

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~~ Waldstreicher, Aumann, Bartlett, Beidle, Boteler, Carr, DeBoy, George, Glenn, Hecht, Jameson, Kach, Krebs, Levy, Love, Minnick, Nathan-Pulliam, Norman, Riley, Robinson, Serafini, Shank, Stocksdale, Stull, F. Turner, Walkup, and Weir**

Introduced and read first time: January 29, 2009
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 2009

CHAPTER _____

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~~ Department of Education to
16 develop a program ~~to allow high school students to assist in the search for a~~
17 ~~missing person and receive student service credit~~ that meets certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



requirements; requiring a certain person to notify a certain local law enforcement agency and the Department regarding certain information under certain circumstances; defining certain terms; making this Act subject to a certain contingency; and generally relating to the establishment of a Silver Alert Program.

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

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;

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

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

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

(VI) CONSULT WITH THE STATE ~~BOARD~~ DEPARTMENT OF EDUCATION TO DEVELOP A PROGRAM ~~TO ALLOW~~ THAT:

1. ALLOWS HIGH SCHOOL STUDENTS TO ASSIST IN THE SEARCH FOR A MISSING PERSON UNDER THIS SECTION ~~AND TO RECEIVE STUDENT SERVICE CREDIT~~;

2. COMPLIES WITH COMAR 13A.03.02.06; AND

3. IS CONSISTENT WITH THE STUDENT SERVICE-LEARNING GUIDELINES DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION.

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009, contingent on the ability of the Department of State Police to
6 implement the Silver Alert Program with existing budgeted resources and, if the
7 Secretary of State Police determines by July 1, 2009, that the Department of State
8 Police cannot implement the Program with existing budgeted resources, the Secretary
9 shall promptly notify the Executive Director of the Department of Legislative Services
10 of that determination and, upon receipt of that notice, this Act shall be null and void
11 without the necessity of further action by the General Assembly.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.