

**ACT 259**

H.B. NO. 1591

A Bill for an Act Relating to the Hawaii State Clearinghouse for Missing Children.

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

SECTION 1. All 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. Noncustodial parents are responsible for the overwhelming majority of child abduction cases. For example, in 1988, an estimated 354,100 children were abducted by a family member in the United States.

Act 246, Session Laws of Hawaii 1994, created a missing children state clearinghouse and resource center as a three-year pilot project. The clearinghouse is slated to sunset June 30, 1997. In less than two years of operation, the clearinghouse has assisted in the recovery of more than 150 children and has received over \$195,000 of charitable contributions in cash and in-kind services. The clearinghouse, in conjunction with the Federal Bureau of Investigation, Hawaii law enforcement agencies, the department of education, and child protective services, has provided invaluable assistance in locating Hawaii's missing children and reuniting Hawaii families. During these two years, Hawaii has leaped from a program with few resources to a program emulated by other states, which has advanced technology and a centralized database with information about all missing children within Hawaii.

In recognition of the missing children problem, forty-nine 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 clearinghouse trust fund to address the problem of missing and exploited children.

SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . HAWAII STATE CLEARINGHOUSE FOR MISSING CHILDREN**

**§28- Hawaii state clearinghouse for missing children; programs.** (a)

There is established within the department of the attorney general a program to be known as the Hawaii state clearinghouse for missing children to assist in the implementation of federal and state laws relating to missing children.

(b) The Hawaii state clearinghouse for missing children shall include programs to coordinate the efforts of state and county 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 and an assistant to the 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 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) Assistance in 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, and computerized information database relating to family-related and nonfamily-related child abductions, as well as runaways and children who are unwanted by their parents.

**§28- 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. The 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.

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

(c) The trust fund may receive appropriations, contributions, grants, endowments, or gifts in cash or otherwise from any source, including the State, corporations or other businesses, foundations, government, individuals, and other interested parties; provided that any appropriations made by the State are not intended to supplant the funding of existing missing children's clearinghouse programs. Moneys appropriated to and deposited into the fund by the state, county, or federal government, private contributions of cash or property, and the income and capital gains earned by the trust fund shall constitute the assets of the Hawaii missing children's clearinghouse trust fund. The public and private sectors shall work together as partners in securing contributions for the trust fund.

(d) Moneys appropriated for the purposes of the clearinghouse shall be administered by the department of the attorney general unless specifically appropriated to the clearinghouse trust fund.

(e) The aggregate principal sum deposited in the Hawaii missing children's clearinghouse trust fund shall be invested by 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 may be an endowment component of the Hawaii missing children's clearinghouse trust fund.

(g) 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 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.

(h) Priority for funding shall be given to programs and activities carried out by the Hawaii state clearinghouse for missing children.

(i) 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 the award recipient's adherence to applicable federal, state, and county laws and the purposes of this part.

(j) In the event of the termination of the Hawaii missing children's clearinghouse trust fund or the dissolution of the Hawaii Justice Foundation, the remaining principal amount of only those contributions made by the State to the trust fund shall be distributed to the general fund of 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.

**§28- Hawaii missing children's clearinghouse advisory board.** The Hawaii Justice Foundation may appoint an advisory board to carry out the purposes of the Hawaii missing children's clearinghouse trust fund. The foundation shall select members of the advisory board from the community from a list of candidates provided by the board, which shall give special consideration to community and business leaders from the private sector, the department of the attorney general, parents who have had a missing child, and persons who have been abducted as a child. The advisory board's duties shall include:

- (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.

The advisory board shall not be deemed to be a state board.

**§28- Annual audit of Hawaii Justice Foundation.** 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 at least 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 are pertinent to the trust fund."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$86,000 or so much thereof as may be necessary for fiscal year 1997-1998 and the sum of \$86,000 or so much thereof as may be necessary for fiscal year 1998-1999 to pay the salaries of the coordinator and assistant to the coordinator and general operating costs to carry out the purposes of this Act.

SECTION 4. The sums appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 1997.

(Approved June 21, 1997.)