

Apr. 30, 2003, 117 Stat. 660; Pub. L. 117-327, §2(c)(1), Dec. 27, 2022, 136 Stat. 4455.)

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

2022—Subsec. (a). Pub. L. 117-327 inserted before period at end “and, consistent with section 40507 (including rules promulgated pursuant to section 40507(c)) of this title, shall also report such case, either directly or through authorization described in such section to transmit, enter, or share information on such case, to the NamUs databases”.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-327 applicable with respect to reports made before, on, or after Dec. 27, 2022, see section 40506(c)(3) of this title.

§ 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, the National Crime Information Center computer database, or the NamUs databases 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, the National Crime Information Center computer networks, and the NamUs databases 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 or the NamUs databases shall—

(A) no later than 30 days after the original entry of the record into the State law enforcement system, National Crime Information Center computer networks, and the NamUs databases, 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; Pub. L. 117-327, §2(c)(2), Dec. 27, 2022, 136 Stat. 4455.)

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

2022—Par. (2). Pub. L. 117-327, §2(c)(2)(A), substituted “, the National Crime Information Center computer database, or the NamUs databases” for “or the National Crime Information Center computer database”.

Par. (3). Pub. L. 117-327, §2(c)(2)(B), substituted “, the National Crime Information Center computer networks, and the NamUs databases” for “and the National Crime Information Center computer networks” in concluding provisions.

2022—Par. (4). Pub. L. 117-327, §2(c)(2)(C)(i), inserted “or the NamUs databases” after “National Crime Information Center” in introductory provisions.

Par. (4)(A). Pub. L. 117-327, §2(c)(2)(C)(ii), substituted “, National Crime Information Center computer networks, and the NamUs databases” for “and National Crime Information Center computer networks”.

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-327 applicable with respect to reports made before, on, or after Dec. 27, 2022, see section 40506(c)(3) of this title.

§ 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.

(b) Additional information

The Director of the Federal Bureau of Investigation shall revise the Uniform Crime Reporting System¹ and the National Incident-Based Reporting System to distinguish between reports of—

(1) incidents of assisting or promoting prostitution, which shall include crimes committed by persons who—

(A) do not directly engage in commercial sex acts; and

(B) direct, manage, or profit from such acts, such as State pimping and pandering crimes;

(2) incidents of purchasing prostitution, which shall include crimes committed by persons who purchase or attempt to purchase or trade anything of value for commercial sex acts;

(3) incidents of prostitution, which shall include crimes committed by persons providing or attempting to provide commercial sex acts;

(4) incidents of assisting or promoting prostitution, child labor that is a violation of law, or forced labor of an individual under the age of 18 as described in paragraph (1); and

(5) incidents of purchasing or soliciting commercial sex acts, child labor that is a violation

of law, or forced labor with an individual under the age of 18 as described in paragraph (2).

(Pub. L. 110-457, title II, §237(a), (b), Dec. 23, 2008, 122 Stat. 5083; Pub. L. 115-392, §17, Dec. 21, 2018, 132 Stat. 5257.)

Editorial Notes

CODIFICATION

Section was formerly classified as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

Section is comprised of subsecs. (a) and (b) of section 237 of Pub. L. 110-457. Subsec. (c) of section 237 is not classified to the Code.

AMENDMENTS

2018—Subsec. (b)(4), (5), Pub. L. 115-392 added pars. (4) and (5).

Statutory Notes and Related Subsidiaries

CUMULATIVE BIENNIAL REPORT ON DATA COLLECTION AND STATISTICS

Pub. L. 117-347, title IV, §405, Jan. 5, 2023, 136 Stat. 6209, provided that: “Not later than 280 days after the date of enactment of this Act [Jan. 5, 2023], and every 2 years thereafter, the Attorney General and the Secretary of Health and Human Services shall each submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives the status of the required data collection and reporting requirements of the Attorney General and the Secretary, respectively, related to trafficking, which shall include the status of—

“(1) the study required under section 201(a)(1)(B)(ii) of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20701(a)(1)(B)(ii));

“(2) the State reports required under section 237(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (34 U.S.C. 41309(b)) to be included in the Uniform Crime Reporting Program and the National Incident-Based Reporting System;

“(3) the report required under section 237(c)(1)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat. 5084 [5083]);

“(4) the report required under section 237(c)(1)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat. 5084 [5083]);

“(5) the report required under section 237(c)(1)(C) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat. 5084 [5083]); and

“(6) the comprehensive study required under section 237(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat. 5085 [5084]).”

§ 41310. Report on theft of trade secrets occurring abroad

(a) Definitions

In this section:

(1) Director

The term “Director” means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) Foreign instrumentality, etc.

The terms “foreign instrumentality”, “foreign agent”, and “trade secret” have the

¹ So in original. Probably should be “Program”.