report of the complaint of a missing person shall be immediately entered into the
14 Missouri uniform law enforcement system (MULES) and the National Crime Information Center
15 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to
16 other law enforcement agencies who may come in contact with or be involved in the
17 investigation or location of a missing person;

18 (3) A law enforcement agency with which a complaint of a missing child has been filed
19 **in accordance with section 43.404** shall prepare, as soon as practicable, a standard missing
20 child report. The missing child report shall be maintained as a record by the reporting law
21 enforcement agency during the course of an active investigation **and shall be forwarded to the**
22 **patrol in accordance with section 43.404;**

23 (4) Upon the location of a missing person, or the determination by the law enforcement
24 agency of jurisdiction that the person is no longer missing, the law enforcement agency which
25 reported the missing person shall immediately remove the record of the missing person from the
26 MULES and NCIC files.

27 2. No law enforcement agency shall prevent an immediate active investigation on the
28 basis of an agency rule which specifies an automatic time limitation for a missing person
29 investigation.

43.404. 1. Any parent, guardian, or legal custodian [may] **shall** submit a missing child
2 report [to the patrol] on any child **of such parent, guardian, or legal custodian** whose
3 whereabouts are unknown, regardless of the circumstances, [subsequent to the reporting of such]
4 to the appropriate law enforcement agency within the county in which the child became
5 missing[.] **within twenty-four hours of his or her discovery of the child's unknown**
6 **whereabouts. Such law enforcement agency shall forward a missing child report to the**
7 **patrol and** each of the reports so made by any parent, guardian, or legal custodian **and**
8 **forwarded by a law enforcement agency to the patrol** shall be included in the records of the
9 patrol concerning the missing child in question. The parent, guardian, or legal custodian
10 responsible for notifying [the patrol or] a law enforcement agency of a missing child shall
11 immediately notify such agency [or the patrol] when the location of the child reported missing
12 has been determined **and such notice shall be forwarded by the law enforcement agency to**
13 **the patrol.**

14 2. **Any parent, guardian, or legal custodian who violates the provisions of this**
15 **section is guilty of the crime of endangering the welfare of a child in the second degree**
16 **under section 568.050.**

194.117. 1. Any person who discovers the dead body of, or acquires the first knowledge
2 of the death of, any child under the age of one year and over the age of one week, where the child
3 died suddenly when in apparent good health, shall immediately notify the county coroner or
4 medical examiner of the known facts concerning the time, place, manner, and circumstances of
5 the death. All such deaths shall be autopsied by a certified child death pathologist. The coroner
6 or medical examiner shall notify the parent or guardian of the child that an autopsy shall be
7 performed at the expense of the state. The department of health and senior services shall receive
8 prompt notification of such autopsy results. The results from the autopsy shall be reduced to
9 writing and delivered to the state department of health and senior services. The term "sudden
10 infant death syndrome" shall be entered on the death certificate as the principal cause of death
11 where the term is appropriately descriptive of the circumstances surrounding the death of the
12 child. The cost of the autopsy and transportation of the body shall be paid by the department of
13 health and senior services, and the department shall pay, out of appropriations made for that
14 purpose, as a reimbursement to the certified child death pathologist such costs that are within the
15 limitation of maximum rates established by the rules and regulations of the department.
16 Autopsies under this section shall be performed by pathologists deemed qualified to perform
17 autopsies by the department of health and senior services and who agree to perform the autopsy
18 according to protocols developed pursuant to section 210.196. The certified child death
19 pathologist shall ensure that a tangible summary of the autopsy results is provided to the parents
20 or guardian of the child and shall provide informational material on the subject of sudden infant
21 death syndrome to the family within one week after the autopsy is performed. A form letter
22 developed by the department of health and senior services shall include a statement informing
23 the parents or guardian of the right to receive the full autopsy results in cases of suspected sudden
24 infant death syndrome. The certified child death pathologist shall, upon request by the parents
25 or guardian, release the full autopsy results to the parents, guardian or family physician in cases
26 of suspected sudden infant death syndrome within thirty days of such request. The tangible
27 summary and full autopsy report shall be provided at no cost to the parents or guardian. The
28 director of the department of health and senior services shall prescribe reasonable rules and
29 regulations necessary to carry out the provisions of this section, including the establishment of
30 a cost schedule and standards for reimbursement of costs of autopsies performed pursuant to the
31 provisions of this section. The provisions of this section shall not be construed so as to limit,
32 restrict or otherwise affect any power, authority, duty or responsibility imposed by any other
33 provision of law upon any coroner or medical examiner. The department of health and senior
34 services may receive grants of money or other aid from federal and other public and private
35 agencies or individuals for the administration or funding of this section or any portion thereof

36 or for research to determine the cause and prevention of deaths caused by sudden infant death
37 syndrome.

38 **2. Any parent, guardian, or legal custodian who discovers the dead body of or**
39 **acquires the first knowledge of the death of his or her child who is less than seventeen years**
40 **of age shall, within one hour of such discovery or acquiring such knowledge, notify the**
41 **appropriate law enforcement agency within the county in which the child's dead body is**
42 **discovered. Such notification shall include any known facts concerning the time, place,**
43 **manner, and circumstances of the death. Any person who violates the provisions of this**
44 **subsection is guilty of the crime of abandonment of a corpse under section 194.425.**

194.425. 1. A person commits the crime of abandonment of a corpse if that person:

2 **(1) Abandons, disposes, deserts or leaves a corpse without properly reporting the**
3 **location of the body to the proper law enforcement officials in that county; or**

4 **(2) Fails to provide notice of the discovery of his or her child's dead body or**
5 **acquiring the first knowledge of his or her child's death to the appropriate law**
6 **enforcement agency within one hour of such discovery or acquiring such knowledge as**
7 **required under subsection 2 of section 194.117.**

8 2. Abandonment of a corpse is a class D felony.

568.050. 1. A person commits the crime of endangering the welfare of a child in the
2 second degree if:

3 **(1) He or she with criminal negligence acts in a manner that creates a substantial risk to**
4 **the life, body or health of a child less than seventeen years old; or**

5 **(2) He or she knowingly encourages, aids or causes a child less than seventeen years old**
6 **to engage in any conduct which causes or tends to cause the child to come within the provisions**
7 **of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section**
8 **211.031; or**

9 **(3) Being a parent, guardian or other person legally charged with the care or custody of**
10 **a child less than seventeen years old, he or she recklessly fails or refuses to exercise reasonable**
11 **diligence in the care or control of such child to prevent him from coming within the provisions**
12 **of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of**
13 **subsection 1 or subdivision (3) of subsection 1 of section 211.031; or**

14 **(4) He or she knowingly encourages, aids or causes a child less than seventeen years of**
15 **age to enter into any room, building or other structure which is a public nuisance as defined in**
16 **section 195.130; [or]**

17 **(5) He or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of**
18 **section 565.024, subdivision (4) of subsection 1 of section 565.060, section 577.010, or section**
19 **577.012 while a child less than seventeen years old is present in the vehicle; or**

20 **(6) Being a parent, guardian, or legal custodian of a child, fails to report his or her**
21 **child missing in accordance with section 43.404.**

22 2. Nothing in this section shall be construed to mean the welfare of a child is endangered
23 for the sole reason that he or she is being provided nonmedical remedial treatment recognized
24 and permitted under the laws of this state.

25 3. Endangering the welfare of a child in the second degree is a class A misdemeanor
26 unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class
27 D felony. **For a violation of subdivision (6) of subsection 1 of this section, if death or serious**
28 **physical injury of the child occurs as a result of or during a time when the child is missing,**
29 **the crime is a class B felony.**

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