

HOUSE BILL 317

E4

9lr0520
CF SB 303

By: **The Speaker (By Request – Administration) and Delegates Kramer, Ali, Barkley, Barnes, Bobo, Bronrott, Conaway, Dumais, Dwyer, Frank, Heller, Hucker, Jennings, Kaiser, Kelly, Lee, Levi, Manno, McComas, McConkey, McDonough, Miller, Niemann, Ramirez, Reznik, Rice, Rosenberg, Rudolph, Schuler, Shewell, Simmons, Smigiel, Sophocleus, Taylor, Valderrama, and Waldstreicher**

Introduced and read first time: January 29, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Silver Alert Program – Establishment**

3 FOR the purpose of requiring the Department of State Police to establish a Silver
4 Alert Program to disseminate information to assist in locating certain missing
5 persons who suffer certain impairments; requiring the Department to adopt
6 guidelines and develop procedures for issuing a Silver Alert for a certain
7 missing person; requiring the Department to provide training to local law
8 enforcement agencies on the guidelines and procedures to be used to handle a
9 report of a certain missing person; requiring the Department to provide
10 assistance to a local law enforcement agency as necessary to assist in the safe
11 recovery of certain missing persons; requiring the Department to recruit certain
12 persons to assist in developing and implementing the Silver Alert Program;
13 requiring the Department to consult with the State Highway Administration to
14 establish a certain plan for providing information to the public; requiring the
15 Department to consult with the State Board of Education to develop a program
16 to allow high school students to assist in the search for a missing person and
17 receive student service credit; requiring a certain person to notify a certain local
18 law enforcement agency and the Department regarding certain information
19 under certain circumstances; defining certain terms; and generally relating to
20 the establishment of a Silver Alert Program.

21 BY adding to
22 Article – Public Safety
23 Section 3–604
24 Annotated Code of Maryland
25 (2003 Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article - Public Safety

3-604.

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

(2) "CAREGIVER" MEANS A PARENT, SPOUSE, GUARDIAN, LEGAL CUSTODIAN, OR PERSON RESPONSIBLE FOR THE SUPERVISION OF ANOTHER ADULT.

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

(4) "MISSING PERSON" MEANS AN INDIVIDUAL:

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) 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

(III) 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.

(B) (1) THE DEPARTMENT OF STATE POLICE SHALL ESTABLISH A SILVER ALERT PROGRAM TO PROVIDE A SYSTEM FOR RAPID DISSEMINATION OF INFORMATION TO ASSIST IN LOCATING A MISSING PERSON.

(2) THE DEPARTMENT OF STATE POLICE SHALL:

(I) ADOPT GUIDELINES AND DEVELOP PROCEDURES FOR ISSUING A SILVER ALERT FOR A MISSING PERSON;

(II) PROVIDE TRAINING TO LOCAL LAW ENFORCEMENT AGENCIES ON THE GUIDELINES AND PROCEDURES TO BE USED TO HANDLE A REPORT OF A MISSING PERSON;

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

4 (IV) RECRUIT PUBLIC AND COMMERCIAL TELEVISION AND
5 RADIO BROADCASTERS, LOCAL VOLUNTEER GROUPS, AND OTHER MEMBERS OF
6 THE PUBLIC TO ASSIST IN DEVELOPING AND IMPLEMENTING A SILVER ALERT;

7 (V) CONSULT WITH THE STATE HIGHWAY ADMINISTRATION
8 TO ESTABLISH A PLAN FOR PROVIDING INFORMATION RELEVANT TO A SILVER
9 ALERT TO THE PUBLIC THROUGH THE DYNAMIC MESSAGE SIGN SYSTEM
10 LOCATED ACROSS THE STATE; AND

11 (VI) CONSULT WITH THE STATE BOARD OF EDUCATION TO
12 DEVELOP A PROGRAM TO ALLOW HIGH SCHOOL STUDENTS TO ASSIST IN THE
13 SEARCH FOR A MISSING PERSON UNDER THIS SECTION AND TO RECEIVE
14 STUDENT SERVICE CREDIT.

15 (C) A CAREGIVER OR PERSON FILING A REPORT REGARDING A MISSING
16 PERSON IMMEDIATELY SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY
17 WITH WHICH THE REPORT WAS FILED AND THE DEPARTMENT OF STATE POLICE
18 IF:

19 (1) THE MISSING PERSON WHO WAS THE SUBJECT OF THE
20 REPORT IS LOCATED; AND

21 (2) IT IS UNLIKELY THAT THE LOCAL LAW ENFORCEMENT AGENCY
22 OR THE DEPARTMENT OF STATE POLICE HAS KNOWLEDGE THAT THE MISSING
23 PERSON HAS BEEN LOCATED.

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