

HOUSE BILL 311

E1
HB 20/12 – JUD

3lr0319

By: **Delegates K. Kelly, Arora, Clippinger, Cluster, Conaway, Dumais, Hough, Lee, McComas, McDermott, Mitchell, Simmons, Valderrama, ~~and Valentino-Smith~~ Valentino-Smith, and Howard**

Introduced and read first time: January 24, 2013
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2013

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Requirement to Report Death or Disappearance of Minor –**
3 **Penalties**

4 FOR the purpose of requiring, under certain circumstances, a parent or other person
5 who has permanent care or custody or responsibility for the supervision of a
6 minor under a certain age to notify, within a certain period of time, the
7 appropriate law enforcement agency that the minor is a missing child;
8 requiring, under certain circumstances, a parent or other person who has
9 permanent care or custody or responsibility for the supervision of a minor to
10 notify, within a certain period of time, the appropriate law enforcement agency
11 or medical authority that the minor has died; establishing certain penalties;
12 defining a certain term; and generally relating to a requirement to report the
13 death or disappearance of a minor.

14 BY adding to
15 Article – Criminal Law
16 Section 3–608 and 3–609
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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Article – Criminal Law

2 **3-608.**

3 (A) IN THIS SECTION, “MISSING CHILD” MEANS A MINOR WHOSE
4 WHEREABOUTS ARE UNKNOWN TO A PARENT OR OTHER PERSON WHO HAS
5 PERMANENT CARE AND CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION
6 OF THE MINOR.

7 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
8 PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR CUSTODY OR
9 RESPONSIBILITY FOR THE SUPERVISION OF A MINOR UNDER THE AGE OF 13
10 YEARS MAY NOT RECKLESSLY OR WILLFULLY FAIL TO NOTIFY THE
11 APPROPRIATE LAW ENFORCEMENT AGENCY THAT THE MINOR IS A MISSING
12 CHILD WITHIN 24 HOURS OF THE TIME AT WHICH THE PARENT OR OTHER
13 PERSON KNEW OR SHOULD HAVE KNOWN THAT THE MINOR IS A MISSING CHILD.

14 (C) THIS SECTION DOES NOT APPLY IF THE FACT THAT THE MINOR IS A
15 MISSING CHILD HAS ALREADY BEEN REPORTED TO THE APPROPRIATE LAW
16 ENFORCEMENT AGENCY.

17 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
18 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
19 EXCEEDING 3 YEARS.

20 **3-609.**

21 (A) UNLESS THE DEATH OF A MINOR HAS ALREADY BEEN REPORTED TO
22 THE APPROPRIATE LAW ENFORCEMENT AGENCY OR MEDICAL AUTHORITY, A
23 PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR CUSTODY OR
24 RESPONSIBILITY FOR THE SUPERVISION OF A MINOR SHALL REPORT THE
25 DEATH OF THE MINOR TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR
26 MEDICAL AUTHORITY WITHIN 5 HOURS OF BECOMING AWARE OF THE DEATH.

27 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
28 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
29 EXCEEDING 3 YEARS.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2013.