

HOUSE BILL 77

D4

6lr0105

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Introduced and read first time: January 15, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Missing Children – Reporting Requirements and Repeal of**
3 **Advisory Council**

4 FOR the purpose of requiring that certain data regarding a missing child be entered into a
5 certain national database within a certain period of time after the receipt of certain
6 information; repealing the requirement that a law enforcement agency enter certain
7 data regarding a missing child into a certain State database; repealing the
8 requirement that a certain law enforcement agency forward a certain copy of a
9 missing persons report to the State Clearinghouse for Missing Children; repealing
10 provisions providing for the appointment, responsibilities, and terms of a certain
11 advisory council; and generally relating to missing children.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 9–402 and 9–403
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Family Law**

20 9–402.

21 (a) On receipt of a report regarding a missing child by a law enforcement agency,
22 the law enforcement agency shall immediately determine if:

23 (1) the missing child has not been the subject of a prior missing persons
24 report;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) the missing child suffers from a mental or physical handicap or illness;

2 (3) the disappearance of the missing child is of a suspicious or dangerous
3 nature;

4 (4) the person filing the report of a missing child has reason to believe that
5 the missing child may have been abducted;

6 (5) the missing child has ever previously been the subject of a child abuse
7 report filed with the State or local law enforcement agency; or

8 (6) the missing child is under 17 years of age.

9 (b) Upon conclusion by the law enforcement agency that any one of the conditions
10 specified in subsection (a) of this section exists, the law enforcement agency shall
11 immediately:

12 (1) enter all necessary and available information into [the Maryland
13 Interagency Law Enforcement System (MILES) and] the National Crime Information
14 Center (NCIC) computer networks **WITHIN 2 HOURS AFTER RECEIPT OF THE MINIMUM**
15 **INFORMATION NECESSARY TO MAKE THE ENTRY;**

16 (2) institute appropriate intensive search procedures, including the
17 coordination of volunteer search teams;

18 (3) notify the National Center for Missing and Exploited Children [and
19 forward to the State Clearinghouse for Missing Children a copy of the missing persons
20 report involving the missing child];

21 (4) notify the appropriate local department and, to the extent possible,
22 obtain any information that may assist in the locating of the missing child; and

23 (5) enlist the aid of the Department of State Police, when appropriate, in
24 locating the missing child.

25 (c) If the conditions specified in subsection (a) of this section do not exist, the law
26 enforcement agency shall:

27 (1) immediately seek to determine the circumstances surrounding the
28 disappearance of the missing child; and

29 (2) implement the procedures set forth in subsection (b) of this section
30 within 12 hours of the filing of a report regarding a missing child, if the missing child has
31 not been located.

1 (d) Notwithstanding any provision of law to the contrary, if a missing child has
2 not been located within 24 hours of the filing of a missing persons report and either the
3 local law enforcement agency or the Department of State Police have reason to believe that
4 the missing child may be located in a jurisdiction other than the jurisdiction where the
5 missing persons report was filed, the Department of State Police shall enter the
6 investigation and, in cooperation with the appropriate local law enforcement agencies,
7 assist State and national efforts to locate the missing child.

8 (e) (1) A law enforcement agency may not establish a mandatory waiting
9 period before beginning an investigation to locate a missing child.

10 (2) A law enforcement agency may not adopt rules, regulations, or policies
11 that prohibit or discourage the filing of a report or the taking of any action on a report that
12 a child is a missing child or that a child is believed to be a missing child.

13 (f) Every person filing a report of a missing child shall be required to notify the
14 local law enforcement agency and the Department of State Police immediately upon the
15 locating of the missing child if it is unlikely that the local law enforcement agency or the
16 Department of State Police have knowledge that the missing child has been located.

17 9-403.

18 (a) There is a State Clearinghouse for Missing Children operated by the
19 Department of State Police that is responsible for:

20 (1) the receipt, collection, and distribution of general information and
21 annual statistics regarding missing children; and

22 (2) coordination of law enforcement agencies and other interested persons
23 or groups within and outside the State regarding information on children who have
24 disappeared from, or are thought to be located in, Maryland.

25 (b) For children who have disappeared from or are thought to be located in the
26 State, the State Clearinghouse for Missing Children:

27 (1) shall publish:

28 (i) the names of and relevant available information on missing
29 children; and

30 (ii) annual statistics regarding missing children; and

31 (2) may establish and maintain a list of organizations and groups that
32 provide volunteer search teams or resources relating to missing children.

33 (c) The Secretary of State Police may develop, in cooperation with local law
34 enforcement agencies, a plan for voluntary fingerprinting programs for children.

1 [(d) (1) An advisory council shall be appointed having the following
2 responsibilities:

3 (i) review of the activities of the State Clearinghouse;

4 (ii) review of the training provided for, and investigatory procedures
5 used by, law enforcement personnel in the locating of missing children;

6 (iii) examine possible methods for identifying missing children prior
7 to enrollment in a public or nonpublic school; and

8 (iv) explore the feasibility and effectiveness of utilizing the Federal
9 Parent Locator Service in locating missing children.

10 (2) The advisory council shall consist of the following members:

11 (i) 1 person from the Department of Juvenile Services, to be
12 designated by the Secretary of Juvenile Services;

13 (ii) 1 person from the Maryland State Department of Education, to
14 be designated by the State Superintendent of Schools;

15 (iii) 1 person from the Department of State Police, to be appointed by
16 the Secretary of State Police;

17 (iv) the Special Secretary of the Office for Children, Youth, and
18 Families, who shall serve as chairman of the advisory council;

19 (v) the President of the Governor's Youth Advisory Council or a
20 designee of the President from the Council;

21 (vi) 1 member from the State Sheriff's Association, to be designated
22 by the President of the Association;

23 (vii) 1 member from the State Chiefs of Police Association, to be
24 designated by the President of the Association; and

25 (viii) 2 members from the public at-large, to be appointed by the
26 Governor.

27 (e) (1) The term of council members from the public shall be 2 years.

28 (2) At the end of a term, a council member from the public shall continue
29 to serve until a successor is appointed.

30 (3) Council members from the public may serve successive terms.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.