



BEFORE THE  
COMMISSION ON STATE MANDATES

Claim of: )  
)  
)

County of Placer )  
                  Claimant )  
)  
)

No. CSM-4255  
Chapter 51, Statutes of 1984  
Chapter 177, Statutes of 1985  
Chapter 249, Statutes of 1986  
Missing Person Reports II

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on August 27, 1987, in Sacramento, California, during a regularly scheduled meeting. Leslie Hobson, Administrative Analyst, appeared on behalf of the County of Placer. James Apps, Principal Program Budget Analyst, appeared on behalf of the Department of Finance. Ramon De La Guardia, Deputy Attorney General, and Michael Case, Supervisor, appeared on behalf of the Department of Justice. There were no other appearances.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific appropriation by the Legislature for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS AND CONCLUSIONS

1. The test claim was filed with the Commission on State Mandates on March 26, 1987, by the County of Placer.
2. The subjects of the claim are Chapter 51, Statutes of 1984, Chapter 177, Statutes of 1985 and Chapter 249, Statutes of 1986.
3. Chapter 51, Statutes of 1984, added Section 11114(c) of the Penal Code to require, in those instances where the person reported missing to the law enforcement authority is under 18 years of age and the law enforcement authority determines that the disappearance was under suspicious circumstances, immediate contact with the coroner or medical examiner and the expedited submission of a report, and the missing person's dental records, to the Department of Justice. Where no family or next of kin, exists or can be located, the law enforcement authority is required to execute a written declaration in order to immediately obtain the release of dental records directly from the missing person's dentist.
4. Chapter 177, Statutes of 1985, added Section 11114(f) to the Penal Code which requires that law enforcement authorities accept missing person reports, regardless of the legal residence of the person reported missing, if the missing person is under 18 years of age.
5. Chapter 249, Statutes of 1986, amended the following sections of the Penal Code:

Section 11114(b) was amended to require the district attorney's office to provide a dental records release authorization form to any person making a missing person report.

Section 11114(c) was amended to require the local law enforcement authority to obtain and submit a photograph to the Department of Justice, together with the previously required report and dental records.

Section 11114(d) was amended to require the local law enforcement authority, in those instances where the person reported missing is under 18 years of age and has been missing for 14 days, to immediately contact the coroner or medical examiners. This section was also amended to require the expedited submission of the local law enforcement authority's report, the missing person's dental records and a recent photograph to the Department of Justice. Where no family or next of kin exists, or can be located, the law enforcement agency is required to execute a written declaration to obtain the release of dental records directly from the missing person's dentist and to take the declaration to the dentist immediately.

6. An increased level of service of an existing program is now required by Chapter 51, Statutes of 1984, Chapter 177, Statutes of 1985, and Chapter 249, Statutes of 1986 of any local law enforcement authority when such entity processes certain missing person reports.
7. Government Code Section 17514 defines the term "costs mandated by the state" as "any increased costs which a local agency . . . is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, . . . which mandates . . . a higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."
8. The County of Placer has demonstrated that it has incurred increased costs which are costs mandated by the state.
9. None of the requisites for denying a claim, specified in Government Code Section 17556, subdivision (a), were established.

### III.

#### DETERMINATION OF ISSUES

1. The Commission has the authority to decide this claim under the provisions of Government Code Section 17551.
2. Chapter 51, Statutes of 1984 imposed a reimbursable mandate on local law enforcement agencies. The County of Placer has established that this statute imposed a higher level of service of an existing program by requiring, in those instances where the person reported missing is under 18 years of age and the law enforcement authority determines that the disappearance was under suspicious circumstances, immediate contact with the coroner or medical examiner and the expedited submission of the agency's report along with the missing person's dental records to the Department of Justice. Under specified circumstances, law enforcement agencies are required to execute a written declaration to obtain the release of dental records directly from the missing person's dentist and take the declaration to the dentist immediately.
3. Chapter 177, Statutes of 1985 imposed a reimbursable mandate on local law enforcement agencies. The County of Placer has established that this statute imposed a higher level of service of an existing program by requiring law enforcement authorities to accept missing person reports regardless of the legal residence of the person reported missing if the person reported missing is under 18 years of age.
4. Chapter 249, Statutes of 1986 imposed a reimbursable mandate on local law enforcement agencies. The County of Placer has established that this statute has imposed a higher level of service of an existing program by:  
(1) requiring the district attorney's office to provide the Department of Justice forms to any person making a missing person report; (2) requiring the local law enforcement authority to obtain and submit a photograph to the Department of Justice, together with the previously required report

and dental records; and (3) requiring the local law enforcement authority, in those instances where the person reported missing is under 13 years of age and has been missing for 14 days, to immediately contact the coroner or medical examiner and by requiring the expedited submission of its report, the missing person's dental records and a recent photograph to the Department of Justice. Under specified circumstances, Chapter 249 directs local law enforcement agencies to execute a written declaration to obtain the release of dental records directly from the missing person's dentist and to take the declaration to the dentist immediately.

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