

Chapter 23 Missing Persons Information Clearinghouse

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Nebraska State Patrol will hold the following rulemaking hearings at the Nebraska State Patrol Headquarters, 1600 Nebraska Highway 2, Lincoln, Nebraska. The purpose of the proposed changes is to eliminate obsolete provisions and provisions that mirror statute(s), reduce regulatory burden, and to simplify and clarify the rules. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

The purpose of these hearings is to take testimony and evidence concerning adoption of proposed changes to the following chapters of Title 272, which will be heard on the dates and times listed below:

Monday, February 1, 2021:

9:00 a.m.: Chapter 1 Rules of Practice and Procedure for Hearings in Contested Cases before the Patrol

10:00 a.m.: Chapter 2 Administration of the Security, Privacy, and Dissemination of the Criminal History Information Act

11:00 a.m.: Chapter 3 Carrier Enforcement Division

1:00 p.m.: Chapter 4 Operations

2:00 p.m.: Chapter 13 Severability

Wednesday February 3, 2021:

9:00 a.m.: Chapter 14 Amendment or Repeal

10:00 a.m.: Chapter 15 Effective Date and Repeal of Earlier Rules

11:00 a.m.: Chapter 16 Procedures for Negotiated Rulemaking

1:00 p.m.: Chapter 17- Petitioning for Rulemaking

2:00 p.m.: Chapter 18- Regulations and Procedures Governing Agency Declaratory Orders

3:00 p.m.: Chapter 23 - Missing Persons Information Clearinghouse

Friday, February 5, 2021:

9:00 a.m.: Chapter 19 - Sexual Offender Registration

Copies of the proposed regulations and the Fiscal Impact Statements shall be available for public inspection at the Office of the Secretary of State and on their website at: <https://sos.nebraska.gov/regulations/rules-and-regulations-division>

NOTE: Due to the current public health crisis, the agency will enforce any Directed Health Measure Order on the size of gatherings that is in effect at the time of the hearing. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide comments. Interested persons may provide verbal comments by calling 1-888-820-1398; Participant code: 6366586#. Interested persons may provide written comments by mail or email no later than the day of the hearing to: NSP Legal Office, PO Box 94907, Lincoln, NE 68509-4907 or nsp.regulations@nebraska.gov. Any written comments will be part of the record and will be considered.

FISCAL IMPACT STATEMENT

Agency: Nebraska State Patrol	
Title: 272 NAC	Prepared by: Mark Boyer
Chapter: 23	Date prepared: January 14, 2020
Subject: Missing Persons Information Clearinghouse	Telephone: 402-480-9312

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	X	X	X
Increased Costs			
Decreased Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: There is no fiscal impact related to the proposed changes.

Political Subdivision: There is no fiscal impact related to the proposed changes.

Regulated Public: There is no fiscal impact related to the proposed changes.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 23 ~~XXIII~~

NEBRASKA STATE PATROL

Missing Persons Information Clearinghouse

TITLE 272 NAC XXIII

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Dissemination of Information About Missing Persons	Neb. Rev. Stat. § 29-214.01	007
Information to be Contained in the Missing Person Report	Neb. Rev. Stat. § 29-214.01	005
Notification Following Location of Missing Persons	Neb. Rev. Stat. § 29-214.01	006
Prevention and Education Programs	Neb. Rev. Stat. § 29-214.01	008
Reporting a Missing Person	Neb. Rev. Stat. § 29-214 & § 43-2004	004
Retention of Information	Neb. Rev. Stat. § 29-214.01	009
Scope and Purpose	Neb. Rev. Stat. § 29-212 & § 43-2012	001

NEBRASKA ADMINISTRATIVE CODE

TITLE 272 NAC XXIII

NUMERICAL TABLE OF CONTENTS

<u>Subject or Title</u>	<u>Statutory Authority</u>	<u>Code Section</u>
Scope and Purpose	Neb. Rev. Stat. § 29-212 & § 43-2012	001
Definitions	Neb. Rev. Stat. § 29-212 & § 43-2001	002
Administration of Missing Person Information Clearinghouse	Neb. Rev. Stat. § 29-214.01	003
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Prevention and Education Programs	Neb. Rev. Stat. § 29-214.01	008
Retention of Information	Neb. Rev. Stat. § 29-214.01	009
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Title 272-NEBRASKA STATE PATROL

Chapter ~~XXIII~~ 23 - Missing Persons Information Clearinghouse

001 SCOPE AND PURPOSE

01.01 These regulations are to implement the Missing Persons Information Clearinghouse pursuant to Neb. Rev. Stat. §§ 29-212 to 29-214. The purpose of the Missing Persons Information Clearinghouse is to provide a program for compiling, coordinating, and disseminating information, in order to locate missing persons through public awareness and cooperation, and to educate law enforcement officers and the general public about the issues related to missing persons.

01.02 These regulations are also to implement the Missing Children Identification Act pursuant to Neb. Rev. Stat. §§ 43-2001 to 43-2012. The purpose of the Missing Children Identification Act is to locate missing children through school records and birth certificates filed with the schools and the Department of Health and Human Services.

002 DEFINITIONS

002.01 "Law enforcement agency" shall mean a recognized police department, sheriff's office, or the Nebraska State Patrol, having an assigned originating agency identifier (ORI) issued by the Federal Bureau of Investigation.

002.02 "Minor" means for purposes of these regulations a person under the age of eighteen.

002.03 "Missing Person" means a person who has been reported as missing to a law enforcement agency.

002.04 "Missing Child" means a person sixteen years of age or younger reported to any law enforcement agency or abducted or lost.

002.05 "Missing Persons Information Clearinghouse" means the repository established within the Nebraska State Patrol pursuant to Neb. Rev. Stat. § 29-214.01.

002.06 "Nebraska State Patrol" shall mean the Criminal Investigation Division of the Nebraska State Patrol, P.O. Box 94907, Lincoln, Nebraska 68509.

- 002.07 "Prevention and education materials" means those materials that are designed to aid in the prevention of kidnapping and that are used in conjunction with a prevention and education program.
- 002.08 "Prevention and education programs" means those programs which have as their primary purpose the prevention of kidnapping.
- 002.09 "Unemancipated Minor" shall means a child under the age of nineteen (19) who has not been granted the status of adulthood by a court order or other formal legal arrangement. Emancipated minor status is not automatically bestowed on those who have simply moved away from their parents' home.

003 ADMINISTRATION OF MISSING PERSON INFORMATION CLEARINGHOUSE

003.01 The ~~division of criminal investigation~~ Criminal Investigation Division administers the missing person information clearinghouse, and all questions, comments, or requests for, or submission of information should be directed to the clearinghouse at the Criminal Investigation Division ~~division of criminal investigation~~. Inquiries by mail should be addressed to: Missing Person Information Clearinghouse, Criminal Investigation Division ~~Division of Criminal Investigation~~, Nebraska State Patrol, P.O. Box 94907, Lincoln, NE 68509.

004 REPORTING A MISSING PERSON

- 004.01 When a report of a missing person has been received by a law enforcement agency having jurisdiction, the agency ~~shall~~ will notify;
- 004.01A On duty personnel of the jurisdictional agency as soon as practicable through internal means and over the appropriate police communication network;
- 004.01B All law enforcement agencies considered to be involved by the law enforcement agency having jurisdiction;
- 004.01C All law enforcement agencies requesting the information;
- 004.01D All other law enforcement agencies deemed appropriate by the jurisdictional agency;
- 004.01E The Missing Persons Clearinghouse.
- 004.02 If a report of a missing person involves an unemancipated minor, the law enforcement agency, having original jurisdiction, ~~shall~~ will immediately transmit the proper information for inclusion in the National Crime

Information Center computer and the Missing Persons Information Center Clearinghouse.

004.03 If a report of a missing person involves a missing child, the law enforcement agency having original jurisdiction, ~~shall~~ will immediately notify the Nebraska State Patrol which ~~shall~~ will notify the school district office in which such missing child is enrolled and the Nebraska Department of Health and Human Services. In the case of a missing child attending school exempted from state accreditation and approval requirements under Neb. Rev. Stat. §§ 79-1601(3) ~~through (6), for example a "home school,"~~ the local law enforcement agency will notify the Nebraska Department of Education and the Nebraska Department of Health and Human Services.

004.04 Any local law enforcement agency notified pursuant to the Missing Children Identification Act of the request for the birth certificate, school record or other information concerning a missing child ~~shall~~ will immediately notify the Nebraska State Patrol of such request and ~~shall~~ will investigate such matter.

005 INFORMATION TO BE CONTAINED IN THE MISSING PERSON REPORT

005.01 When reporting a missing person to the Nebraska State Patrol Missing Person Information Clearinghouse, a law enforcement agency having jurisdiction of the case ~~shall~~ will provide the following information on a uniform form prescribed by the Nebraska State Patrol (Exhibit 1). The form ~~must~~ will contain, at a minimum, the following information:

- 005.01A Reporting Agency name and ORI number;
- 005.01 B Name and phone number or email of the Case Officer or Person of Contact from the reporting agency;
- 005.01C Date of the Report;
- 005.01D Full legal name of the Missing Person as well as any aliases;
- 005.01E Sex;
- 005.01F Race;
- 005.01G Physical Description, to include Height, Weight, Eye-color and Hair Color.
- 005.01H Category of Missing status;
- 005.01I Date the person went missing;

- 005.01J Last known location;
- 005.01K Date of last contact (~~if other than date person went missing~~);
- 005.01L Location of last contact (~~if other than last known location~~).
- 005.02 005.02A When reporting a missing minor child to the Nebraska State Patrol Missing Person Information Clearinghouse, the following information is also required:
- 005.02A(1) Date of Birth
- 005.02B When reporting a missing person other than a minor child to the Nebraska State Patrol Missing Person Information Clearinghouse, at least one of the following is required and all of the following shall will be submitted if known:
- 005.02B(1) Date of Birth
- 005.02B(2) FBI Number (from a criminal history inquiry);
- 005.02B(3) Miscellaneous Number (for example: passport number, alien registration number, armed forces serial number);
- 005.02B(4) Social Security Number;
- 005.02B(5) Operator's License Number (to include issuing state and year of expiration);
- 005.02B(6) License Plate Number (to include issuing state, year of expiration and type of license plate);
- 005.02B(7) Vehicle Identification Number (include vehicle year, vehicle make, and vehicle style/model).
- 005.03 005.03A When reporting a missing person to the Nebraska State Patrol Missing Person Information Clearinghouse, it is strongly recommended that the following information be submitted:
- 005.03A(1) City and State of Birth;

005.03A(2) Last Known Address;

005.03A(3) Last known phone number;

005.03A(3)(a) If the phone number is a cell phone, pursuant to Neb. Rev. Stat. §§ 86-801 thru 86-807, the Kelsey Smith Act, the required list of Wireless Communication Carriers and their Emergency Law Enforcement Contact information will be made available by way of several different locations to all Law Enforcement and are as follows:

005.03A(3)(b) The Nebraska NeLEIS Website; In the Users Email Account; Public Folders; Resources; Titled - NE Wireless Carrier Contact Info.pdf;

005.03A(3)(c) The NCJIS Website; in the Documents Section; NE Wireless Carrier Contact Info.pdf;

005.03A(3)(d) Through the Nebraska State Patrol, by contacting the Nebraska Information Analysis Center (NIAC) during normal Business hours @402.479.4049 or any of the Troop Area Communication Centers.

005.03A(4) Birth Certificate;

005.03A(5) Mother's Maiden Name;

005.03A(6) A photograph.

006 NOTIFICATION FOLLOWING LOCATION OF MISSING PERSON

006.01 The Missing Persons Clearinghouse shall will be notified by the reporting agency when the missing person has been located and the information is confirmed.

006.02 After the location of a missing person has been determined and confirmed, the clearinghouse shall will only release the same information contained in the monthly missing person bulletin concerning the located person.

007 DISSEMINATION OF INFORMATION ABOUT MISSING PERSONS

007.01 The Nebraska State Patrol shall will maintain a statewide toll-free telephone line 24 hours a day, to receive and disseminate information related to missing persons.

007.02 The Clearinghouse shall will distribute missing person information that contains the names, photographs, descriptions, and information related to surrounding the disappearance of missing persons through publication of the Missing Person Information Clearinghouse website ~~Web site~~. The law enforcement agency or person to contact if a missing person is located and the names of all located missing persons will be included in the information shown on the ~~Web site~~ website. ~~NOTE: The Web site website of the missing person information clearinghouse address is~~ http://www.statepatrol.nebraska.gov/MissPerClearing.aspx.

007.03 Each week the clearinghouse shall will produce, update, and publish public service announcements on the clearinghouse Web site.

008 PREVENTION AND EDUCATION PROGRAMS

008.01 The Nebraska State Patrol shall will develop training programs for law enforcement agencies concerning the appropriate procedures to report missing persons to the Clearinghouse.

008.02 The Clearinghouse shall will maintain a repository of approved prevention and education programs and materials regarding prevention of kidnapping.

008.03 Any person or group wishing to submit prevention and education programs and materials for approval and inclusion in the repository may contact the Clearinghouse in order to request information on submitting prevention and education programs and materials for approval.

008.04 The Clearinghouse shall will consider prevention and education programs and materials submitted for approval only upon receipt by the

Clearinghouse of all specified materials. The person or group submitting prevention and education programs or materials to the Clearinghouse ~~shall~~ will be notified of approval or rejection of the programs or materials on the repository. No prevention and education programs or materials ~~shall~~ will be represented as having been approved by the Clearinghouse or the Nebraska State Patrol unless they have been approved and placed on the repository.

008.05 Prevention and education programs and materials which have been approved by the National Center for Missing and Exploited Children are deemed to be approved by the Department.

009 RETENTION OF INFORMATION IN THE CLEARINGHOUSE

009.01 After the location of a missing person has been determined and confirmed, information concerning the history of the missing person case ~~shall~~ will be disclosed only to law enforcement agencies of this state and other jurisdictions when necessary for the discharge of official duties, and to the juvenile court in the county of residence of a formerly missing person who is a minor.

009.02 All information in the Clearinghouse relating to a missing person who is an adult ~~shall~~ will be purged when the person's location has been determined and confirmed. All information in the Clearinghouse relating to a missing person who is a minor shall be purged when the person reaches eighteen years of age and the person's location has been determined and confirmed.

NEBRASKA ADMINISTRATIVE CODE
TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 23 NEBRASKA STATE
PATROL

Missing Persons Information Clearinghouse

Title 272-NEBRASKA STATE PATROL

Chapter 23 - Missing Persons Information Clearinghouse

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FISCAL IMPACT STATEMENT

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Title: 272 NAC	Prepared by: Mark Boyer
Chapter: 23	Date prepared: January 14, 2020
Subject: Missing Persons Information Clearinghouse	Telephone: 402-480-9312

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