

STAND. COM. REP. NO.

882

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1113
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1113 entitled:

"A BILL FOR AN ACT RELATING TO MISSING PERSONS,"

begs leave to report as follows:

The purpose of this measure is to adopt new procedures and to
use technology and databases to improve the capacity of law
enforcement agencies to locate and return missing persons.

The Attorney General, the Department of Public Safety, and
the City and County of Honolulu Prosecuting Attorney submitted
testimony in support of the intent of this measure. The City and
County of Honolulu Police Department submitted testimony in
opposition.

Your Committee finds that the State needs to incorporate and
adopt rapid advances in technology and national databases to share
information statewide to solve missing persons crimes. This
measure authorizes law enforcement agencies to use sophisticated
technology and databases to solve missing persons and other cases.

It is your Committee's intent to help protect Hawaii's
residents and improve the State's existing procedures to locate
missing persons. In recognition of the protocols currently used
by the City and County of Honolulu Police Department, your
Committee has amended this measure by:



- (1) Changing the definitions of "abduction", "high-risk missing person", "law enforcement agency", and "missing person";
- (2) Adding a definition for "help locate";
- (3) Deleting:
 - (A) The definitions of "child abduction alert system", "Code Adam alert", and "person with a disability";
 - (B) Certain circumstances under which a law enforcement agency is prohibited from refusing a missing person report;
 - (C) The subsection that encourages law enforcement agencies to distribute information that advises the public about how information is used to help locate or identify missing persons;
 - (D) The subsection that requires information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program to be forwarded to the county police department;
 - (E) Certain criteria that a law enforcement agency must consider when determining whether an individual is an at-risk missing person;
 - (F) The subsection that requires county police departments to notify all law enforcement agencies of information that will aid in the prompt location and safe return of a high-risk person;
 - (G) The subsection that requires law enforcement agencies to provide for the prompt use of a Maile Amber alert or public dissemination of photographs in appropriate high-risk cases; and
 - (H) Part II of the measure regarding the mandatory reporting of certain violent crimes;
- (4) Adding a section that describes the circumstances under which law enforcement agencies shall "help locate" a person, time permitting;

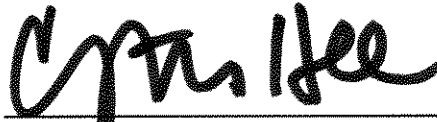


- (5) Requiring law enforcement agencies to routinely review old missing persons case files;
- (6) Extending the time by which information must be entered into the National Crime Information Center database to two months;
- (7) Changing the effective date from upon approval to July 1, 2050, to encourage further discussion; and
- (8) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

Your Committee notes the concern raised by the Attorney General that the provisions of this measure relating to the handling of unidentified human remains may conflict with the historic preservation burial site laws in sections 6E-43 through 6E-43.6, Hawaii Revised Statutes, and related administrative rules.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1113, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1113, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1113	JDL	3/1/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUE, Lorraine R.	/			
NISHIHARA, Clarence K.				/
GABBARD, Mike	/			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Russell S. Kohl</div>				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes