

**Editorial Notes**

## REFERENCES IN TEXT

This section and section 41308 of this title, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this title”, meaning title XXXVII of Pub. L. 101-647, which enacted this section and section 41308 of this title, to reflect the probable intent of Congress.

## CODIFICATION

Section was formerly classified to section 5779 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21 substituted “age of 21” for “age of 18”.

**§ 41308. State requirements for reporting missing children**

Each State reporting under the provisions of this section and section 41307 of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;

(3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) a recent photograph of the child, if available;

(C) the date and location of the last known contact with the child; and

(D) the category under which the child is reported missing;

is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(4) provide that after receiving reports as provided in paragraph (3), the law enforcement agency that entered the report into the National Crime Information Center shall—

(A) no later than 30 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records and a photograph taken during the previous 180 days;

(B) institute or assist with appropriate search and investigative procedures;

(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing

from a foster care family home or childcare institution;

(D) maintain close liaison with State and local child welfare systems and the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases; and

(E) grant permission to the National Crime Information Center Terminal Contractor for the State to update the missing person record in the National Crime Information Center computer networks with additional information learned during the investigation relating to the missing person.

(Pub. L. 101-647, title XXXVII, § 3702, Nov. 29, 1990, 104 Stat. 4967; Pub. L. 109-248, title I, § 154(a), July 27, 2006, 120 Stat. 611; Pub. L. 114-22, title I, § 116(b), May 29, 2015, 129 Stat. 244.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 5780 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2015—Par. (2). Pub. L. 114-22, § 116(b)(1), struck out “and” at end.

Par. (3)(B) to (D). Pub. L. 114-22, § 116(b)(2), added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

Par. (4). Pub. L. 114-22, § 116(b)(3)(A), substituted “paragraph (3)” for “paragraph (2)” in introductory provisions.

Par. (4)(A). Pub. L. 114-22, § 116(b)(3)(B), substituted “30 days” for “60 days” and inserted “and a photograph taken during the previous 180 days” after “dental records”.

Par. (4)(B), (C). Pub. L. 114-22, § 116(b)(3)(C), (E), struck out “and” at end of subpar. (B) and added subpar. (C). Former subpar. (C) redesignated (D).

Par. (4)(D). Pub. L. 114-22, § 116(b)(3)(F), inserted “State and local child welfare systems and” before “the National Center for Missing and Exploited Children” and substituted “; and” for period at end.

Pub. L. 114-22, § 116(b)(3)(D), redesignated subpar. (C) as (D).

Par. (4)(E). Pub. L. 114-22, § 116(b)(3)(G), added subpar. (E).

2006—Pub. L. 109-248 added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and substituted “within 2 hours of receipt” for “immediately” in concluding provisions of par. (3).

**§ 41309. Reporting on human trafficking****(a) Trafficking offense classification**

The Director of the Federal Bureau of Investigation shall—

(1) classify the offense of human trafficking as a Part I crime in the Uniform Crime Reports;

(2) to the extent feasible, establish subcategories for State sex crimes that involve—

(A) a person who is younger than 18 years of age;

(B) the use of force, fraud or coercion; or

(C) neither of the elements described in subparagraphs (A) and (B); and

(3) classify the offense of human trafficking as a Group A offense for purpose of the National Incident-Based Reporting System.