

Date of Hearing: August 11, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 388 (Galgiani) – As Amended January 6, 2020

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill eliminates the ability of local jurisdictions to opt-out of requirements related to the reporting, investigation and tracking of missing persons' cases.

FISCAL EFFECT:

- 1) Costs (General Fund (GF)) of approximately \$590,000 annually to the Department of Justice (DOJ) in additional staff for the Unidentified Persons Section of the DOJ to process 2,258 new at-risk missing persons' cases annually given that local jurisdictions will no longer be able to opt-out of at-risk missing persons reporting.
- 2) Costs (GF/local funds) in the hundreds of thousands of dollars to low millions of dollars annually for local jurisdictions to perform significant duties related to missing persons' cases. GF costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

COMMENTS:

- 1) **Purpose.** According to the author:

It is imperative that all jurisdictions follow the same procedures outlined in the Penal Code to ensure a thorough investigation. SB 388 also ensures that a law enforcement agency will obtain the dental X-rays, skeletal X-rays, and treatment notes of the missing person to further their investigation.

- 2) **Existing Law.** SB 846 (Galgiani), Chapter 432, Statutes of 2014, and SB 1066 (Galgiani), Chapter 437, Statutes of 2014, made numerous changes to the Penal Code relating to missing and unidentified persons. SB 846 and SB 1066 require local law enforcement to issue "Be on the Lookout" bulletins for any missing person under the age of 21 and requires law enforcement to transmit any such bulletin to the Department of Justice (DOJ), within two hours of receiving a missing person report of a person under the age of 21. However, a local governing body may opt out of these requirements by a majority vote. This bill eliminates the ability for local governments to opt out of those requirements.
- 3) **Arguments in Support.** According to the California Statewide Law Enforcement Association:

Existing law requires police and sheriffs' departments to promptly obtain the release of dental and skeletal X-ray records upon acceptance of a missing person report and to broadcast a 'Be on the Lookout' bulletin if the person is under 21 years of age. However, these measures are not required of local jurisdictions. SB 388 would mandate these reporting requirements on a local level, better equipping local law enforcement agencies to both identify found persons and find missing persons.

Analysis Prepared by: Kimberly Horiuchi / APPR. / (916) 319-2081