

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 499

(Senator Simonaire, *et al.*)

Judicial Proceedings

Rules and Executive Nominations

Public Safety - Hit and Run Suspects - Yellow Alert Program

This bill requires the Department of State Police (DSP) to recruit specified persons, including social media experts, on an ongoing basis to assist in updating and improving the Yellow Alert Program.

Fiscal Summary

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

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Yellow Alert Program

Chapter 323 of 2015 required DSP to establish a statewide Yellow Alert Program to provide a system for rapid dissemination of information to assist in locating and apprehending a “missing suspect” who is suspected of failing to remain at the scene of a traffic accident that might result in “serious bodily injury” or death.

DSP must (1) provide training to local law enforcement agencies on the guidelines and procedures to be used to make and handle a report of a missing suspect; (2) provide assistance to a local law enforcement agency, as necessary, to assist in the location and apprehension of a missing suspect; (3) recruit public and commercial television and radio

broadcasters, local volunteer groups, and other members of the public to assist in developing and implementing a Yellow Alert; and (4) consult with the State Highway Administration to establish a plan for providing information relating to a Yellow Alert to the public through the dynamic message sign system located across the State.

A “missing suspect” is defined as an individual:

- whose whereabouts are unknown;
- who is suspected of a violation of specified provisions of the Transportation Article relating to failing to remain at the scene of a traffic accident that might result in “serious bodily injury” or death; and
- whose vehicle the reporting law enforcement agency is able to describe, including any information about the vehicle’s registration plate.

The apprehension of a suspect who is the subject of a Yellow Alert must be immediately reported to DSP and the law enforcement agency that filed the report.

Requirement to Remain at Scene of Accident

The driver of each vehicle involved in an accident that results in bodily injury or death to another person must immediately stop the vehicle as close as possible to the scene of the accident without obstructing traffic more than necessary. The driver of each vehicle involved in an accident that results in bodily injury or death to another person must also immediately return to and remain at the scene of the accident until the driver has complied with specified requirements relating to providing assistance and information.

A person who violates those provisions and who knew or reasonably should have known that the accident might result in serious bodily injury to another person, and “serious bodily injury” actually occurred, is guilty of a felony and on conviction is subject to imprisonment for up to five years and/or a fine of up to \$5,000. A person who violates those provisions and who knew or reasonably should have known that the accident might result in the death of another person, and death actually occurred, is guilty of a felony and on conviction is subject to imprisonment for up to 10 years and/or a fine of up to \$10,000.

A “serious bodily injury” means an injury that:

- creates a substantial risk of death;
- causes serious permanent or serious protracted disfigurement;
- causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or
- causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

Background: DSP advises that there were two yellow alert activations in 2016 and one in 2017.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; cities of Salisbury and Westminster; Town of Leonardtown; University System of Maryland; Morgan State University; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2018
mag/lgc Third Reader - April 2, 2018
Revised - Amendment(s) - April 2, 2018

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510