

SENATE THIRD READING  
SB 388 (Galgiani)  
As Amended January 6, 2020  
Majority vote

**SUMMARY:**

Deletes the provision that permits a local agency to exempt itself from the provisions of law applying to missing person reports, and instead mandates application of the law.

**COMMENTS:**

Under current law, local law enforcement agencies are able to vote to exempt the body from following the legislatively established Missing Persons Reporting standards. This bill removes the right of local agencies to exempt themselves from following the reporting requirements.

**According to the Author:**

"SB 388 requires local jurisdictions to adhere to extensive reporting, investigative, and tacking requirements of missing persons already prescribed in state law.

"In the 2013-14 Legislative Session, I authored SB 846 and SB 1066 that made changes to the Penal Code relating to missing persons. This measure will help ensure those statutes are followed.

"Currently, governing bodies of local jurisdictions can exempt themselves from Missing Persons Reporting requirements. SB 388 would create statewide consistency regarding local jurisdictions' handling of missing persons cases.

"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."

**Arguments in Support:**

According to the *California Statewide Law Enforcement Association*, "In 2018, 43,121 adults were reported missing in California. This number has steadily increased over the past five years, rising by 8 percent since 2013. 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."

**Arguments in Opposition:**

None on file.

**FISCAL COMMENTS:**

According to the Assembly Appropriations Committee:

- 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.

**VOTES:****SENATE FLOOR: 39-0-0**

**YES:** Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**ASM PUBLIC SAFETY: 8-0-0**

**YES:** Jones-Sawyer, Lackey, Bauer-Kahan, Diep, Kamlager, Quirk, Santiago, Mark Stone

**ASM APPROPRIATIONS: 18-0-0**

**YES:** Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, Quirk, Robert Rivas, Voepel

**UPDATED:**

VERSION: January 6, 2020

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