

MISSING PERSON LAWS QUICK REFERENCE

Custodial Interference	Child	PL 135.50 Custodial Interference in the First Degree (E/Felony)	A person is guilty of custodial interference in the first degree when he commits the crime of custodial interference in the second degree: 1. With intent to permanently remove the victim from this state, he removes such person from the state; or 2. Under circumstances which expose the victim to a risk that his safety will be endangered or his health materially impaired.
	Child	PL 135.45 Custodial Interference in the Second Degree (A/Misd)	A person is guilty of custodial interference in the second degree when: 1. Being a relative of a child less than sixteen years old, intending to hold such child permanently or for a protracted period, and knowing that he has no legal right to do so, he takes or entices such child from his lawful custodian; or 2. Knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution.
Definitions	Child	§ 837-e. Statewide Central Register for Missing Children	A person under the age of eighteen years, or any youth, under the age of twenty-one years, that the office of children and family services or a local department of social services has responsibility for placement, care, or supervision, or who is the subject child of a child protective investigation, or is receiving preventive services or services under section 477 of the Social Security Act, or has run away from foster care, where such office or department has reasonable cause to believe that such youth is, or is at risk of being, a sex trafficking victim, who is missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by a person responsible for the child's care and any child known to have been taken, enticed or concealed from the custody of his or her lawful guardian by a person who has no legal right to do so.
	College Student	NYS Campus Safety Act - LAWS OF NEW YORK, 1999 CHAPTER 22	Missing student means any student of an institution subject to the provisions of this subdivision, who resides in a facility owned or operated by such institution and who is reported to such institution as missing from his or her residence
	Runaway	§ 532 - a (1) Definitions	Runaway Youth shall mean a person under the age of eighteen years who is absent from his legal residence without consent of his parents, legal guardian or custodian.
	Vulnerable Adult	§ 837-f1. Missing Vulnerable Adults Clearinghouse	Vulnerable adult shall mean an individual eighteen years of age or older who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a credible threat of harm to such missing individual

No Waiting Period	Child	National Child Search Assistance Act (NCSAA, 42 U.S.C. §§ 5779 and 5780 of 1990)	No waiting period before accepting a missing child case
No Waiting Period	Child Vulnerable Adult	§ 838. Identification of unknown dead and missing persons	No waiting period before accepting and investigating a missing child report or missing vulnerable adult report
Reporting Requirements	Child	National Child Search Assistance Act (NCSAA, 42 U.S.C. §§ 5779 and 5780 of 1990)	All agencies will enter, without delay, reports of missing children younger than 18 years of age into the NCIC Missing Person File
	Child	Adam Walsh Child Protection Act of 2006	<ul style="list-style-type: none"> • Mandatory entry of missing-child reports into NCIC within two hours of receipt • Cannot remove solely on the age of the person
	Child	9 NYCRR 6055.3 Entries into the Register	Information pertaining to a missing child shall be reported to the Register (DCJS) by criminal justice agencies without delay
	Young Adult	Suzanne's Law (Federal)	Requires entering information about missing children younger than the age of 21 into the FBI's NCIC database
	Vulnerable Adult	§ 838. Identification of unknown dead and missing persons	Whenever a criminal justice agency determines that a person is a missing vulnerable adult, or that an unidentified living person may be a missing vulnerable adult, such criminal justice agency shall enter the report of such missing vulnerable adult in any database of missing persons maintained by the division and the federal government.
	Adult	§ 837-f-2. Missing adults	An adult person is missing from his or her normal and ordinary place of residence and whose whereabouts cannot be determined by an individual whose relationship with such adult person would place such individual in a position to have knowledge of his or her whereabouts, and that such missing adult person has a proven disability, or may be in physical danger, or is missing after a catastrophe, or may have disappeared involuntarily, or is missing under circumstances where there is a reasonable concern for his or her safety; and such missing adult person does not qualify as either a missing child, missing vulnerable adult the police agency submit such electronic report to NCIC
Runaway Pick Up	Child	Family Court Act 718A	A police officer may return to a parent or other person legally responsible for such child's care any child under the age of eighteen who has run away from home without just cause or who, in the reasonable conclusion of the officer, appears to have run away from home without just cause.