
By: **Delegates Cryor, Barkley, Bobo, Bronrott, Cadden, G. Clagett, V. Clagett, Doory, Dumais, Eckardt, Feldman, Franchot, Gutierrez, James, Jameson, King, Kullen, Lawton, Lee, Love, Madaleno, Mandel, McComas, McKee, Menes, Montgomery, Murray, Pendergrass, Petzold, Smigiel, Stern, F. Turner, and Weldon**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

CHAPTER _____

1 AN ACT concerning

2 **Public Safety - Missing Persons - Reports and Investigations**

3 FOR the purpose of altering the method by which a person may delegate certain
 4 authority for final disposition of a body by cremation; authorizing the Police
 5 Training Commission, with the cooperation of the Office of the Chief Medical
 6 Examiner and the Federal Bureau of Investigation, to develop a uniform
 7 missing person report form to be used by law enforcement agencies in the State
 8 by a certain date; providing that a law enforcement agency may not impose a
 9 mandatory waiting period before taking a missing person report; requiring a law
 10 enforcement agency to make every effort to inform the public and the family of a
 11 missing person that the agency does not impose a mandatory waiting period
 12 before taking a certain report; requiring a law enforcement agency to accept
 13 without delay a certain missing person report provided in person; authorizing a
 14 law enforcement agency to accept a certain missing person report provided by
 15 electronic means under certain circumstances; ~~requiring a law enforcement~~
 16 ~~agency, using available funds, to publish and distribute certain information~~
 17 ~~concerning missing person investigations to the general public and the family of~~
 18 ~~a missing person;~~ requiring all law enforcement agencies, by a certain date, to
 19 use a uniform report form when taking a missing person report; clarifying that
 20 the cremation of human remains is subject to certain provisions of law;
 21 requiring the Office of the Chief Medical Examiner to maintain a file of certain
 22 DNA samples and photographs of unidentified human remains; and generally
 23 relating to missing person reports and investigations.

1 BY repealing and reenacting, with amendments,
2 Article - Health - General
3 Section 5-502
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2005 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - Public Safety
8 Section 3-201(a), (b), and (f)
9 Annotated Code of Maryland
10 (2003 Volume and 2005 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Public Safety
13 Section 3-207(13) and (14)
14 Annotated Code of Maryland
15 (2003 Volume and 2005 Supplement)

16 BY adding to
17 Article - Public Safety
18 Section 3-207(14); and 3-601 through ~~3-604~~ 3-603, inclusive, to be under the
19 new subtitle "Subtitle 6. Missing Persons"
20 Annotated Code of Maryland
21 (2003 Volume and 2005 Supplement)

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

24 **Article - Health - General**

25 5-502.

26 (a) This section does not apply to the disposition of a body by a school of
27 medicine or dentistry.

28 (b) Except as otherwise provided in this section, a person may not cremate a
29 body until it has been identified by:

30 (1) The next of kin;

31 (2) A person who is authorized to arrange for final disposition of the body
32 under §§ 5-508 through 5-512 of this subtitle; or

33 (3) A medical examiner.

1 (c) If a person who is authorized to arrange for final disposition of a body is
2 not available to identify the body and authorize cremation, that person may delegate
3 that authority to another person by sending to the delegate [a telegram] AN
4 ELECTRONIC COMMUNICATION that contains the name, address, and relationship of
5 the sender to the deceased and the name and address of the individual to whom
6 authority is delegated. Written authorization shall follow by mail but does not take
7 precedence over the [telegram] ELECTRONIC COMMUNICATION authorizing the
8 identification and cremation.

9 **Article - Public Safety**

10 3-201.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) "Commission" means the Police Training Commission.

13 (f) "Secretary" means the Secretary of Public Safety and Correctional
14 Services.

15 3-207.

16 Subject to the authority of the Secretary, the Commission has the following
17 powers and duties:

18 (13) to consult and cooperate with other agencies and units of the State
19 concerned with police training; [and]

20 (14) TO DEVELOP, WITH THE COOPERATION OF THE OFFICE OF THE
21 CHIEF MEDICAL EXAMINER AND THE FEDERAL BUREAU OF INVESTIGATION, A
22 UNIFORM MISSING PERSON REPORT FORM TO BE AVAILABLE FOR USE BY EACH LAW
23 ENFORCEMENT AGENCY OF THE STATE ON OR BEFORE OCTOBER 1, 2008; AND

24 [(14)] (15) to perform any other act that is necessary or appropriate to
25 carry out the powers and duties of the Commission under this subtitle.

26 **SUBTITLE 6. MISSING PERSONS.**

27 3-601.

28 (A) (1) A LAW ENFORCEMENT AGENCY MAY NOT ESTABLISH A MANDATORY
29 WAITING PERIOD BEFORE TAKING A MISSING PERSON REPORT.

30 (2) A LAW ENFORCEMENT AGENCY SHALL MAKE EVERY EFFORT TO
31 INFORM THE GENERAL PUBLIC AND THE FAMILY OF A MISSING PERSON THAT THE
32 AGENCY DOES NOT IMPOSE A MANDATORY WAITING PERIOD BEFORE TAKING A
33 MISSING PERSON REPORT.

34 (B) IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, A LAW
35 ENFORCEMENT AGENCY:

1 (1) SHALL ACCEPT WITHOUT DELAY A REPORT OF A MISSING PERSON
2 PROVIDED IN PERSON; AND

3 (2) MAY ACCEPT A REPORT OF A MISSING PERSON BY PHONE OR OTHER
4 ELECTRONIC MEANS IF:

5 (I) THAT FORM OF REPORTING IS CONSISTENT WITH THE POLICY
6 OF THE LAW ENFORCEMENT AGENCY; AND

7 (II) THE REPORTING PERSON COMPLETES THE REPORT IN PERSON
8 AS SOON AS POSSIBLE.

9 ~~3-602.~~

10 ~~USING AVAILABLE FUNDS, A LAW ENFORCEMENT AGENCY SHALL PUBLISH AND~~
11 ~~DISTRIBUTE A BROCHURE OR OTHER MATERIAL TO THE GENERAL PUBLIC AND TO~~
12 ~~THE FAMILY OF A MISSING PERSON THAT EXPLAINS:~~

13 ~~(1) BASIC INFORMATION ABOUT A MISSING PERSON INVESTIGATION,~~
14 ~~INCLUDING INFORMATION ABOUT THE MARYLAND CENTER FOR MISSING CHILDREN~~
15 ~~AND ITS TOLL FREE TELEPHONE NUMBER AND THE NATIONAL CENTER FOR~~
16 ~~MISSING AND EXPLOITED CHILDREN AND ITS TOLL FREE TELEPHONE NUMBER; AND~~

17 ~~(2) THE TYPES OF INFORMATION THAT FAMILY MEMBERS MAY PROVIDE~~
18 ~~THAT WILL HELP LAW ENFORCEMENT IN A MISSING PERSON INVESTIGATION.~~

19 ~~3-603. 3-602.~~

20 ON OR BEFORE OCTOBER 1, 2008, ALL LAW ENFORCEMENT AGENCIES IN THE
21 STATE SHALL BEGIN USING A UNIFORM REPORT FORM DEVELOPED BY THE POLICE
22 TRAINING COMMISSION IN ACCORDANCE WITH § 3-207 OF THIS TITLE WHEN TAKING
23 A MISSING PERSON REPORT.

24 ~~3-604. 3-603.~~

25 (A) THE OFFICE OF THE CHIEF MEDICAL EXAMINER SHALL MAINTAIN FILES
26 OF DNA SAMPLES AND PHOTOGRAPHS OF UNIDENTIFIED HUMAN REMAINS.

27 (B) THE CREMATION OF HUMAN REMAINS IS SUBJECT TO THE PROVISIONS OF
28 § 5-502 OF THE HEALTH - GENERAL ARTICLE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2006.

