

HOUSE BILL 192

E4

9lr0437

By: **Delegates Shewell, Aumann, Bartlett, Beidle, Boteler, Carr, DeBoy, George, Glenn, Hecht, Heller, Jameson, Kach, Kramer, Krebs, Levy, Love, McComas, McDonough, Miller, Minnick, Nathan-Pulliam, Norman, Riley, Robinson, Serafini, Shank, Sophocleus, Stocksdales, Stull, F. Turner, Walkup, and Weir**

Introduced and read first time: January 26, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Silver Alert Program – Missing Individuals with Cognitive Impairments**

3 FOR the purpose of establishing a certain statewide alert program within the
4 Department of State Police; providing for the purpose of the alert program;
5 requiring the Department to adopt guidelines and develop procedures for
6 issuing a certain alert for a certain missing individual; requiring the
7 Department to provide training to local law enforcement agencies on the
8 guidelines and procedures to be used to handle a report of a certain missing
9 individual; requiring the Department to provide assistance to a local law
10 enforcement agency as necessary to assist in the safe recovery of certain missing
11 individuals; requiring the Department to recruit certain persons to assist in
12 developing and implementing a certain alert program; providing for the
13 construction of this Act; defining certain terms; and generally relating to the
14 establishment of a Silver Alert Program for missing individuals with cognitive
15 impairments.

16 BY adding to

17 Article – Public Safety

18 Section 3–604

19 Annotated Code of Maryland

20 (2003 Volume and 2008 Supplement)

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

23 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **3-604.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE
5 POLICE.

6 (3) "LAW ENFORCEMENT AGENCY" MEANS A STATE, COUNTY, OR
7 MUNICIPAL POLICE DEPARTMENT OR AGENCY, OR A SHERIFF'S DEPARTMENT.

8 (4) "MENTAL IMPAIRMENT" MEANS A SUBSTANTIAL DISORDER OF
9 THOUGHT, MOOD, PERCEPTION, ORIENTATION, OR MEMORY THAT GROSSLY
10 IMPAIRS JUDGMENT, BEHAVIOR, OR ABILITY TO LIVE INDEPENDENTLY OR
11 PROVIDE SELF-CARE AS CERTIFIED BY A LICENSED PHYSICIAN, PSYCHIATRIST,
12 OR PSYCHOLOGIST.

13 (B) THERE IS A STATEWIDE SILVER ALERT PROGRAM WITHIN THE
14 DEPARTMENT.

15 (C) THE PURPOSE OF THE SILVER ALERT PROGRAM IS TO AID IN THE
16 IDENTIFICATION AND LOCATION OF ANY INDIVIDUAL:

17 (1) WHO HAS A MENTAL IMPAIRMENT;

18 (2) WHO IS AT A LOCATION THAT CANNOT BE DETERMINED BY AN
19 INDIVIDUAL FAMILIAR WITH THE MISSING INDIVIDUAL;

20 (3) WHO IS INCAPABLE OF RETURNING TO THE MISSING
21 INDIVIDUAL'S RESIDENCE WITHOUT ASSISTANCE; AND

22 (4) WHOSE DISAPPEARANCE, AS DETERMINED BY A LAW
23 ENFORCEMENT AGENCY, POSES A CREDIBLE THREAT OF IMMEDIATE DANGER
24 OF SERIOUS BODILY HARM OR DEATH TO THE MISSING INDIVIDUAL.

25 (D) THE DEPARTMENT SHALL:

26 (1) ADOPT GUIDELINES AND DEVELOP PROCEDURES FOR THE
27 ISSUANCE OF A SILVER ALERT FOR A MISSING INDIVIDUAL;

28 (2) PROVIDE TRAINING TO LOCAL LAW ENFORCEMENT AGENCIES
29 ON THE GUIDELINES AND PROCEDURES FOR THE ISSUANCE OF A SILVER ALERT
30 FOR A MISSING INDIVIDUAL;

1 **(3) PROVIDE ASSISTANCE TO A LOCAL LAW ENFORCEMENT**
2 **AGENCY, AS NECESSARY, TO ASSIST IN THE SAFE RECOVERY OF A MISSING**
3 **INDIVIDUAL; AND**

4 **(4) RECRUIT PUBLIC AND COMMERCIAL TELEVISION AND RADIO**
5 **BROADCASTERS AND OTHER MEMBERS OF THE PUBLIC TO ASSIST IN**
6 **DEVELOPING AND IMPLEMENTING A SILVER ALERT.**

7 **(E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT THE**
8 **ACTIVATION OF A LOCAL OR REGIONAL EMERGENCY ALERT PROGRAM THAT**
9 **MAY IMPOSE DIFFERENT CRITERIA FOR THE ACTIVATION OF A LOCAL OR**
10 **REGIONAL PLAN.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2009.