



1 "Abduction" means a case in which a person is unwillingly  
2 removed from the person's environment without the person's  
3 permission or under circumstances that indicate that the person  
4 is in physical danger.

5 "At-risk missing person" means a person whose whereabouts  
6 are unknown and who is missing under circumstances that indicate  
7 that the person may be at risk of injury or death, or who has a  
8 physical or mental disability that places the person at risk of  
9 injury or death, including a person with Alzheimer's disease,  
10 suicidal tendencies, or a mental illness, or who is elderly,  
11 disabled, or taking a life-saving medication.

12 "Child" means a person under the age of eighteen years.

13 "DNA" means deoxyribonucleic acid.

14 "Familial relationship" means a relationship that  
15 establishes that two individuals are members of the same family.

16 "Family member" means:

- 17 (1) A person related by blood, legal custody, or marriage;  
18 (2) A child who lives with an adult and for whom the adult  
19 permanently assumes and performs parental  
20 responsibility; or  
21 (3) A person with whom the individual shares or has  
22 shared, within the last year, a mutual residence.



1 "Help locate" means an investigation that is conducted when  
2 a reporting individual contacts a law enforcement agency to  
3 request assistance to find a missing person.

4 "Law enforcement agency" or "agency" means any county  
5 police department.

6 "Missing person" means a person whose whereabouts are  
7 unknown.

8 § -2 **Missing person report.** (a) All law enforcement  
9 agencies within the State shall accept without delay any report  
10 of a missing person. No law enforcement agency shall refuse to  
11 accept a missing person report on the basis that:

- 12 (1) The missing person is an adult;
- 13 (2) The circumstances do not indicate foul play;
- 14 (3) The person has been missing for a short period of  
15 time;
- 16 (4) The person has been missing for a long period of time;
- 17 (5) The reporting individual cannot provide all of the  
18 information requested by the law enforcement agency;  
19 or
- 20 (6) The reporting individual lacks a familial or other  
21 relationship with the missing person.



1 (b) All law enforcement agencies shall accept missing  
2 persons reports made in person. An initial report may be made  
3 by telephone; provided that the law enforcement agency shall  
4 require confirmation in person.

5 (c) In accepting a missing persons report, a law  
6 enforcement agency shall gather information relating to the  
7 missing person, including:

- 8 (1) The name of the missing person, including alternative  
9 names used;
- 10 (2) The date of birth;
- 11 (3) Identifying marks, such as birthmarks, moles, tattoos,  
12 and scars;
- 13 (4) Height and weight;
- 14 (5) Gender;
- 15 (6) Race;
- 16 (7) Current hair color and true or natural hair color;
- 17 (8) Eye color;
- 18 (9) Prosthetics, surgical implants, or cosmetic implants;
- 19 (10) Physical anomalies;
- 20 (11) Home address;
- 21 (12) Driver license number or social security number;



- 1 (13) A photograph or photographs of the missing person,  
2 with the approximate date the photograph was taken;
- 3 (14) A description of the clothing the missing person was  
4 believed to be wearing;
- 5 (15) A description of items that might be with the missing  
6 person, such as jewelry, accessories, shoes, or boots;
- 7 (16) Information on the missing person's electronic  
8 communication devices such as mobile phone numbers and  
9 email addresses;
- 10 (17) The reasons why the reporting person believes that the  
11 person is missing;
- 12 (18) Name and location of the missing person's school or  
13 employer;
- 14 (19) Name and location of the missing person's dentist and  
15 primary care physician;
- 16 (20) Circumstances that may indicate that the disappearance  
17 was not voluntary;
- 18 (21) Circumstances that may indicate that the missing  
19 person may be at risk of injury or death;
- 20 (22) A description of the possible means of transportation  
21 of the missing person, including make, model, color,



- 1 license, and vehicle identification number of a  
2 vehicle;
- 3 (23) Identifying information about a known or possible  
4 abductor, and about any person last seen with the  
5 missing person, including:
- 6 (A) Name;
  - 7 (B) Physical description;
  - 8 (C) Date of birth;
  - 9 (D) Identifying marks;
  - 10 (E) A description of possible means of  
11 transportation, including the make, model, color,  
12 license, and vehicle identification number of a  
13 vehicle;
  - 14 (F) Known associates; and
  - 15 (G) Contact information such as home or work address  
16 and home or work telephone numbers;
- 17 (24) Date of last contact with the missing person; and
- 18 (25) Other information that can aid in locating the missing  
19 person.

20 § -3 **Help locate.** Time permitting, a help locate shall  
21 be initiated whenever a law enforcement agency receives a report



1 requesting assistance to find a person under the following  
2 circumstances:

3 (1) There is no evidence that the missing person is in the  
4 law enforcement agency's jurisdiction;

5 (2) The reporting individual is calling from outside the  
6 state and there is no evidence to indicate that the  
7 missing person is at-risk; or

8 (3) The circumstances indicate that the disappearance is  
9 voluntary and that the person has the capacity to care  
10 for the one's self.

11 § -4 **Notification and follow-up action.** (a) The law  
12 enforcement agency may provide the reporting individual, a  
13 family member of the missing person, or another person in a  
14 position to help the law enforcement agency locate the missing  
15 person, with general information about the handling of the  
16 missing person case or about intended efforts in the case;  
17 provided that the disclosure does not adversely affect the  
18 ability of the law enforcement agency to locate or protect the  
19 missing person or to apprehend or prosecute any person  
20 criminally involved in the disappearance.

21 (b) The law enforcement agency shall advise the reporting  
22 individual, the family member of the missing person, or other



1 person in a position to help locate the missing person to  
2 promptly provide the law enforcement agency with any additional  
3 information or materials that will aid in locating the missing  
4 person. The law enforcement agency shall notify the person of  
5 the specific information or materials needed, such as credit or  
6 debit card numbers and other banking information, and records of  
7 mobile phone use.

8 (c) When deemed appropriate by the law enforcement agency,  
9 the law enforcement agency shall notify the reporting individual  
10 that the agency may seek DNA samples from family members of the  
11 missing person and that any DNA samples provided for the missing  
12 person case are provided on a voluntary basis and shall be used  
13 solely to help locate or identify the missing person.

14 (d) If a person identified in a missing person report  
15 remains missing after three months, the law enforcement agency  
16 shall attempt to obtain:

17 (1) DNA samples from family members and from the missing  
18 person, along with any needed documentation, including  
19 consent forms, required for the use of local, state,  
20 or national DNA databases, including the Federal  
21 Bureau of Investigation's National DNA Index System;



- 1           (2) Additional photographs of the missing person that may
- 2           aid the investigation or identification;
- 3           (3) Fingerprints; and
- 4           (4) Dental information and x-rays and an authorization to
- 5           release dental or skeletal x-rays of the missing
- 6           person; provided that the law enforcement agency may
- 7           wait longer than three months before attempting to
- 8           collect dental information and x-rays and an
- 9           authorization to release dental or skeletal x-rays of
- 10          the missing person as the law enforcement agency deems
- 11          appropriate.

12           (e) The law enforcement agency shall not be required to

13 obtain written authorization before it releases publicly any

14 photograph that would aid in the investigation or identification

15 of the missing person.

16           (f) Based on the results of an investigation, an

17 investigator shall determine which:

- 18           (1) DNA samples from at-risk missing persons cases
- 19           pursuant to section -5 shall be immediately
- 20           forwarded; and
- 21           (2) DNA samples shall be forwarded at a later date to the
- 22           appropriate forensic sciences laboratory for analysis,



1 processing, and recording in the missing persons  
2 database of the Federal Bureau of Investigation's  
3 National DNA Index System; provided that a DNA sample  
4 shall be forwarded within three months.

5 (g) Subsection (d) shall not preclude a law enforcement  
6 agency from attempting to obtain the materials identified in  
7 this section before the expiration of the three-month period.

8 (h) A law enforcement agency shall direct its missing  
9 persons unit to routinely review old missing persons case files  
10 for appropriate cases from which to submit DNA samples for  
11 analysis, processing, and recording in the missing persons  
12 database of the Federal Bureau of Investigation's National DNA  
13 Index System.

14 § -5 **At-risk missing persons.** (a) A law enforcement  
15 agency shall consider but shall not be limited to the following  
16 criteria in determining whether an individual is an at-risk  
17 missing person:

- 18 (1) The person is missing as a result of abduction;
- 19 (2) The person is missing under suspicious circumstances;
- 20 (3) The person is missing under dangerous circumstances;
- 21 (4) There is evidence that the person is at risk because:



- 1 (A) The missing person is in need of medical
- 2 attention or prescription medication;
- 3 (B) The missing person does not have a pattern of
- 4 running away or disappearing;
- 5 (C) The missing person is under the age of eighteen;
- 6 or
- 7 (D) The missing person has been the subject of past
- 8 threats or acts of violence;

9 or

- 10 (5) Any other factor that, in the judgment of the law
- 11 enforcement agency, may determine that the missing
- 12 person is at-risk.

13 (b) Upon receiving a missing person report, a law

14 enforcement agency shall immediately determine whether there is

15 a basis to determine that the missing person is an at-risk

16 missing person. If a law enforcement agency has previously

17 determined that a missing person is not an at-risk missing

18 person, but obtains new information, it shall immediately

19 determine whether the new information indicates that the missing

20 person is an at-risk missing person.



1 (c) Risk assessments shall be performed no later than  
2 twelve hours after the initial missing person report is filed or  
3 the new information is provided to the law enforcement agency.

4 (d) Law enforcement agencies shall establish written  
5 protocols for the handling of missing person cases.

6 (e) When a law enforcement agency determines that a  
7 missing person is an at-risk missing person and the law  
8 enforcement agency concludes that the missing person may have  
9 left its jurisdiction, it shall notify other law enforcement  
10 agencies. The law enforcement agency shall immediately provide  
11 to the other law enforcement agencies the information most  
12 likely to aid in the location and safe return of the at-risk  
13 missing person, and provide as soon as practicable all other  
14 information relating to the case.

15 (f) Any law enforcement agency that receives notification  
16 under subsection (e) shall notify officers within its  
17 jurisdiction to issue lookouts for the missing person or a  
18 suspected abductor.

19 (g) Law enforcement agencies shall immediately enter all  
20 collected information relating to the missing person case in  
21 available local, state, federal, and national databases. The



1 information shall conform with applicable guidelines relating to  
2 the databases and shall be entered as follows:

3 (1) A missing person report, as well as relevant  
4 information provided in the report, shall be entered  
5 into the National Crime Information Center database  
6 within three months after the missing person report is  
7 received. If there is information that leads an  
8 investigator to believe that the missing person may  
9 have left the investigator's jurisdiction, the  
10 information may immediately be placed in the National  
11 Crime Information Center database. Supplemental  
12 information in at-risk missing person cases should be  
13 entered as soon as practicable; and

14 (2) Based on the results of an investigation, an  
15 investigator shall determine which DNA samples shall  
16 be immediately forwarded to the appropriate forensic  
17 sciences laboratory for analysis, processing, and  
18 recording in the missing persons database of the  
19 Federal Bureau of Investigation's National DNA Index  
20 System.

21 (h) All law enforcement agencies shall ensure that the  
22 person entering medical or dental records data into a criminal



1 justice database is specifically trained to do so. Law  
2 enforcement agencies shall either employ a person with the  
3 specific expertise in medical or dental records necessary for  
4 this purpose or consult with the chief medical examiner of the  
5 city and county of Honolulu to ensure the accuracy and  
6 completeness of information entered into the databases.

7       §   -6   **Reporting of unidentified persons and human**

8 **remains.** (a) This section shall apply only after a  
9 determination that the human remains are not historic or  
10 prehistoric remains subject to the provisions of section 6E-43  
11 through section 6E-43.6 and related administrative rules.

12       (b) The county medical examiner or coroner shall provide  
13 information to law enforcement agencies about best practices for  
14 handling death scene investigations and shall identify and  
15 disseminate any publications or training opportunities that may  
16 be available to law enforcement agencies or law enforcement  
17 officers concerning the handling of death scene investigations.

18       (c) After performing any death scene investigation deemed  
19 appropriate under the circumstances, the official with custody  
20 of the human remains shall ensure that the human remains are  
21 delivered to the county medical examiner or coroner.



1 (d) Any person with custody of human remains that are not  
2 identified within twenty-four hours of discovery shall promptly  
3 notify the office of the county medical examiner or coroner of  
4 the location of those remains.

5 (e) If the person with custody of remains cannot determine  
6 whether or not the remains found are human, the person shall  
7 notify the county medical examiner or coroner of the existence  
8 of possible human remains.

9 **§ -7 Responsibilities for the identification of**  
10 **unidentified persons or human remains.** (a) This section shall  
11 apply only after a determination that the human remains are not  
12 historic or prehistoric remains subject to the provisions of  
13 section 6E-43 through section 6E-43.6 and related administrative  
14 rules.

15 (b) If the official with custody of the human remains is  
16 not a medical examiner or coroner, the official shall promptly  
17 transfer the unidentified remains to the medical examiner or  
18 coroner to determine the identity of the human remains.

19 (c) Notwithstanding any other action deemed appropriate  
20 for the handling of the human remains, the county medical  
21 examiner or coroner shall make reasonable attempts to identify



1 promptly any human remains. These actions may include  
2 obtaining:

- 3 (1) Photographs of the human remains;
- 4 (2) Dental or skeletal x-rays;
- 5 (3) Photographs of items found with the human remains;
- 6 (4) Fingerprints from the remains;
- 7 (5) Tissue samples suitable for DNA typing;
- 8 (6) Samples of whole bone or hair suitable for DNA typing;
- 9 and
- 10 (7) Any other information that may support identification  
11 efforts.

12 (d) No person shall dispose of unidentified human remains,  
13 or engage in any action that will materially affect the  
14 unidentified human remains before the county medical examiner or  
15 coroner:

- 16 (1) Obtains samples suitable for DNA identification and  
17 archiving;
- 18 (2) Takes photographs of the unidentified person or human  
19 remains; and
- 20 (3) Completes all other appropriate steps for  
21 identification.



1 (e) Cremation of unidentified human remains is prohibited,  
2 except as provided in sections 346-15 and 841-16.

3 (f) The county medical examiner or coroner shall make  
4 reasonable efforts to obtain prompt DNA analysis of biological  
5 samples, if the human remains have not been identified by other  
6 means within thirty days.

7 (g) The county medical examiner or coroner shall seek  
8 support from appropriate federal agencies for human remains  
9 identification efforts. Such support may include but is not  
10 limited to available mitochondrial or nuclear DNA testing,  
11 federal grants for DNA testing, or federal grants for crime  
12 laboratory improvements or improvements to the medical examiner  
13 or coroner's facilities.

14 (h) The county medical examiner or coroner shall promptly  
15 forward to the county police department any information that may  
16 aid in the identification of missing persons. The police  
17 department shall provide the staff of the chief medical examiner  
18 or coroner of the same county with training about the data  
19 needed by the police department and the formats in which the  
20 data shall be recorded.

21 (i) Nothing in this chapter shall be interpreted to  
22 preclude the county medical examiner or coroner or any county



1 police department from pursuing other efforts to identify  
2 unidentified human remains, including efforts to publicize  
3 information, descriptions, or photographs that may aid in the  
4 identification of the unidentified remains, allow family members  
5 to identify a missing person, or seek to protect the dignity of  
6 the missing person."

7 SECTION 3. Section 346-15, Hawaii Revised Statutes, is  
8 amended by amending subsection (f) to read as follows:

9 "(f) All unclaimed corpses shall be cremated~~(-)~~; provided  
10 that samples suitable for DNA identification and archiving have  
11 been taken pursuant to section -7. The department of human  
12 services shall authorize the cremation of unclaimed corpses."

13 SECTION 4. Section 841-16, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§841-16 Disposal of decomposed remains.** The coroner's  
16 physician may order forthwith the cremation of the remains of  
17 any person appearing to have come to death under any of the  
18 circumstances set forth in section 841-3 if, in the coroner's  
19 physician's opinion, the remains constitute an immediate menace  
20 to the public health. The cremation shall be supervised by the  
21 coroner and shall take place only after a reasonable amount of  
22 investigation has taken place in an effort to establish the



1 identity of the remains and the cause of death[-]; provided that  
2 samples suitable for DNA identification and archiving have been  
3 taken pursuant to section -7. Such cremation shall take  
4 place after a burial-transit permit authorizing cremation has  
5 been secured from the local agent of the department of health."

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on January 1, 2112.



S.B. NO. 1113  
S.D. 1  
H.D. 2

**Report Title:**

Missing Persons; Identification

**Description:**

Improves the capacity of law enforcement agencies to locate and return missing persons by adopting new procedures and by using technology and databases. Effective date of January 1, 2112.  
(SB1113 HD2)

SB1113 HD2 HMS 2007-3719

