
By: **Delegates Cryor, Benson, Boutin, Linton, Dembrow, Giannetti, Heller,
Howard, Kach, La Vay, Marriott, Menes, Pitkin, and Walkup**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Creation of Website for Critically Missing Individuals**

3 FOR the purpose of requiring the Department of State Police to create a website for
4 critically missing individuals with certain on-line access to certain information;
5 allowing certain individuals who file certain reports to have the information
6 submitted to the website under certain circumstances; requiring the
7 Department to continuously post and update the website; requiring the
8 Department to be notified when a critically missing individual is located;
9 requiring the receipt of certain information to be preceded by certain
10 information; prohibiting the use of certain data or material for commercial
11 purposes; establishing a certain fine for certain violations; and generally
12 relating to public on-line access to certain information on critically missing
13 individuals.

14 BY repealing and reenacting, without amendments,
15 Article 88B - Department of State Police
16 Section 9(a) and 10
17 Annotated Code of Maryland
18 (1998 Replacement Volume)

19 BY adding to
20 Article 88B - Department of State Police
21 Section 11A
22 Annotated Code of Maryland
23 (1998 Replacement Volume)

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

1 **Article 88B - Department of State Police**

2 9.

3 (a) The Department shall collect, analyze, and disseminate information
4 relative to the incidence of crime within the State.

5 10.

6 (a) Any information, records, and statistics collected pursuant to this subtitle
7 shall be available for use by any agency required to furnish information. The
8 Secretary may by rule establish such conditions for the use or availability of such
9 information as may be necessary to its preservation, the protection of confidential
10 information, or the circumstances of a pending prosecution.

11 (b) The Department shall make monthly reports to the State Human
12 Relations Commission of the information compiled pursuant to § 9(b) of this article.

13 11A.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) (I) "CRITICALLY MISSING INDIVIDUAL" MEANS A CHILD:

17 1. WHO HAS NOT BEEN THE SUBJECT OF A PRIOR MISSING
18 PERSONS REPORT;

19 2. WHO SUFFERS FROM A MENTAL OR PHYSICAL HANDICAP
20 OR ILLNESS;

21 3. WHOSE DISAPPEARANCE IS OF A SUSPICIOUS OR
22 DANGEROUS NATURE;

23 4. WHO IS BELIEVED TO HAVE BEEN ABDUCTED;

24 5. WHO HAS PREVIOUSLY BEEN THE SUBJECT OF A CHILD
25 ABUSE REPORT; OR

26 6. UNDER THE AGE OF 14 YEARS.

27 (II) "CRITICALLY MISSING INDIVIDUAL" INCLUDES AN ADULT:

28 1. WITH A PHYSICAL OR MENTAL ILLNESS; OR

29 2. WHO IS SUICIDAL.

30 (3) "WEBSITE" MEANS THE WEBSITE FOR CRITICALLY MISSING
31 INDIVIDUALS.

1 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
2 DEPARTMENT SHALL ESTABLISH A WEBSITE FOR CRITICALLY MISSING INDIVIDUALS
3 ON THE INTERNET, AT NO COST TO THE PUBLIC, FOR THE PURPOSE OF FINDING
4 CRITICALLY MISSING INDIVIDUALS.

5 (2) THE WEBSITE SHALL INCLUDE:

6 (I) INFORMATION REPORTED TO THE STATE POLICE ON THE LAST
7 KNOWN SIGHTING OF THE CRITICALLY MISSING INDIVIDUAL;

8 (II) INFORMATION COLLECTED BY THE STATE POLICE;

9 (III) A CURRENT PHOTOGRAPH OF THE CRITICALLY MISSING
10 INDIVIDUAL; AND

11 (IV) ANY OTHER MATERIAL THE DEPARTMENT DETERMINES TO BE
12 IN THE PUBLIC'S INTEREST.

13 (C) (1) IF A PARENT OR GUARDIAN HAS FILED A REPORT ON A CRITICALLY
14 MISSING INDIVIDUAL WITH A LOCAL LAW ENFORCEMENT AGENCY OR THE STATE
15 POLICE, THE LAW ENFORCEMENT UNIT SHALL INFORM THE PARENT OR GUARDIAN
16 OF THE RIGHT TO HAVE THE INFORMATION SUBMITTED TO THE WEBSITE FOR
17 CRITICALLY MISSING INDIVIDUALS.

18 (2) IF THE PARENT OR GUARDIAN WHO FILED A REPORT ON A
19 CRITICALLY MISSING INDIVIDUAL WANTS THE REPORT SUBMITTED TO THE
20 WEBSITE, THE PARENT OR GUARDIAN MUST:

21 (I) SIGN A WAIVER AUTHORIZING THE DEPARTMENT TO SUBMIT
22 THE INFORMATION CONTAINED IN THE REPORT; AND

23 (II) SUBMIT A CURRENT PHOTOGRAPH OF THE CRITICALLY
24 MISSING INDIVIDUAL.

25 (D) LOCAL LAW ENFORCEMENT UNITS SHALL NOTIFY THE DEPARTMENT
26 IMMEDIATELY AFTER RECEIVING A REPORT ON A CRITICALLY MISSING INDIVIDUAL.

27 (E) WITHIN 72 HOURS OF RECEIPT OF THE WAIVER, THE DEPARTMENT SHALL
28 HAVE THE REPORT, PHOTOGRAPH, AND ANY OTHER MATERIAL THE DEPARTMENT
29 DETERMINES TO BE IN THE PUBLIC'S INTEREST AVAILABLE ON THE WEBSITE.

30 (F) THE DEPARTMENT SHALL PROVIDE CONTINUOUS ACCESS, DAILY
31 POSTINGS, AND TIMELY UPDATES OF THE REPORTS ON CRITICALLY MISSING
32 INDIVIDUALS ON THE WEBSITE.

33 (G) (1) THE DEPARTMENT SHALL BE NOTIFIED IMMEDIATELY AFTER THE
34 CRITICALLY MISSING INDIVIDUAL HAS BEEN LOCATED.

1 (2) ON RECEIPT OF NOTIFICATION THAT THE CRITICALLY MISSING
2 INDIVIDUAL HAS BEEN LOCATED, THE DEPARTMENT SHALL REMOVE THE
3 INDIVIDUAL'S INFORMATION FROM THE WEBSITE.

4 (H) THE RECEIPT OF ANY MATERIAL MADE AVAILABLE TO THE PUBLIC UNDER
5 THE TERMS OF SUBSECTION (B) OF THIS SECTION SHALL BE PRECEDED BY A LEGEND
6 STATING THAT:

7 "THE INFORMATION YOU ARE ABOUT TO RECEIVE IS MADE AVAILABLE FOR
8 PERSONAL USE ONLY. BY PROCEEDING BEYOND THIS POINT YOU AGREE THAT YOU
9 WILL NOT USE THE INFORMATION FOR ANY COMMERCIAL PURPOSE WHATSOEVER
10 INCLUDING, BY WAY OF EXAMPLE AND NOT IN LIMITATION, THE DOWNLOADING OF
11 THIS INFORMATION FOR USE IN ANY OTHER ELECTRONIC OR PRINTED FORM."

12 (I) THE LEGEND REFERENCED IN SUBSECTION (H) OF THIS SECTION SHALL
13 BE PRESENTED TO THE RECIPIENT IN A MANNER THAT AFFORDS THE RECIPIENT AN
14 OPPORTUNITY TO REFUSE TO ACCESS THE MATERIAL.

15 (J) DATA OR MATERIAL OBTAINED UNDER SUBSECTION (B) OF THIS SECTION
16 MAY NOT BE USED FOR ANY COMMERCIAL PURPOSE.

17 (K) A PERSON WHO VIOLATES SUBSECTION (J) OF THIS SECTION IS SUBJECT
18 TO A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1999.