

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(Amended After Comments)

502 KAR 35:040. Reporting of missing children by law enforcement agencies.

RELATES TO: KRS 17.450, 17.460

STATUTORY AUTHORITY: KRS 15A.160 ~~[17.080]~~, 17.450, 17.460

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.450 ~~requires~~**mandates that** the Justice and Public Safety Cabinet ~~to~~**shall** establish a Kentucky Missing Child Information Center which shall serve as the central repository~~[Central Repository]~~ of and clearing house for information about Kentucky children believed to be missing and children from other states believed to be missing in Kentucky~~[related missing children]~~. KRS 17.460 ~~requires~~**mandates that** the law enforcement agencies receiving notification of a missing child ~~to~~**shall** report information relating to that missing person to the Missing Child Information Center ~~[in a timely nature]~~. KRS 17.450 authorizes the cabinet to promulgate administrative regulations for the orderly receipt of missing child information and requests for retrieval of missing child information. This administrative regulation establishes procedures ~~[and time frames]~~ associated with the reporting of a missing child.

Section 1. Reporting to the Missing Child Information Center.

(1) A KSP ~~[Form]~~ 261, ~~[a]~~ Kentucky ~~[As defined in this Chapter 502 KAR 35:010(3), a Kentucky]~~ Missing Person's Report Form, ~~[a]~~ shall be ~~[initiated and]~~ completed immediately by a law enforcement agency upon receiving notification from a parent or guardian that a child is missing. This form shall be:

(a) ~~[Be]~~ Completed to the fullest extent possible by the law enforcement agency receiving the missing child report; and

(b) ~~[The form shall be]~~ Forwarded to the Missing Child Information Center no later than twenty-four (24) hours after notification was made.

(2) If possible, a current photograph ~~shall~~~~[and a Child I-Dent Form]~~**will** be obtained from the parent, guardian, or, if approved by the parent or guardian, from the school of the missing child. ~~[The Kentucky Missing Persons Report Form shall either be completed by the responsible law enforcement agency or completed to the fullest extent possible with the information available and in all cases will be forwarded to the Missing Child Information Center no later than twenty-four (24) hours after notification by parent or guardian. In the event that the missing child is located prior to forwarding the report form, it is not necessary to forward that report form to the Missing Child Information Center.]~~

Section 2. LINK/NCIC Entry.

(1) The law enforcement agency receiving the initial report of a missing child shall immediately enter into the Law Information Network of Kentucky(~~[a]~~LINK~~[a]~~) and the National Crime Information Center(~~[a]~~NCIC~~[a]~~) computer criterion information related to the missing child.

(2) ~~[Section 3.] If [In the event that]~~ the reporting agency does not have direct terminal access to NCIC or is not participating in the regional LINK/NCIC Network, ~~[it shall be the responsibility of]~~ the reporting agency **shall:**

(a) Complete a Kentucky Missing Person's Report Form, KSP 261; and

(b) Forward the KSP 261 to the Missing Child Information Center no later than twenty-four (24) hours after notification was made.

(3) Responsibility for the ongoing investigation of the missing child incident shall remain with the reporting agency and shall not automatically transfer to the

Kentucky State Police post that entered the information on behalf of the reporting agency. ~~{to enter criterion information through the nearest Kentucky State Police Post. Responsibility for}~~ ~~{It shall not be the responsibility of said post to assure}~~ ~~{the ongoing investigation of the missing child incident}~~ ~~{, that responsibility}~~ ~~{shall remain with the reporting}~~ ~~{submitting}~~ ~~{agency and shall not automatically transfer to the Kentucky State Police post that entered the information on behalf of the reporting agency.}~~

Section 3. ~~{Section 4.}~~ As soon as possible, but no later than twenty-four (24) hours after the entry of missing child information, the investigating law enforcement agency shall notify law enforcement agencies having concurrent jurisdiction via electronic or telecommunicative means. Receiving agencies shall promptly notify agency duty personnel of all information relating to a missing child incident.

Section 4. ~~{Section 5.}~~ The Kentucky Missing Child Information Center ~~{Person's Web site}~~. The Kentucky Missing Child Information Center shall:

(1) ~~{Maintain a public website for missing persons in Kentucky; and}~~
~~{(2.)}~~ Issue bulletins ~~{issue flyers}~~ containing physical and situational descriptions, or photographs whenever possible, of missing children if requested by a law enforcement agency or as determined by the Kentucky Missing Child Information Center ~~{on the Kentucky Missing Person's Web site}~~. ~~{when requested by a law enforcement agency or when determined by the Kentucky Missing Child Information Center.}~~ Any bulletin that is issued shall contain the following information, at minimum: ~~{Minimum information required before a bulletin flyer may be issued from the Kentucky Missing Child Information Center, shall be:}~~

(a) Reporting agency; ~~{}~~

(b) Case number; ~~{}~~

(c) ~~{ORI;}~~ ~~{}~~

~~{(d.)}~~ Date missing; ~~{}~~

(d) ~~{(e.)}~~ Name; ~~{}~~

(e) ~~{(f.)}~~ Address; ~~{}~~

(f) ~~{(g.)}~~ Sex; ~~{}~~

(g) ~~{(h.)}~~ Race; ~~{}~~

(h) ~~{(i.)}~~ Date of birth; ~~{}~~

(i) ~~{(j.)}~~ Height; ~~{}~~

(j) ~~{(k.)}~~ Weight; ~~{}~~

(k) ~~{(l.)}~~ Hair color; ~~{}~~ and

(l) ~~{(m.)}~~ The most recent photograph providing an adequate likeness. ~~{; and}~~ ~~{}~~

~~{(n.)}~~ ~~{Signature of parent or guardian}~~ ~~{, officer submitting report, and agency authorization. It shall be the responsibility of the investigating agency to request that a flyer be issued and to submit to the Kentucky Missing Child Information Center all information needed.}~~

(2) ~~{(3.)}~~ Bulletins shall be sent to requesting Kentucky law enforcement agencies and ~~{Flyers}~~ will be provided through access to the public Kentucky Missing Person's Web site ~~{}~~ ~~{to all Kentucky law enforcement agencies as defined in 502 KAR 35:010(4) in addition}~~ to law enforcement agencies in geographical areas to which ~~{where}~~ there is reason to believe the missing child is proceeding ~~{to}~~ or in the process of being taken ~~{to}~~.

Section 5. ~~{Section 6.}~~ Cancellation of Missing Child Report.

(1) ~~{It shall be the responsibility of}~~ The law enforcement agency that found or returned the missing child shall ~~{to}~~ append the existing LINK/NCIC message by placing a locator message on the entry.

(2) ~~{It shall be the responsibility of}~~ The reporting agency, upon notification and verification that the child has been found, ~~shall{to}~~ cancel ~~the~~ missing child entries in LINK/NCIC.

(3) The reporting agency shall update the case report in the KYOPS with the location of the recovery of the missing child. If the reporting agency does not use KYOPS, it shall notify the Kentucky Missing Child Information Center with the location of the recovery of the missing child within seventy-two (72) hours ~~{The Kentucky Missing Child Information Center shall}~~ [may] ~~{require information related to the location}~~ [finding] ~~{or recovery of the missing child to}~~ [better] ~~{provide statistical information on missing children, as required by 502 KAR 35:050}~~.

(12 Ky.R. 94; eff. 8-13-1985; 48 Ky.R.1322, 2259; eff. 5-31-2022.)

COL. PHILLIP J. BURNETT, JR., Commissioner
KERRY B. HARVEY, Secretary

APPROVED BY AGENCY: January 10, 2022

FILED WITH LRC: January 11, 2022 at 1:30 p.m.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes procedures associated with the reporting of a missing child.

(b) The necessity of this administrative regulation:

This regulation provides reporting instructions to law enforcement agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 17.350 requires the Cabinet to establish the Kentucky Missing Child Information Center. This regulation provides reporting instructions to law enforcement agencies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation provides guidance to law enforcement.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment will clarify the existing language of the administrative regulation and include requirements for submission. The amendment removes Web site language since it was not funded and adds bulletin distribution information in its place.

(b) The necessity of the amendment to this administrative regulation:

The previous language was unclear and not completely defined within the relevant sections of the text. Funding was not obtained to build the Web site.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment provides for bulletins in place of the Web site. KRS 17.450 authorized the cabinet to promulgate administrative regulations for the orderly receipt of missing child information and requests for retrieval of missing child information.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment provides reporting instructions to law enforcement agencies.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Department of the Kentucky State Police and all law enforcement and criminal justice agencies which submit or receive information through the Kentucky Missing Children Information Center.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The law enforcement agencies will have to report missing children in the manner described.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No additional cost is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The regulated agencies will have more clearly defined guidance on the scope of the audit, and can more effectively ensure compliance with the applicable regulations and procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No additional cost is anticipated.

(b) On a continuing basis:

No additional cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Funds budgeted to the department and the law enforcement agencies.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

The administrative regulation does not establish any fees or increase fees directly or indirectly.

(9) TIERING: Is tiering applied?

No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive information through the Kentucky Missing Children Information Center.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 15A.160, 17.450

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The administrative regulation does not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The administrative regulation does not generate any revenue.

(c) How much will it cost to administer this program for the first year?

No additional cost is anticipated.

(d) How much will it cost to administer this program for subsequent years?

No additional cost is anticipated.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: