Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

CHAPTER 327
FORMERLY
HOUSE BILL NO. 385

AN ACT TO AMEND CHAPTER 85, TITLE 11, OF THE DELAWARE CODE RELATING TO MISSING PERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 85, Title 11 of the Delaware Code as follows:

§ 8531. Definitions.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Complaint" shall mean any report, notification or information given to a law-enforcement officer that a person is missing or cannot, with reasonable care, be located;

(2) "Missing person" shall mean a person who is missing, and who also meets 1 of the following characteristics:

a. Such person is physically or mentally disabled;

b. Such person was, or is, in the company of another person under circumstances indicating that the missing person's safety may be in danger;

c. Such person is missing under circumstances indicating that the disappearance was not voluntary;

d. Such person is an unemancipated minor.

(3) "Unemancipated minor" shall mean a minor who has not married, and who resides with a parent or other legal guardian.

(4) “Verified location” shall mean the location where it has been confirmed that the missing person was last seen. Such confirmation may include credible witness identification and or video surveillance or similar technology verification.

§ 8532. Original complaint.

A missing person complaint may be made to any county, town, city or state law-enforcement agency or any other appropriate state agency. The law enforcement agency having primary jurisdiction over the verified location where a missing person was last seen shall be responsible for receiving a missing person complaint and initiating the investigation. If the location where the missing person was last seen cannot be verified, the law enforcement agency having primary jurisdiction over the missing person’s last known place of residence shall be responsible for receiving a missing person complaint and initiating the investigation. Such complaint shall state the age of the missing person. When an agency has received a missing person complaint, such agency shall immediately disseminate all known facts concerning the missing person to all county and state law-enforcement agencies, and to any other law-enforcement agency which may be appropriate. A new missing person complaint shall have high priority.

Section 2. Amend § 8534(1), Title 11 of the Delaware as follows:

§ 8534. Dissemination of missing person report.

Upon completion of the missing person report, the law-enforcement agency shall send a copy of the report to:

(1) Each law-enforcement officer having jurisdiction over the location in which the missing person was last seen, or the missing person’s last known place of residence;

Approved July 12, 2012