

CHAPTER 70

GOVERNMENT - STATE

SENATE BILL 22-095

BY SENATOR(S) Fields and Moreno, Buckner, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Lee, Pettersen, Priola, Rodriguez, Simpson, Sonnenberg, Story, Zenzinger, Fenberg;
also REPRESENTATIVE(S) Gonzales-Gutierrez and Bacon, Amabile, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Froelich, Gray, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, McCluskie, Mullica, Ricks, Roberts, Sirota, Titone, Valdez A., Valdez D., Weissman.

AN ACT**CONCERNING IMPROVING MISSING PERSON INVESTIGATIONS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-525 as follows:

24-33.5-525. Missing person investigation information - report - definition.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "MINORITY COMMUNITIES" MEANS AFRICAN-AMERICAN, BLACK, ASIAN-AMERICAN, PACIFIC ISLANDER, INDIGENOUS AND TRIBAL, HISPANIC, LATINO, AND TRANSGENDER COMMUNITIES.

(2) (a) AS PART OF THE DEPARTMENT'S ANNUAL REPORT TO THE COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE DIVISION SHALL PRESENT TO THE COMMITTEES INFORMATION ON MISSING PERSON CASES IN COLORADO. THE DIVISION SHALL REVIEW AVAILABLE INFORMATION ABOUT MISSING PERSON CASES, INCLUDING CASES IN THE COLD CASE DATABASE DESCRIBED IN SECTION 24-33.5-425 (2), AND REPORT ANY SIGNIFICANT DATA, INCLUDING TRENDS OVER TIME, REGARDING MISSING PERSON CASES. THE REPORT MUST INCLUDE SPECIFIC INFORMATION ABOUT MISSING PERSON CASES INVOLVING WOMEN FROM MINORITY COMMUNITIES AND PERSONS FIFTY YEARS OF AGE AND OLDER. THE DIVISION SHALL PREPARE THE PRESENTATION WITHIN EXISTING APPROPRIATIONS.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

(3) Each law enforcement agency ~~is encouraged to~~ SHALL accept a missing person report submitted by telephone or by electronic or other media ~~to the extent that~~ IF:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

no later than twenty-four hours after making ~~such~~ THAT determination.

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

Approved: April 7, 2022