

**BILL NO. 30-0494**

**Thirtieth Legislature of the Virgin Islands**

**September 19, 2014**

An Act amending title 34 adding chapter 14a enacts “The Missing Minors and Dependant Adult Act”

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**PROPOSED BY:** Senator Diane Capehart

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1       **WHEREAS**, the Legislature finds that:

2           (1)     In the case of a missing minor or dependant adult an immediate launching of an  
3 investigation is critical to the welfare, safety and ability to locate the missing person;

4           (2)     Current Virgin Islands police Department policy requires that when a person is  
5 reported missing 24 hours must elapse before the department is required to commence an  
6 investigation;

7           (3)     Professionals with experience in searching for missing children or dependant adults  
8 agree that the first few hours following the report of a missing child or dependant adult are critical in  
9 successfully locating the missing child or dependant adult. Statistics prove that those not located  
10 within the first few hours are not likely to be found alive.

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(4) The immediate entry of names of missing minors or dependant adults into appropriate data bases and networks helps insure the expeditious and safe return of the missing party.

(5) Gathering information about the description of the missing minor or dependant adult, the clothes the person was wearing at the time the person went missing and the place last seen and last person seen with is also critical to a successful search and relocation of the missing party.

(6) Statistics also demonstrate that although abductions by strangers usually receive the most attention and generate the most fear; those abductions represent a small fraction of the missing minors and dependant adults in the United States. Amongst minors runaways account for the largest percentage of those reported missing; and

**WHEREAS**, The Legislature declares that given the critical nature of the first few hours in the success of locating missing minors and dependant adults it is in the public interest of the people of the Virgin Islands that the Legislature enact the Missing Minors and Dependant Adult Act; Now, Therefore,

***Be it enacted by the Legislature of the Virgin Islands:***

**SECTION 1.** Title 34 Virgin Islands Code, is amended by adding chapter 14a to read as follows:

***“CHAPTER 14A “Missing Minors and Dependant Adults***

§431. This chapter may be cited as The Missing Minors and Dependant Adult Act.

§432. Definitions as used in this chapter:

(1) “Custodian” means the Territorial Registrar of Vital Records, local registrars of vital records appointed by the Territorial Registrar and District clerks.

(2) “Department” means the Virgin Islands Police Department.

(3) “Registrar” means the Registrar of Vital Records.

(4) "Missing Minor" means a person 17 years old or younger reported to any law enforcement authority as lost, runaway and whose whereabouts are unknown. The term includes any child who is missing whether voluntarily or involuntarily or under circumstances not conforming to the child's ordinary habits or behavior and who may be in need of assistance.

(5) "Dependant Adult" means a person 18 years of age or over with a developmental disability, including but not limited to autism, dementia and or Alzheimer's whether caused by illness, brain injury or defect or age.

#### §433. Law Enforcement Requirements

(a) The Department upon receiving a report of a missing child or a dependent adult shall:

(1) immediately start an investigation with due diligence to determine the present location of a missing child or dependant adult;

(2) after a 24 hour period, if the child or dependant adult has not been located, enter the respective name into the National Crime Information Center missing person file if the child or adult meets the center's criteria and, if applicable, also enter the respective name into the Alzheimer's Association Safe Return crisis number with all the available identifying information, including but not limited to fingerprints, physical characteristics, dental records as well as a description of the clothing the missing person was wearing when last seen. A description of any person or persons last seen with the missing person must also be included; and

(3) inform the person making the missing person report that the information listed in paragraph (2) will be entered into the applicable data bases.

(b) Information not readily available must be obtained and entered into the applicable clearing houses as a supplement as soon as obtained.

(c) If the Department when investigating a report of a missing minor or dependant adult obtains a warrant for the arrest of a person for taking or retaining the missing minor or dependant adult, the Department or the other law enforcement agency shall immediately enter the arrestee's name and other descriptive information into the national crime information center wanted person file. All other available information pertaining to the missing minor or dependant adult, as mandated by subsection (a)(2) must also be entered and cross-referenced with the information in the national crime information center missing person file.

(d) Immediately after the return of a missing minor or dependant adult or the identification of an unidentified body, the Department shall cancel the entry in the national crime information center database.

(e) On determining the location of a minor under subsection (a) (1) or section 433(a)(2) a police officer shall deliver or arrange for the delivery of the minor or dependant adult to the person legally responsible for the person. If the minor or dependant adult's legal guardian is unavailable, the law enforcement officer shall deliver the minor or dependant adult to the Department of Human Services Division of Intake and Emergency Services.

#### **BILL SUMMARY**

This bill amends Title 34 to add a new chapter 14a to be cited as "The Missing Minors and Dependant Adult Act" which ensure the immediate investigation of missing minors or dependant adults doing away with the present 24 hour delay prior to investigation.

**BR14-1467/September 17, 2014/LHM**