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As of: June 19, 2018 (1:25pm)

LCFOT2

**** Bill No. ****

Introduced By *****

By Request of the *****

****For discussion purposes by the STRC at its July 2018 meeting****

A Bill for an Act entitled: "An Act requiring the office of public instruction to create and maintain an electronic directory photograph repository; providing that the directory photographs may be used only if a student is identified as a missing child; requiring a parent or guardian to opt in to participating in the repository; requiring school district trustees to send an annual notice with opt-in provision to parents and guardians; amending sections 44-2-505 and 44-2-506, MCA; and providing an effective date."

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

NEW SECTION. **Section 1. Electronic directory photograph repository -- use in search for missing child only -- annual opt-in notice required.** (1) The office of public instruction shall create and maintain an electronic directory photograph repository to store directory photographs of individual students. Any directory photographs that are collected and stored pursuant to this section may be used for the sole purpose of making a current photograph available to a law enforcement authority when a student is identified as a missing child.

(2) When a student is identified as a missing child pursuant to Title 44, chapter 2, part 5, the superintendent of public

instruction shall:

(a) provide the directory photograph, if there is one available in the repository, to the appropriate law enforcement authority; and

(b) include the directory photograph with the monthly list of missing Montana school children distributed pursuant to 44-2-506.

(3) Inclusion of an individual student's directory photograph in the electronic directory photograph repository is optional. The trustees of each school district shall send an annual notice to the parent or guardian of each student with:

(a) information about the electronic directory photograph repository;

(b) a form to allow the parent or guardian to choose to have the student's photograph included in the repository for that school year;

(c) information about the use of the directory photographs if a student is identified as a missing child; and

(d) information about how to request the student's directory photograph be removed from the repository.

(4) The office of public instruction shall delete from the repository any directory photograph that is 2 years old or older.

Section 2. Section 44-2-505, MCA, is amended to read:

"44-2-505. Duties of law enforcement authority. Whenever a parent, guardian, or legal custodian of a child files a report

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with a law enforcement authority that the child is missing, the law enforcement authority shall within 2 hours of the report:

(1) inform all on-duty law enforcement officers of the existence of the missing child report;

(2) communicate the report to all other law enforcement authorities having jurisdiction in the county; ~~and~~

(3) enter the missing child report into the national crime information center computer system; and

(4) if the missing child is enrolled in a Montana public school district, request the child's directory photograph from the superintendent of public instruction pursuant to [section 1]. If a directory photograph is available, it must be included with the missing child report."

{*Internal References to 44-2-505: None.*}

Section 3. Section 44-2-506, MCA, is amended to read:

"44-2-506. List of missing Montana school children. (1) The superintendent of public instruction shall assist the missing children information program provided for in 44-2-503 in identifying and locating missing children who are enrolled in Montana public school districts in kindergarten through grade 12 by:

(a) collecting each month a list of missing Montana school children as provided by the missing children information program provided for in 44-2-503;

(b) distributing the list of missing school children on a monthly basis, unless the list has no change from the previous

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month's information, to all school districts admitting children to kindergarten through grade 12;

(c) designing the list to include pertinent available information for identification of the missing school child, including ~~if possible a recent~~ a directory photograph of the child if available pursuant to [section 1]; and

(d) notifying the appropriate law enforcement agency and the missing children information program as soon as any additional information is obtained or contact is made with respect to a missing school child.

(2) Each school district in Montana shall:

(a) distribute to each school building within the district the list of missing school children provided for in subsection (1); and

(b) notify the appropriate law enforcement agency at the earliest known contact with any child whose name appears on the list of missing school children."

{*Internal References to 44-2-506:*
x 44-2-503}

NEW SECTION. **Section 4. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 13, and the provisions of Title 20, chapter 7, part 13, apply to [section 1].

NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective July 1, 2019.

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