AN ACT

To amend and reenact R.S. 44:4.1(B)(7) and to enact Chapter 6-C of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:651 through 662, relative to the Louisiana Repository for Unidentified and Missing Persons Information Program; to establish the Louisiana Repository for Unidentified and Missing Persons Information Program; to provide with respect to the Forensic Anthropology and Computer Enhancement Services laboratory; to provide for the powers and duties of the laboratory; to provide for definitions; to provide for legislative findings; to provide for laboratory recommendations to the legislature; to provide for procedural compatibility with the Federal Bureau of Investigation; to provide for the collection of forensic anthropology samples; to provide for procedures for collecting, disposition, and use of forensic anthropological analysis; to provide for a central repository for unidentified human remains and missing persons information; to provide for the confidentiality of records; to prohibit disclosure of confidential information; to provide for penalties for disclosure of information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6-C of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:651 through 662, is hereby enacted to read as follows:

CHAPTER 6-C. LOUISIANA REPOSITORY FOR UNIDENTIFIED AND MISSING PERSONS INFORMATION PROGRAM

§651. Short title

This Chapter shall be known as the "Louisiana Repository for Unidentified and Missing Persons Information Program".
§652. Legislative findings and objectives

The Legislature of Louisiana finds and declares that forensic anthropology combined with DNA data banks are important tools in criminal investigations and in the identification of unidentified human remains. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations and in the identification of missing persons, to assist in the recovery or identification of human remains from disasters, and to assist with other humanitarian identification purposes. It is therefore in the best interest of the state to establish a Louisiana Repository for Unidentified and Missing Persons Information Program to be used in conjunction with a DNA database and forensic anthropology to assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations and in the identification of missing persons, to assist in the recovery or identification of human remains from disasters, and to assist with other humanitarian identification purposes.

§653. Definitions

For purposes of this Chapter, the following terms shall have the following meanings:

(1) "CODIS" means the Combined DNA Index System, the Federal Bureau of Investigation's national DNA identification index system that allows the storage and exchange of DNA records of missing persons submitted by state and local forensic DNA laboratories.

(2) "Criminal justice agency" means any criminal justice agency as defined in R.S. 15:576(3).

(3) "DNA" means deoxyribonucleic acid, which is located in cells and provides an individual's personal genetic blueprint and which encodes genetic information that is the basis of human heredity and forensic identification.

(4) "DNA record" means DNA identification information stored in the state DNA database or the Combined DNA Index System for missing persons for the
purpose of generating investigative leads or supporting statistical interpretation of
DNA test results. The DNA record is the result obtained from the DNA typing tests.
The DNA record is comprised of the characteristics of a DNA sample which is of
value in establishing the identity of individuals.

(5) "DNA sample" means a blood, bone, tissue, or bodily fluid sample
provided as a result of the location of unidentified human remains submitted to the
LSU Forensic Anthropology Computer Enhancement Services (F.A.C.E.S.)
Laboratory or as a result of the collection of said samples from family members of
missing persons pursuant to this Chapter for analysis or storage, or both.

(6) "F.A.C.E.S. Laboratory" means the Forensic Anthropology and
Computer Enhancement Services Laboratory located within the Department of
Geography and Anthropology at Louisiana State University and Agricultural and
Mechanical College in Baton Rouge, Louisiana.

(7) "FBI" means the Federal Bureau of Investigation.

(8) "Forensic anthropology" means the use of human remains to establish an
identification based on the anthropological profile which includes age range, sex,
ancestry, and other identifying characteristics.

(9) "Missing person" means any Louisiana resident who has been reported
missing to local or state law enforcement agencies.

(10) "Unidentified human remains" means any human body or portion of a
human body where the identity is unknown. A "body" refers to both skeletal and/or
soft tissue remains of a human.

§654. Powers and duties of the F.A.C.E.S. Laboratory

In addition to any other powers and duties conferred by this Chapter, the
F.A.C.E.S. Laboratory shall:

(1) Be responsible for the policy management and administration of the
Louisiana Repository for Unidentified and Missing Persons Information Program to
support law enforcement agencies and other criminal justice agencies.

(2) Serve as the central repository for all unidentified human remains
information and all missing persons data collected pursuant to this Chapter.
§655. Louisiana Repository for Unidentified and Missing Persons Information Program

A. There is hereby established the Louisiana Repository for Unidentified and Missing Persons Information Program which shall be administered by the F.A.C.E.S. Laboratory.

B. The Louisiana Repository for Unidentified and Missing Persons Information Program shall have the capability to store and maintain forensic anthropological and DNA records related to all of the following:

(1) Unidentified human remains.

(2) Missing persons.

(3) Anonymous DNA records used for research or quality control.

C. The data stored and maintained as provided in Subsection B of this Section shall comprise the state forensic anthropology database which shall be a part of the Louisiana Repository for Unidentified and Missing Persons Information Program.

§656. F.A.C.E.S. Laboratory recommendations

The F.A.C.E.S. Laboratory may recommend proposed legislation to the legislature regarding the collection and regulation of unidentified and missing persons information. In determining the need for any such recommendations, the F.A.C.E.S. Laboratory shall consider any provisions of forensic anthropological testing that may have a substantial impact on the detection and identification of unidentified human remains.

§657. Applicability of Chapter

The provisions of this Chapter regarding the Louisiana Repository for Unidentified and Missing Persons Information Program administered by the F.A.C.E.S. Laboratory shall not be applicable to those unidentified human remains found within the state resulting from a mass disaster or mass fatality. However, in the event a mass disaster or mass fatality occurs within the state, the F.A.C.E.S. Laboratory shall be consulted and work in conjunction with other state agencies and
§658. Collection of forensic anthropology samples from unidentified human remains and missing persons

A. Any law enforcement agency or other criminal justice agency located within the state shall submit all unidentified human remains found within the state to the F.A.C.E.S. Laboratory after reasonable efforts to identify the person have failed.

B. The F.A.C.E.S. Laboratory personnel shall collect DNA samples from all available unidentified remains submitted to the laboratory. Working with state and local law enforcement agencies and other criminal justice agencies and utilizing a DNA missing persons collection kit as approved by the Louisiana State Police in accordance with R.S. 15:601 through 620, the F.A.C.E.S. Laboratory personnel shall collect available biological data and DNA samples from families of missing persons. Sample collection may be performed at the F.A.C.E.S. Laboratory or at other locations within the state as deemed appropriate by the F.A.C.E.S. Laboratory.

C. The F.A.C.E.S. Laboratory shall develop an anthropological profile on any unidentified human remains submitted to the laboratory under this Chapter. In addition, the F.A.C.E.S. Laboratory shall submit a DNA sample from the unidentified human remains and the families of any missing persons whose DNA samples have been collected to a qualified forensic DNA laboratory in order to obtain a DNA profile from said samples. Any forensic DNA laboratory selected by the F.A.C.E.S. Laboratory shall be qualified to upload DNA profiles into the CODIS system at the local or state level and shall perform all required DNA analysis on the submitted specimen in accordance with any applicable Federal Quality Assurance Standards.

D. Any DNA profile developed from any DNA sample from the unidentified human remains and the families of any missing persons shall be uploaded into the
state and national CODIS database in accordance with all applicable FBI procedures
for uploads of missing persons data.

E.(1) Upon completion of the development of the anthropological profile,
the F.A.C.E.S. Laboratory shall return the human remains to the submitting law
enforcement agency or other criminal justice agency.

(2)(a) After return of the human remains, the submitting law enforcement
agency or other criminal justice agency shall:

(i) If the human remains are unidentified, provide for the respectful
maintenance of the human remains pending identification and contact with the
deceased person's family.

(ii) If the human remains are identified, return the human remains to the
deceased person's family or make such other disposition of the human remains as the
family requests.

(b)(i) If the law enforcement or other criminal justice agency requires the
human remains in furtherance of an ongoing criminal investigation, such agency
shall provide for the respectful maintenance of the human remains until there is no
further such requirement.

(ii)(aa) At such time as there is no requirement for identified human remains
in furtherance of an ongoing criminal investigation, the law enforcement or other
criminal justice agency shall return the human remains to the deceased person's
family or make such other disposition of the human remains as the family requests.

(bb) At such time as there is no requirement for unidentified human remains
in furtherance of an ongoing criminal investigation, the law enforcement or other
criminal justice agency shall provide for the respectful maintenance of the human
remains pending identification and contact with the deceased person's family.

§659. Procedures for conduct, disposition, and use of forensic anthropological
analysis

A. The F.A.C.E.S. Laboratory shall prescribe procedures to be used in the
collection, submission, identification, analysis, storage, and disposition of
unidentified human remains samples submitted pursuant to this Chapter. The information obtained by the F.A.C.E.S. Laboratory from analysis of the unidentified human remains shall be stored in the state forensic anthropology database in the Louisiana Repository for Unidentified and Missing Persons Information Program and records of testing shall be retained by the F.A.C.E.S. Laboratory.

B. The F.A.C.E.S. Laboratory may store any DNA profile obtained from analysis of the unidentified human remains and missing persons in the state forensic anthropology database.

C. The F.A.C.E.S. Laboratory may contract with third parties to effectuate the purposes of this Chapter. Any such third-party contractor shall be subject to all of the restrictions and requirements of this Chapter which are applicable to the F.A.C.E.S. Laboratory and shall be subject to any additional restrictions deemed appropriate by the F.A.C.E.S. Laboratory.

D. Except for analysis on quality control samples, tests performed on all unidentified human remains and missing persons samples shall be used only for law enforcement identification purposes or to assist in the recovery or identification of human remains from disasters or for other humanitarian identification purposes.

§660. Confidentiality of records

Unless otherwise provided, all medical records, dental records, DNA information, and associated DNA samples submitted to the F.A.C.E.S. Laboratory pursuant to this Chapter shall be confidential.

§661. Disclosure prohibited

A. Any person, by virtue of employment or official position, or any person contracting to carry out any functions pursuant to this Chapter, including any officer, employee, or agent of such contractor, who has possession of or access to individually identifiable anthropological or DNA information contained in the state forensic anthropology database shall not knowingly disclose it in any manner to any person or agency not authorized to receive it.
B. No person shall obtain individually identifiable anthropological or DNA information from the Louisiana Repository for Unidentified and Missing Persons Information Program without authorization to do so.

C. Nothing in this Chapter shall prohibit the release or sharing of information regarding the sex, race, approximate age, or appearance of an unidentified or missing person in an effort to identify or locate the person.

§662. Criminal penalties

A. Any person who violates R.S. 15:661(A) shall be fined not more than five hundred dollars or imprisoned with or without hard labor for not more than six months, or both.

B. Any person who knowingly violates R.S. 15:661(B) shall be fined not more than five hundred dollars or imprisoned with or without hard labor for not more than six months, or both.

C. Any person who tampers or attempts to tamper with any sample of blood, bone, tissue, or other bodily fluids or the collection container without lawful authority shall be fined not more than five hundred dollars or imprisoned with or without hard labor for not more than six months, or both.

Section 2. R.S. 44:4.1(B)(7) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(7) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________________