

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1209
Judiciary

(Delegate Proctor, *et al.*)

Judicial Proceedings

Public Safety – Missing Persons – Information (Eula and Danny’s Law)

This bill requires a law enforcement agency to enter all necessary and available information with regard to a “missing person” into the National Crime Information Center computer network within two hours after receipt of the minimum information necessary to make the entry. In addition, the Department of State Police (DSP) must place a direct link to the Internet site of the Maryland Center for Missing and Unidentified Persons on the home page of DSP’s website.

Fiscal Summary

State Effect: DSP can handle the bill’s requirements with existing budgeted resources. Revenues are not affected.

Local Effect: Local law enforcement agencies can handle the bill’s requirements with existing resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A law enforcement agency may not establish a mandatory waiting period before taking a missing person report. A law enforcement agency must make every effort to inform the general public and the family of a missing person that the agency does not impose a mandatory waiting period before taking a missing person report.

A law enforcement agency must, without delay, accept a report of a missing person provided in person, and may accept a report of a missing person by phone or other

electronic means if that form of reporting is consistent with the policy of the agency and the reporting person completes the report in person as soon as possible.

All law enforcement agencies in the State must use a uniform report form developed by the Maryland Police Training and Standards Commission when taking a missing person report.

A “missing person” is defined under § 3-604 of the Public Safety Article (Silver Alert Program) as an individual:

- whose whereabouts are unknown;
- who suffers a cognitive impairment including a diagnosis of Alzheimer’s disease or dementia to the extent that the individual requires assistance from a caregiver; and
- whose disappearance poses a credible threat to the health and safety of the individual due to age, health, mental or physical disability, environment, or weather conditions, as determined by a law enforcement agency.

Silver Alert Program

Chapters 503 and 504 of 2009 created a statewide Silver Alert Program within DSP to provide a system for rapid dissemination of information to assist in locating a “missing person.”

Chapters 503 and 504 required DSP to (1) adopt guidelines and develop procedures for the issuance of a Silver Alert for a missing person; (2) provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a missing person; (3) provide assistance to a local law enforcement agency, as necessary, to assist in the safe recovery of a missing person; (4) recruit public and commercial television and radio broadcasters, local volunteer groups, and other members of the public to assist in developing and implementing a Silver Alert; (5) consult with the State Highway Administration to establish a plan for providing information relevant to a Silver Alert to the public through the dynamic message sign system located across the State; and (6) consult with the Maryland State Department of Education to develop a program to allow high school students to assist in the search for a missing person.

A caregiver or person filing a report regarding a missing person must immediately notify the local law enforcement agency with which the report was filed and DSP if the missing person who was the subject of the report is located, and it is unlikely that the local law enforcement agency or DSP has knowledge that the missing person has been located.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Maryland State Department of Education; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2018
mm/lgc Third Reader - March 23, 2018
Revised - Amendment(s) - March 23, 2018

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