HOUSE BILL No. 1252

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-5; IC 12-10-18-3; IC 12-17.2; IC 16-37-1-8; IC 20-26-13-10; IC 20-33-2-10; IC 31-34; IC 31-36.

Synopsis: Amber alerts for high risk missing persons. Expands the amber alert program to include missing endangered adults. Renames the Indiana clearinghouse for information on missing children to the Indiana clearinghouse for information on missing persons (clearinghouse). Requires the clearinghouse to operate the amber alert program. Makes conforming changes.

Effective: July 1, 2009.

Blanton

January 12, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1252

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

SECTION 1. IC 10-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "Amber alert program" means a program under which the clearinghouse transmits information about a recently abducted child **or missing endangered adult** to broadcasters who:

(1) have agreed to participate in the program; and

(2) immediately and repeatedly broadcast the information to the general public.

SECTION 2. IC 10-13-5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. As used in this chapter, "missing endangered adult" means a high risk missing person under IC 5-2-17.**

SECTION 3. IC 10-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The Indiana clearinghouse for information on missing ~~children~~ **persons** is established within the department.

SECTION 4. IC 10-13-5-6 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The superintendent shall designate staff responsible for the operation of the clearinghouse.

(b) The staff's duties include the following:

(1) Creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children **and missing endangered adults.**

(2) Creation and operation of a central data storage, retrieval, and information distribution system designed for the exchange of information on missing children **and missing endangered adults** within and outside Indiana. The system must be capable of interacting with:

(A) the Indiana data and communication system under IC 10-13-3-35; and

(B) the National Crime Information Center.

(3) Development of appropriate forms for the reporting of missing children **and missing endangered adults** that may be used by law enforcement agencies and private citizens to provide useful information about a missing child **or missing endangered adult** to the clearinghouse.

(4) Cooperation with the following agencies concerning the location of missing children **and missing endangered adults:**

(A) State and local public and private nonprofit agencies involved with the location and recovery of missing persons.

(B) Agencies of the federal government.

(C) State and local law enforcement agencies within and outside Indiana.

(5) Coordinating efforts to locate missing children **and missing endangered adults** with the agencies listed in subdivision (4).

(6) Operation of the toll free telephone line created under section 7(a) of this chapter.

(7) Publishing and updating, on a quarterly basis, a directory of missing children **and missing endangered adults.**

(8) Compiling statistics on missing children **and missing endangered adult** cases handled by the clearinghouse, including the number of cases resolved each year.

SECTION 5. IC 10-13-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The clearinghouse shall do the following:

(1) Collect, process, and maintain identification and investigative information to aid in finding missing children **and missing**

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endangered adults.

(2) Establish a statewide, toll free telephone line for:

(A) reports of missing:

(i) children; **and**

(ii) endangered adults; and

(B) sightings of missing:

(i) children; **and**

(ii) endangered adults.

(3) Prescribe a uniform reporting form concerning missing children **and missing endangered adults** for use by law enforcement agencies within Indiana.

(4) Assist in training law enforcement and other professionals on issues relating to missing children **and missing endangered adults.**

(5) Operate a resource center of information regarding the prevention of:

(A) the abduction of children; and

(B) the sexual exploitation of children.

(6) Distribute the quarterly directory prepared under section 6(b)(7) of this chapter to schools and hospitals.

(7) Distribute the quarterly directory described in subdivision (6) to child care centers and child care homes that make an annual contribution of four dollars ($4) to the clearinghouse. The contributions must be used to help defray the cost of publishing the quarterly directory.

(b) For a missing child who was born in Indiana, the clearinghouse shall notify the vital statistics division of the state department of health:

(1) within fifteen (15) days after receiving a report under IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child less than thirteen (13) years of age; and

(2) promptly after the clearinghouse is notified that a missing child has been found.

(c) Upon receiving notification under subsection (b) that a child is missing or has been found, the vital statistics division of the state department of health shall notify the local health department or the health and hospital corporation that has jurisdiction over the area where the child was born.

(d) Information collected, processed, or maintained by the clearinghouse under subsection (a) is confidential and is not subject to IC 5-14-3, but may be disclosed by the clearinghouse for purposes of locating missing children **and missing endangered adults.**

SECTION 6. IC 10-13-5-8 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The clearinghouse ~~may~~ **shall** operate an Amber alert program.

(b) Upon the establishment of an Amber alert program, the clearinghouse may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program under this chapter.

(c) The superintendent shall designate staff responsible for the operation of the Amber alert program.

(d) The department shall adopt guidelines governing the clearinghouse's operation of the Amber alert program. The department's guidelines may require that staff, upon receiving a report that a child has been abducted **or an endangered adult is missing,** immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child **or missing endangered adult** to one (1) or more broadcasters participating in the Amber alert program.

(e) A broadcaster participating in the Amber alert program shall immediately broadcast:

(1) a description of the abducted child **or missing endangered adult;** and

(2) other information that will assist in locating the abducted child **or missing endangered adult;**

to the general public in accordance with the Amber alert plan agreement between the clearinghouse and the broadcaster.

(f) The department shall adopt guidelines governing the voluntary Amber alert program agreement between the clearinghouse and a broadcaster. The voluntary agreement between the clearinghouse and the broadcaster may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program, the broadcaster shall broadcast the information contained on the notice on an intermittent basis for a period of time as provided in the agreement between the clearinghouse and the broadcaster.

(2) The broadcaster shall treat the Amber alert notification as an emergency.

(3) The broadcaster shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification is:

(A) generally available to receive an Amber alert notification; and

(B) located such that the broadcaster will immediately become aware of an incoming Amber alert notification.

SECTION 7. IC 10-13-5-8.1, AS ADDED BY P.L.66-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 8.1. (a) In addition to an agreement with a broadcaster under section 8 of this chapter, the clearinghouse may enter into an agreement with one (1) or more electronic billboard operators to display Amber alerts under this section. An agreement under this section may include a limitation on the days and times that the electronic billboard operator is required to have staff present to receive an Amber alert notification.

(b) The department's guidelines adopted under section 8 of this chapter may require staff, upon receiving a report that a child has been abducted **or an endangered adult is missing,** to immediately send by facsimile (fax) transmission or other means of communication a description of the abducted child **or missing endangered adult** to one (1) or more electronic billboard operators participating in the Amber alert program if the Amber alert occurs during a period when the electronic billboard operator has agreed to have staff present to receive an Amber alert notification.

(c) An electronic billboard operator participating in the Amber alert program shall immediately display:

(1) a description of the abducted child **or missing endangered adult;** and

(2) other information that will assist in locating the abducted child **or missing endangered adult;**

to the general public in accordance with the Amber alert plan agreement between the clearinghouse and the electronic billboard operator.

(d) The department shall adopt guidelines governing the voluntary Amber alert program agreement between the clearinghouse and an electronic billboard operator. The voluntary agreement between the clearinghouse and the electronic billboard operator may include the following provisions:

(1) Upon receiving a notification as part of the Amber alert program, the electronic billboard operator shall display the information contained in the notice on an intermittent basis for a period of time as provided in the agreement between the clearinghouse and the electronic billboard operator.

(2) The electronic billboard operator shall treat the Amber alert notification as an emergency.

(3) The electronic billboard operator shall ensure that the facsimile (fax) transmission machine or other communications device used to receive an Amber alert notification is:

(A) generally available to receive an Amber alert notification; and

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(B) located such that the electronic billboard operator will immediately become aware of an incoming Amber alert notification received during days and times when staff is present to receive an Amber alert notification.

SECTION 8. IC 10-13-5-8.5, AS AMENDED BY P.L.66-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.5. (a) A broadcaster or electronic billboard operator that has agreed to participate in the Amber alert program and that:

(1) receives an Amber alert notification from the department; and

(2) broadcasts or displays:

(A) a description of the abducted child **or missing endangered adult** contained in the notification; and

(B) other information contained in the notification that will assist in locating the child **or missing endangered adult;**

is immune from civil liability based on the broadcast or display of the information received from the department.

(b) If:

(1) a person enters into an agreement with the department to establish or maintain an Amber alert web site; and

(2) the agreement provides that only the department has the ability to place information on the web site;

the person is immune from civil liability for the information placed on the web site by the department. However, this subsection does not affect the applicability of IC 34-13-3 to the department.

SECTION 9. IC 12-10-18-3, AS ADDED BY P.L.140-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Upon completion of the report described by section 1 of this chapter, if the law enforcement agency has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction in the location where the missing endangered adult lives and all law enforcement agencies that have jurisdiction in the location where the missing endangered adult was last seen;

(2) all law enforcement agencies to which the person who made the notification concerning the missing endangered adult requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information received;

(3) all law enforcement agencies that request a copy of the report;

(4) one (1) or more broadcasters that broadcast in an area where

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the missing endangered adult may be located;

(5) the Indiana data and communication system (IDACS); ~~and~~

(6) the National Crime Information Center's Missing Person File, if appropriate; **and**

(7) the Indiana clearinghouse for information on missing persons, established by IC 10-13-5-5, to disseminate information concerning the missing endangered adult to be broadcast by the Amber alert program.

(b) Upon completion of the report described by section 1 of this chapter, a law enforcement agency may forward a copy of the contents of the report to one (1) or more newspapers distributed in an area where the missing endangered adult may be located.

(c) After forwarding the contents of the report to a broadcaster or newspaper under this section, the law enforcement agency may request that the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

(d) A broadcaster or newspaper that receives a request concerning a missing endangered adult under subsection (c) may, at the discretion of the broadcaster or newspaper:

(1) notify the public that there is an endangered adult medical alert; and

(2) broadcast or publish:

(A) a description of the missing endangered adult; and

(B) any other relevant information that would assist in locating the missing endangered adult.

SECTION 10. IC 12-17.2-2-1.5, AS AMENDED BY P.L.145-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) The division shall require all child care centers or child care homes to submit a report containing the names and birth dates of all children who are enrolled in the child care center or child care home within three (3) months from the date the child care center or child care home accepts its first child, upon receiving the consent of the child's parent, guardian, or custodian as required under subsection (b). The division shall require all child care centers and child care homes that receive written consent as described under subsection (b) to submit a monthly report of the name and birth date of each additional child who has been enrolled in or withdrawn from the

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child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day care center or home) to report the name and birth date of my child or children to the division of family resources pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian

_____

Date _____".

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse **for information** on missing ~~children~~ **persons** established under IC 10-13-5.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation.

SECTION 11. IC 12-17.2-4-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.5. (a) Upon receiving a report under IC 31-36-1-4, a child care center shall thoroughly inspect the report. If the child care center finds that a child on the report required under IC 31-36-1-4 is enrolled at the child care center, the child care center shall immediately notify the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(b) Upon receiving a report under IC 31-36-1-4, a child care center shall attach a notice to the child's enrollment records stating that the child has been reported missing. The child care center shall remove the notice when the center is notified under IC 31-36-2-6 that the child has been found.

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(c) If a request for the enrollment records of a missing child is received, the child care center shall:

(1) obtain:

(A) the name, address, and telephone number of the person making the request; and

(B) the reason that the person is requesting the school records; and

(2) immediately notify the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(d) The child care center may not issue a copy of the enrollment records of a child reported missing without authorization from the Indiana clearinghouse for information on missing ~~children~~ **persons** and may not inform the person making the request that a notice that the child has been reported missing has been attached to the child's records.

SECTION 12. IC 12-17.2-5-18.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.6. (a) Upon receiving a report under IC 31-36-1-4, a child care home shall thoroughly inspect the report. If the child care home finds that a child on the report required under IC 31-36-1-4 is enrolled at the child care home, the child care home shall immediately notify the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(b) Upon receiving a report under IC 31-36-1-4, a child care home shall attach a notice to the child's enrollment records stating that the child has been reported missing. The child care home shall remove the notice when the center is notified under IC 31-36-2-6 that the child has been found.

(c) If a request for the enrollment records of a missing child is received, the child care home shall:

(1) obtain:

(A) the name, address, and telephone number of the person making the request; and

(B) the reason that the person is requesting the school records; and

(2) immediately notify the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(d) The child care home may not issue a copy of the enrollment records of a child reported missing without authorization from the Indiana clearinghouse for information on missing ~~children~~ **persons** and may not inform the person making the request that a notice that the child has been reported missing has been attached to the child's records.

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SECTION 13. IC 16-37-1-8, AS AMENDED BY P.L.123-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) Except as provided in subsection (c), a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if:

(1) the health officer is satisfied that the applicant has a direct interest in the matter;

(2) the health officer determines that the certificate is necessary for the determination of personal or property rights or for compliance with state or federal law; and

(3) the applicant for a birth certificate presents at least one (1) form of identification.

However, the local health officer must issue a certificate of an applicant's own birth registration.

(b) A local health officer's decision whether or not to issue a certified copy of a birth certificate is subject to review by a court.

(c) A local health officer may not issue a copy of a birth certificate of a missing child to which a notice has been attached under IC 10-13-5-11 without the authorization of the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(d) Upon determination that a person may be provided a certification of death under subsection (a), the local health officer shall provide to the person a certification of death that excludes information concerning the cause of death if the person requests the exclusion of this information.

SECTION 14. IC 20-26-13-10, AS AMENDED BY P.L.45-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP

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TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

SECTION 15. IC 20-33-2-10, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

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(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing ~~children~~ **persons** established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing ~~children,~~ **persons;**

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

SECTION 16. IC 31-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. If a child in need of services is a missing child and is taken into custody under a court order, the person taking the child into custody shall do the following:

(1) Take the child to a place designated in the order.

(2) Give notice to the following that the child has been taken into custody:

(A) The child's legal custodian.

(B) The clearinghouse for information on missing ~~children~~ **persons** established by IC 10-13-5.

SECTION 17. IC 31-34-2.5-2, AS AMENDED BY P.L.234-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Immediately after an emergency medical services provider takes custody of a child under section 1 of this chapter, the provider shall notify the department of child services that the provider has taken custody of the child.

(b) The department of child services shall:

(1) assume the care, control, and custody of the child immediately after receiving notice under subsection (a); and

(2) not later than forty-eight (48) hours after the department of child services has taken custody of the child, contact the Indiana clearinghouse for information on missing ~~children~~ **persons** established by IC 10-13-5-5 to determine if the child has been reported missing.

SECTION 18. IC 31-36-1-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. Upon completion of the report required by section 1 of this chapter, the law enforcement agency shall immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction of the location in which the missing child lives and all law enforcement agencies that have jurisdiction of the location in which the missing child was last seen;

(2) all law enforcement agencies to which the person who provided notification requests the report be sent, if the law enforcement agency determines that the request is reasonable in light of the information contained in the report;

(3) all law enforcement agencies that request a copy of the report;

(4) the Indiana clearinghouse for information on missing ~~children~~ **persons** established by IC 10-13-5;

(5) the Indiana data and communication system (IDACS); and

(6) the National Crime Information Center's Missing Person File.

SECTION 19. IC 31-36-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Upon receiving a report under section 4 of this chapter, a school shall attach a notice to the child's school records stating that the child has been reported missing. The school shall remove the notice when the school is notified under IC 31-36-2-6 that the child has been found.

(b) If a request for the school records of a missing child is received, the school shall:

(1) obtain:

(A) the name, address, and telephone number of the person making the request; and

(B) the reason that the person is requesting the school records; and

(2) immediately notify the Indiana clearinghouse for information on missing ~~children.~~ **persons.**

(c) The school may not issue a copy of school records without authorization from the Indiana clearinghouse for information on missing ~~children~~ **persons** and may not inform the person making the request that a notice that the child has been reported missing has been attached to the child's records.

SECTION 20. IC 31-36-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A law enforcement agency involved in the investigation of a missing child shall do the following:

(1) Update the initial report filed by the agency that received notification of the missing child upon the discovery of new

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information concerning the investigation.

(2) Forward the updated report to the agencies and organizations listed in IC 31-36-1-3.

(3) Search the National Crime Information Center's Wanted Person File for reports of arrest warrants issued for persons who allegedly abducted or unlawfully retained children and compare these reports to the missing child's National Crime Information Center's Missing Person File.

(4) Notify all law enforcement agencies involved in the investigation, the Indiana clearinghouse for information on missing ~~children,~~ **persons,** and the National Crime Information Center when the missing child is located.

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