

ACT 246

H.B. NO. 2221

A Bill for an Act Relating to Law Enforcement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Throughout the country, authorities classify about one million eight hundred thousand children as missing each year. These children have either run away or been abducted or been discarded by their parents. All these children are vulnerable and need protection from abuse and exploitation.

The legislature finds that children who have been abducted by a stranger or a family member are particularly vulnerable. Non-custodial parents are responsible for the overwhelming majority of child abduction cases. For example, in 1988, an estimated three hundred fifty-four thousand one hundred children were abducted by a family member.

In recognition of this problem, forty-two states and the District of Columbia have established state clearinghouses to:

- (1) Coordinate the efforts of law enforcement, social services, education and prevention programs, and legislative advocacy groups;
- (2) Disseminate photographs of missing children; and
- (3) Assist in efforts to secure the safe return of children.

The purpose of this Act is to establish a state clearinghouse and resource center, on a pilot project basis, to address the problem of missing and exploited children.

SECTION 2. Missing children state clearinghouse and resource center; programs; report. (a) There is established within the department of the attorney general a three-year pilot project to be known as the missing children state clearinghouse center to assist in the implementation of federal and state laws relating to missing children.

(b) The missing children state clearinghouse center shall include programs to coordinate the efforts of county and state agencies with those of federal agencies in locating, recovering, and protecting missing children and to promote community awareness of the problem of missing children.

(c) The department of the attorney general shall employ, without regard to chapters 76 and 77, a coordinator who shall coordinate existing public and private resources and further define and develop, to the extent of available resources, the

most appropriate system for addressing the problem of missing children, which may include the following:

- (1) A communication network among the county and state law enforcement agencies and the National Crime Information Center in Washington, D.C.;
- (2) A standardized reporting system in all counties developed in conjunction with law enforcement officials at all levels;
- (3) The establishment of trained search teams that can be activated in each county;
- (4) Educational programs designed to prevent child abduction, enhance child safety, and raise public awareness about ways to prevent child abduction, molestation, and sexual exploitation;
- (5) A directory of resources to assist in locating missing children including names, addresses, and services provided by public and private organizations; and
- (6) A statewide centralized, uniform, computerized information database relating to family-related and non-family-related child abductions, as well as runaways and children who are unwanted by their parents.

SECTION 3. Hawaii missing children's clearinghouse trust fund. (a)

There is established the Hawaii missing children's clearinghouse trust fund as a separate fund of the Hawaii Justice Foundation, a Hawaii nonprofit corporation. Moneys received from the state, county, or federal government, private contributions of cash or other property, and the income and capital gains earned by the trust fund shall constitute its assets.

(b) The Hawaii Justice Foundation shall expend moneys from the trust fund to support efforts to implement the purposes of the missing children state clearinghouse center in accordance with section 2.

(c) The trust fund may receive contributions, grants, endowments, or gifts in cash or otherwise from all sources, including corporations or other businesses, foundations, government, individuals, and other interested parties. The legislature intends that the public and private sectors work together as partners in securing contributions for the trust fund. The State may donate moneys to the trust fund by legislative appropriation; provided that any appropriations made by the State are not intended to supplant the funding of existing missing children's clearinghouse programs.

(d) The Hawaii Justice Foundation shall appoint the members of the Hawaii missing children's clearinghouse advisory board, which shall be responsible for:

- (1) Soliciting and otherwise raising funds for the Hawaii missing children's clearinghouse trust fund;
- (2) Establishing criteria for the expenditure of funds; and
- (3) Making recommendations for grants and other specific expenditures.

Members of the advisory board shall be selected from the community by the Hawaii Justice Foundation from lists of candidates provided by the governor's office of children and youth and the Hawaii state commission on the status of women. Community and business leaders from the private sector, victim parents, and victims of child abduction shall be represented on the advisory board.

(e) The aggregate principal sum deposited in the Hawaii missing children's clearinghouse trust fund, and any income and capital gains earned by the trust fund but not expended for administration or for the purposes of section 2, shall be invested in accordance with the provisions of the Hawaii Justice Foundation in a manner intended to maximize the rate of return on investment of the

trust fund consistent with the objective of preserving the trust fund's principal.

(f) There shall be an endowment component of the Hawaii missing children's clearinghouse trust fund.

(g) The use of any state funds may be restricted by the legislation appropriating these funds to the Hawaii missing children's clearinghouse trust fund.

(h) All state funds appropriated to the trust fund by this Act that are not matched by private contributions by June 30, 1997, shall be due and owing to the State on July 1, 1997. For purposes of this section, the requirement for matching private contributions shall be deemed satisfied if the receipt of any of the following occurs prior to the matching deadline:

- (1) Cash, including the United States dollar equivalent of foreign currency, is received by the fund;
- (2) Interest and title in personal property, including securities and cash value of life insurance policies, and real property, valued by appraisal, market quotations, or other generally accepted valuation methods, are transferred to the fund; or
- (3) Pledges to the fund of cash or interest and title to real or personal property, payable not later than five full years following the date by which the funds contributed by the State are to be matched, are received by the fund; provided that any sums appropriated by the State and matched by such pledges within the matching period shall be due and owing to the State at the end of the five-year period to the extent that the sums appropriated by the State are not matched by actual payment of the pledges within the five-year period.

(i) Any organization submitting a proposal to the Hawaii Justice Foundation for trust fund moneys shall meet all of the following standards at the time of application:

- (1) Be a profit organization incorporated under the laws of the State, or be a nonprofit organization determined by the Internal Revenue Service to be exempt from the federal income tax, or be an agency of the State or a county;
- (2) In the case of a nonprofit organization, have a governing board whose members have no material conflict of interest and serve without compensation;
- (3) In the case of an applicant that is not a state or county government agency, have bylaws or policies that describe the manner in which business is conducted and policies that relate to the management of potential conflict of interest situations;
- (4) Have experience with the project or in the program area for which the proposal is being made; and
- (5) Be licensed and accredited, as applicable, in accordance with the requirements of federal, state, and county governments.

(j) The missing children state clearinghouse center shall receive first consideration for trust fund awards for programs consistent with the purposes of section 2.

(k) Organizations or agencies to which trust fund moneys are awarded shall agree to comply with the following conditions before receiving the award:

- (1) Employ or have under contract persons qualified to engage in the activity to be funded;
- (2) Comply with applicable federal, state, and county laws; and
- (3) Comply with any other requirements prescribed by the Hawaii Justice Foundation to ensure adherence by the recipient of the award

with applicable federal, state, and county laws and with the purposes of section 2.

(l) The results of the annual audit of the Hawaii Justice Foundation shall be submitted to the department of the attorney general not later than thirty days from the date the Hawaii Justice Foundation receives the audit results. In addition, the Hawaii Justice Foundation shall retain for a period of three years and permit the department of the attorney general, the department of accounting and general services, state legislators, and the auditor, or duly authorized representatives, to inspect and have access to any documents, papers, books, records, and other evidence that is pertinent to the trust fund.

(m) In the event of termination of the trust fund or the dissolution of the Hawaii Justice Foundation, the unspent appropriations of the State, if any, shall revert back to the State. Any other amounts remaining in the Hawaii missing children's clearinghouse trust fund shall be distributed in accordance with the recommendations of the board of the Hawaii Justice Foundation.

(n) The Hawaii missing children's trust fund shall not be placed in the state treasury, and the State shall not administer the fund, nor shall the State be liable for its operation or solvency.

SECTION 4. The attorney general shall submit reports of the progress of the missing children state clearinghouse center and the Hawaii missing children clearinghouse trust fund no later than twenty days prior to the convening of the regular sessions of 1995, 1996, and 1997.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$32,000, or so much thereof as may be necessary for fiscal year 1994-1995, for the salary of a coordinator and start-up equipment and supplies for the missing children state clearinghouse center.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1, or so much thereof as may be necessary for fiscal year 1994-1995, for deposit into the Hawaii missing children clearinghouse trust fund, to be matched by private sector donations in accordance with the provisions of this Act.

SECTION 7. The sums appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 8. This Act shall take effect on July 1, 1994, and shall be repealed on June 30, 1997.

(Approved June 29, 1994.)