

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES BY
ADDING SECTION 12-116.13. AMENDING SECTIONS 8-901 AND 8-810 AND 41-1736,
ARIZONA REVISED STATUTES; RELATING TO MISSING CHILDREN

Be it enacted by the Legislature of the State of Arizona:

Sec. 1. Title 12, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 12-116.13, to read:

12-116.13. Assessment; missing children and anti-child trafficking and exploitation grant fund

A. IN ADDITION TO ANY OTHER ASSESSMENT, IF A PERSON IS CONVICTED OF A VIOLATION OF SECTION 8-901, SUBSECTION E, THE COURT SHALL ORDER THE PERSON TO PAY AN ASSESSMENT OF \$100. THE ASSESSMENT SHALL NOT BE WAIVED AND IS NOT SUBJECT TO A SURCHARGE.

B. THE COURT SHALL TRANSMIT THE ASSESSMENTS COLLECTED PURSUANT TO THIS SECTION TO THE COUNTY TREASURER.

C. THE COUNTY TREASURER SHALL TRANSMIT THE ASSESSMENTS TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE ASSESSMENTS IN THE ANTI-HUMAN TRAFFICKING GRANT FUND ESTABLISHED BY SECTION 41-1736.

Sec. 2. Section 8-901, Arizona Revised Statutes, is amended to read:

8-901. Missing; OR kidnapped ~~or runaway~~ children; mandatory reporting

A. A law enforcement agency that receives a report of a missing ~~OR~~ kidnapped ~~or runaway~~ child shall do all of the following:

1. Within two hours after receiving the report and all necessary and available information, submit the following information to the Arizona crime information center, the national crime information center computer networks and the national missing and unidentified persons system:

(a) The name, date of birth, sex, race, height, weight and eye and hair color of the child.

(b) A recent photograph of the child, if available.

(c) The date and location of the last known contact with the child.

~~(d) The category under which the child is reported missing.~~

2. Not later than thirty days after the original entry of the record, verify and update the record with any additional information, including, where available, medical and dental records and a photograph taken during the previous one hundred eighty days.

(a) RECORDS SHOULD BE REVIEWED AND UPDATED EVERY 30 DAYS FROM THE INITIAL REPORT.

(b) UPDATES ARE TO INCLUDE THE SUBMISSION OF ADDITIONALLY GATHERED INFORMATION TO THE ARIZONA CRIME INFORMATION CENTER, THE NATIONAL CRIME INFORMATION CENTER COMPUTER NETWORKS AND THE NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM.

(c) THE SUBMISSION OF UPDATES TO RECORDS IS TO INCLUDE A PUBLIC NOTIFICATION TO THE GENERAL PUBLIC FOR THE PURPOSE OF IMPROVING COLLABORATIVE EFFORTS TO LOCATE THE MISSING CHILD. PUBLIC NOTIFICATIONS CAN INCLUDE THE FOLLOWING:

(i) AMBER OR SILVER ALERTS IF DEEMED APPROPRIATE AS DETERMINED BY THE SEVERITY OF THE CONTENT SUBMITTED IN THE UPDATE.

(ii) LOCAL MEDIA OUTLETS, SOCIAL MEDIA POSTS, AND UPDATES TO EXISTING SOCIAL MEDIA POSTS.

3. Institute, PROPERLY EQUIP, COLLABORATE, AND ~~or~~ assist with appropriate search and investigative procedures PURSUANT OF THE CHILD'S IMMEDIATE SAFETY.

(a) WITHIN TWENTY-FOUR HOURS AFTER RECEIVING A REPORT OF A MISSING OR KIDNAPPED CHILD, LOCAL LAW ENFORCEMENT SHALL PROVIDE TO ALL LOCAL MEDIA OUTLETS AND POST TO SOCIAL MEDIA PLATFORMS INFORMATION OUTLINED IN SUBSECTION A, PARAGRAPH 1 WITH THE INCLUSION OF THE PRIMARY INVESTIGATIVE LAW ENFORCEMENT'S PHONE NUMBER.

(b) APPROPRIATE SEARCH AND INVESTIGATIVE PROCEDURES MAY INCLUDE THE IMPLEMENTATION OF LAW ENFORCEMENT RESOURCES IN ADDITION TO THE UTILIZATION OF THIRD PARTY COMMUNITY RESOURCES AND VENDORS.

(c) UNLESS DETERMINED BY SUFFICIENT EVIDENCE, A MISSING OR KIDNAPPED CHILD IS TO BE CONSIDERED ENDANGERED AND THE IMMEDIATE SAFETY OF THE MISSING CHILD IS TO BE PRIORITIZED.

(d) INVESTIGATIVE EVIDENCE REGARDING SAFETY DETERMINATIONS MAY BE REBUTTED AND RESUBMITTED FOR REVIEW BY A PARENT, GUARDIAN, OR THIRD PARTY COMMUNITY RESOURCE OR VENDOR.

(e) EVIDENCE PROVIDED BY A PARENT, GUARDIAN, OR THIRD PARTY COMMUNITY RESOURCE OR VENDOR IS TO BE DOCUMENTED AND PROPERLY INVESTIGATED

BY LAW ENFORCEMENT WITH LAW ENFORCEMENT HAVING AN APPROPRIATE AND SUBSEQUENT RESPONSE TO THE EVIDENCE.

(f) INFORMATION NOT AVAILABLE AS STATED IN SUBSECTION A, PARAGRAPH 1 AT THE TIME OF INITIAL REPORTING IS TO BE GATHERED DURING THE ONGOING INVESTIGATION WITH THE RECORD BEING UPDATED IN ACCORDANCE WITH SUBSECTION A, PARAGRAPH 2.

(g) LAW ENFORCEMENT SHALL DO ALL OF THE FOLLOWING ON AN ONGOING BASIS UNTIL A MISSING OR KIDNAPPED CHILD IS LOCATED:

(i) DOCUMENT IN WRITING EVERY EFFORT MADE TO LOCATE THE MISSING OR KIDNAPPED CHILD WITHIN TEN DAYS AFTER THE EFFORT TO LOCATE THE CHILD IS TAKEN.

(ii) FOR A CHILD WHO HAS BEEN MISSING OR KIDNAPPED FOR TWO OR MORE YEARS, WORK WITH THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN TO CREATE AN AGE-PROGRESSION IMAGE OF THE CHILD.

4. Maintain a close liaison with state and local child welfare systems, **THIRD PARTY COMMUNITY RESOURCES AND VENDORS**, and the national center for missing and exploited children for the exchange of information and technical assistance in the missing child case.

(a) ALL AVAILABLE RESOURCES ARE TO BE UTILIZED IN THE MISSING CHILD CASE IN PURSUIT OF A SWIFT RESOLUTION.

(b) THE EXCHANGE OF INFORMATION AND TECHNICAL ASSISTANCE IS TO BE APPROPRIATE AND ACTIONABLE.

5. Grant permission to the national crime information center terminal contractor for this state to update the missing child record in the national crime information center computer networks with additional information that is learned during the investigation and that relates to the missing child.

B. A law enforcement agency that receives a report of a missing, **OR** kidnapped ~~or runaway~~ child who is in the foster care system shall notify the national center for missing and exploited children in addition to the entities listed in subsection A of this section.

C. An entry may not be removed from any database or system until the child is found or the case is ~~closed~~ **RESOLVED**.

D. BEGINNING NINETY DAYS AFTER JANUARY 1, 2027, LAW ENFORCEMENT SHALL PROVIDE A MONTHLY REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1. THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

(a) THE NAMES OF ALL CURRENT MISSING OR KIDNAPPED CHILDREN. THE NAMES OF MISSING OR KIDNAPPED CHILDREN SHALL BE KEPT CONFIDENTIAL AND MAY NOT BE DISTRIBUTED OUTSIDE OF THE MONTHLY REPORT.

(b) THE NAMES OF ALL RESOLVED MISSING CHILD CASES WHICH INCLUDES IF AVAILABLE REASON WHY THE CHILD BECAME MISSING. THE NAMES OF MISSING OR KIDNAPPED CHILDREN SHALL BE KEPT CONFIDENTIAL AND MAY NOT BE DISTRIBUTED OUTSIDE OF THE MONTHLY REPORT. PROVIDED REASONS SHALL INCLUDE INFORMATION GATHERED DURING THE INVESTIGATION REGARDING POTENTIAL FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOW:

(i) INFLUENTIAL PERSONS WHO CONTRIBUTED BY COERCION OR OTHERWISE TO THE CHILD'S MISSING STATUS

(ii) REPORTS OF PHYSICAL, SEXUAL, OR VERBAL ABUSE.

(c) AN ACKNOWLEDGEMENT THAT LAW ENFORCEMENT MADE THE NOTIFICATIONS PRESCRIBED BY THIS SECTION WITHIN THE PRESCRIBED TIME FRAMES. IF THE DEPARTMENT FAILED TO MAKE THE NOTIFICATIONS WITHIN THE PRESCRIBED TIME FRAMES, LAW ENFORCEMENT SHALL INCLUDE A DETAILED EXPLANATION OF THE REASON WHY THE NOTIFICATIONS WERE NOT MADE WITHIN THE PRESCRIBED TIME FRAMES ALONG WITH AN OUTLINED CORRECTIVE ACTION TO REMEDY CURRENT AND ONGOING EFFORTS.

E. A PERSON HARBORING OR CONCEALING OR ASSISTING IN HARBORING A MISSING OR KIDNAPPED CHILD IN A MANNER THAT KNOWINGLY AND INTENTIONALLY PREVENTS, HINDERS, OR OBSTRUCTS A LAW ENFORCEMENT INVESTIGATION OF A MISSING CHILD SHALL BE CONSIDERED, IN ADDITIONAL TO ANY OTHER DETERMINED SUBSEQUENT VIOLATIONS, A VIOLATION OF INTERFERING WITH A POLICE INVESTIGATION IN ACCORDANCE WITH A.R.S.13-2409.

Sec. 3. Section 8-810, Arizona Revised Statutes, is amended to read:

8-810. Missing ~~OR KIDNAPPED; abducted; runaway~~ children ~~WHO ARE WARDS OF THE COURT~~; notification; training; audit

A. Immediately or within twenty-four hours after receiving a report made pursuant to section 13-3620 or receiving information during the course of providing services that indicates a child who is a ward of the court or who is in the care of the department, is missing ~~OR KIDNAPPED; abducted or a runaway and the child's location is unknown~~, the department shall notify the appropriate law enforcement agency. ~~to make the record entry as follows:~~

1. For ~~A KIDNAPPED~~ ~~an abducted~~ child, ~~THE DEPARTMENT SHALL NOTIFY~~ the Arizona criminal justice information system.

2. For ~~an abducted~~, A missing OR KIDNAPPED ~~or runaway~~ child, THE DEPARTMENT SHALL NOTIFY the national crime information center missing person database.

B. Immediately or within twenty-four hours after receiving a report of a missing OR KIDNAPPED, ~~abducted or runaway~~ child, the department shall do the following:

1. Report information on the missing OR KIDNAPPED, ~~abducted or runaway~~ child to the national center for missing and exploited children.

2. Unless it is determined by the primary investigative agency that it will hinder investigation or location efforts, contact the following persons to obtain information about the child's disappearance:

(a) The child's parents.

(b) The child's known relatives.

(c) The child's out-of-home caregivers.

(d) The child's attorney.

(e) The child's guardian or guardian ad litem.

(f) The child's court appointed special advocate.

(g) The child's school, friends or household members or other persons who may have relevant information about the circumstances surrounding the child's abduction or disappearance.

(h) Any other persons known to the department who may have relevant information regarding the child's location.

3. Unless it is determined by the primary investigative agency that it will hinder investigation or location efforts, provide a notice of disappearance in writing and telephonically to the following persons:

(a) The child's parents.

(b) The child's known relatives.

(c) The child's out-of-home caregivers.

(d) The child's attorney.

(e) The child's guardian or guardian ad litem.

(f) The child's court appointed special advocate.

(g) A judicial officer in any judicial matter involving the child.

(h) The duty assistant attorney general to initiate a motion for a pickup.

(i) If the child is a member of an Indian tribe in this state, the child's Indian tribe.

C. Immediately or within twenty-four hours after receiving a report, the department shall request the appropriate law enforcement agency to determine if the situation meets amber alert criteria or silver alert criteria pursuant to section 41-1728. The appropriate law enforcement agency shall document its response regarding amber alert or silver alert criteria.

D. Within forty-eight hours after receiving a report of a missing ~~OR KIDNAPPED, abducted or runaway~~ child, the department shall provide the local law enforcement agency with, and the local law enforcement agency shall provide to all local media outlets and post to social media platforms, all of the following information regarding the child and, if known, the child's abductor:

1. A complete physical description of the child and, if known, the child's abductor.
2. The last known location of the child or, if known, the child's abductor.
3. A description of the clothing the child or, if known, the child's abductor was last known to be wearing.
4. A description of any vehicle that may be involved with the child's disappearance.
5. Current photos of the child and, if available, the child's abductor.
6. A law enforcement telephone number.
7. Information regarding any offered rewards.

E. The appropriate law enforcement agency shall update social media platforms with updated information regarding the missing ~~OR KIDNAPPED, abducted or runaway~~ child.

F. For a child who has been missing or ~~KIDNAPPED abducted or who has been a runaway~~ for two or more years, the appropriate law enforcement agency shall work, when possible, to create an age-appropriate progression image of the child.

G. The department shall do all of the following on an ongoing basis until a missing ~~OR KIDNAPPED, abducted or runaway~~ child is located or the child reaches the age of majority:

1. Document in writing every effort the department has made to locate the missing ~~OR KIDNAPPED, abducted or runaway~~ child within ten days after the effort to locate the child is taken. The written document shall specify the notifications and documentation sent to individuals and departments pursuant to the requirements of this section.
2. Contact law enforcement every seven calendar days and document the information provided and received.

3. For a child who has been missing or **KIDNAPPED** ~~abducted or who has been a runaway~~ for two or more years, work with the national center for missing and exploited children to create an age-progression image of the child.

H. The department shall immediately develop, refine, implement and provide initial training to newly hired employees. A newly hired employee must receive this initial training before any children are assigned to the newly hired employee's caseload. The department shall conduct annual training for department employees who have direct oversight of children and the direct supervisors of those employees. The training shall include department policies for locating missing **OR KIDNAPPED**, ~~abducted or runaway~~ children and the requirements for ongoing efforts to locate a missing **OR KIDNAPPED**, ~~abducted or runaway~~ child, unless it is determined by the primary investigative agency that it will hinder investigation or location efforts. Monthly ongoing department efforts shall include all of the following:

1. Continued contact with law enforcement agencies.
2. Continued contact with the child's parents, guardian or custodian.
3. Continued contact with the child's known relatives.
4. Continued contact with current and former foster families of the child.
5. Continued contact with the child's school.
6. Continued contact with known acquaintances of the child.
7. Continued in-person searching of locations and places where the child may be found.
8. Continued review of any social media accounts that may be associated with the child or the child's known acquaintances.
9. Continued efforts with law enforcement agencies in searching for the child.
10. Continued search efforts with department field staff who have access to databases that may help in the search for information or leads regarding the missing, abducted or runaway child.
11. Referral to the department's office of child welfare investigations for assistance if exigent circumstances exist.
12. Requesting that the appropriate law enforcement agency conduct welfare checks at any location where the child may be.

I. Within twenty-four hours after a missing **OR KIDNAPPED**, ~~abducted or runaway~~ child is located, the department shall do all of the following:

1. Inform all of the following:
 - (a) All law enforcement agencies involved in the child's case.

- (b) The attorney general's office.
 - (c) The national center for missing and exploited children.
 - (d) Any individuals who have received notice pursuant to subsection B, paragraph 3 of this section.
2. Have in-person contact with the child.
 3. Obtain a medical exam for the child.
 4. Assess the child's experiences while absent from care, including screening to determine if the child is a ~~sex~~ trafficking **OR EXPLOITATION** victim, and report to the appropriate law enforcement agency if it is determined that the child is a ~~sex~~ trafficking **OR EXPLOITATION** victim.
 5. Assess the appropriateness of the child returning to the child's current placement.
 6. Assess factors that contributed to the child's absence.
 7. Determine the need for additional behavioral health services and support.
 8. Review the case to assess the primary factors that contributed to the child being missing or **KIDNAPPED** ~~abducted or a runaway~~ and to the extent possible and appropriate respond to those factors in current and subsequent case decisions.
- J. Within sixty days after September 14, 2024, the department shall develop a checklist for department specialists. The checklist shall be distributed to each caseworker to assist department specialists in fulfilling the department's duties prescribed by this section. The checklist shall have a mechanism to mark department duties as completed within the timelines specified by this section.
- K. Beginning ninety days after September 14, 2024, the department shall provide a monthly report to the governor, the president of the senate and the speaker of the house of representatives. The report shall include all of the following:
1. The names of all current missing **OR KIDNAPPED**, ~~abducted or runaway~~ children. The names of missing **OR KIDNAPPED**, ~~abducted or runaway~~ children shall be kept confidential and may not be distributed outside of the monthly report.
 2. An acknowledgement that the department made the notifications prescribed by this section within the prescribed time frames. If the department failed to make the notifications with the prescribed time frames, the department shall include a detailed explanation of the reason why the notifications were not made within the prescribed time frames **ALONG WITH AN OUTLINED CORRECTIVE ACTION TO REMEDY CURRENT AND ONGOING EFFORTS**.
 3. The department's compliance with ongoing search efforts made to locate missing **OR KIDNAPPED**, ~~abducted or runaway~~ children.

4. The department's compliance with subsection I of this section.

5. On the return of a ~~MISSING runaway~~ child to the department's care, the reason why the child ~~BECAME MISSING ran-away~~.

(A) IF AVAILABLE, PROVIDED REASONS SHALL INCLUDE INFORMATION GATHERED DURING THE INVESTIGATION REGARDING POTENTIAL FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOW:

(I) INFLUENTIAL PERSONS WHO CONTRIBUTED BY COERCION OR OTHERWISE TO THE CHILD'S MISSING STATUS.

(II) REPORTS OF PHYSICAL, SEXUAL, OR VERBAL ABUSE.

L. Within one hundred fifty days after September 14, 2024 and on a monthly basis thereafter, the department shall submit to the joint legislative budget committee, the senate health and human services committee and the house of representatives health and human services committee, or their successor committees, a report that includes all of the following:

1. The department's compliance with all of the requirements of this section.

2. The number of missing ~~OR KIDNAPPED, abducted and runaway~~ children.

3. The number of missing ~~OR KIDNAPPED, abducted and runaway~~ children who have been found.

4. The percentage of times the department was in compliance with the requirements prescribed in subsections A, B, C and D of this section.

M. If the report submitted pursuant to subsection L of this section shows a less than ninety-five percent compliance rate with the requirements prescribed in subsection L, paragraph 4 of this section for more than four consecutive or nonconsecutive months in a twelve-month period, the department shall establish ~~OR ENHANCE~~ a missing ~~OR KIDNAPPED, abducted and runaway~~ children unit within the department. The missing ~~OR KIDNAPPED, abducted and runaway~~ children unit shall have at least four employees with at least one employee available twenty-four hours a day. The missing ~~OR KIDNAPPED, abducted and runaway~~ children unit may enter into contracts ~~OR COLLABORATIVE AGREEMENTS~~ with any vendor necessary to ensure the department is in compliance with this section. If the missing ~~OR KIDNAPPED, abducted and runaway~~ children unit is established, the unit shall submit a report to the governor, the president of the senate, the speaker of the house of representatives and the joint legislative oversight committee on the department of child safety established by section 41-1292. The report shall do all of the following:

1. Identify the reasons why the department is not in compliance with the requirements prescribed in subsections A, B, C and D of this section.

2. Identify the methods by which the missing ~~OR KIDNAPPED, abducted and runaway~~ children unit will achieve a ninety-five percent compliance rate with the requirements prescribed in subsections A, B, C and D of this section.

3. Include organizational changes that the department will make to ensure compliance with the requirements prescribed in subsections A, B, C and D of this section.

4. Recommend legislative changes that are necessary to ensure the department's compliance with the requirements prescribed in subsections A, B, C and D of this section.

N. The legislature may convene an oversight committee to address problems and deviations from policy and procedure and recommend corrective action plans. The legislature shall request an annual independent audit of the department's compliance with this section. If the independent audit determines that the department is not in compliance, the department shall contract with a consulting firm that is licensed by this state for investigative services. The consulting firm shall present recommendations to the oversight committee on how to improve compliance with this section.

O. The legislature may convene the joint legislative oversight committee on the department of child safety established by section 41-1292 to address concerns and deviations from policy and procedure and provide recommendations. The legislature may request an annual independent audit of the department's compliance with this section. If the independent audit determines that the department is not in compliance, the independent audit shall provide recommendations for improving the department's efforts to locate missing ~~OR KIDNAPPED, abducted or runaway~~ children. If the joint legislative oversight committee on the department of child safety determines that the department, after the establishment of the missing ~~OR KIDNAPPED, abducted and runaway~~ children unit, has failed to meet the requirements of subsection M of this section for a period of more than two months, the department shall contract with a consulting firm that is licensed by this state for investigative services. The consulting firm shall present recommendations to the joint legislative oversight committee on how to improve compliance with this section.

Sec. 4. Section 41-1736, Arizona Revised Statutes, is amended to read:

41-1736. Anti-human trafficking grant fund

The anti-human trafficking grant fund is established consisting of monies ~~COLLECTED PURSUANT TO SECTION 12-116.13 AND MONIES~~ appropriated by the legislature. Monies in the fund are continuously appropriated. The department shall administer the fund and distribute monies from the fund to programs to reduce human trafficking in this state. To be eligible for grant monies, an anti-human trafficking program shall do ~~either~~ **ONE** of the following:

1. Work to reduce human trafficking by providing assistance and analytical services to law enforcement agencies.

2. Provide services to victims **OF HUMAN TRAFFICKING.** ~~and~~

3. **PROVIDE** training to law enforcement agencies, prosecutorial agencies and the public on preventing and identifying human trafficking.