

SENATE BILL 303

E4

9lr1492
CF HB 317

By: Senators Kramer, Astle, Madaleno, Robey, ~~and Rosapepe~~ Rosapepe, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Muse, Raskin, Simonaire, and Stone

Introduced and read first time: January 28, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 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
18 requirements; requiring a certain person to notify a certain local law
19 enforcement agency and the Department regarding certain information under
20 certain circumstances; defining certain terms; making this Act subject to a
21 certain contingency; and generally relating to the establishment of a Silver
22 Alert Program.

23 BY adding to

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.



1 Article – Public Safety
2 Section 3–604
3 Annotated Code of Maryland
4 (2003 Volume and 2008 Supplement)

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

7 **Article – Public Safety**

8 **3–604.**

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

11 (2) “CAREGIVER” MEANS A PARENT, SPOUSE, GUARDIAN, LEGAL
12 CUSTODIAN, OR PERSON RESPONSIBLE FOR THE SUPERVISION OF ANOTHER
13 ADULT.

14 (3) “LAW ENFORCEMENT AGENCY” MEANS A STATE, COUNTY, OR
15 MUNICIPAL POLICE DEPARTMENT OR AGENCY, OR A SHERIFF’S DEPARTMENT.

16 (4) “MISSING PERSON” MEANS AN INDIVIDUAL:

17 (I) WHOSE WHEREABOUTS ARE UNKNOWN;

18 (II) WHO SUFFERS A COGNITIVE IMPAIRMENT INCLUDING A
19 DIAGNOSIS OF ALZHEIMER’S DISEASE OR DEMENTIA TO THE EXTENT THAT THE
20 INDIVIDUAL REQUIRES ASSISTANCE FROM A CAREGIVER; AND

21 (III) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO
22 THE HEALTH AND SAFETY OF THE INDIVIDUAL DUE TO AGE, HEALTH, MENTAL
23 OR PHYSICAL DISABILITY, ENVIRONMENT, OR WEATHER CONDITIONS, AS
24 DETERMINED BY A LAW ENFORCEMENT AGENCY.

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

28 (2) THE DEPARTMENT OF STATE POLICE SHALL:

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

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

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

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

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

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

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

19 2. COMPLIES WITH COMAR 13A.03.02.06; AND

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2009, contingent on the ability of the Department of State Police to
34 implement the Silver Alert Program with existing budgeted resources and, if the

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1 Secretary of State Police determines by July 1, 2009, that the Department of State
2 Police cannot implement the program with existing budgeted resources, the Secretary
3 shall promptly notify the Executive Director of the Department of Legislative Services
4 of that determination and, upon receipt of that notice, this Act shall be null and void
5 without the necessity of further action by the General Assembly.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.