

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 192
 Judiciary

(Delegate Shewell, *et al.*)

Silver Alert Program - Missing Individuals with Cognitive Impairments

This bill creates a statewide Silver Alert Program within the Department of State Police (DSP) to aid in the identification and location of any individual: (1) who has a mental impairment; (2) who is at a location that cannot be determined by an individual familiar with the missing individual; (3) who is incapable of returning to the missing individual’s residence without assistance; and (4) whose disappearance, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the missing individual. The bill requires DSP to take several specific procedural, training, local assistance, and recruitment actions to implement the bill’s objectives.

Fiscal Summary

State Effect: General fund expenditures increase by \$230,300 in FY 2010. Future year expenditures reflect annualization, inflation, and vehicle replacements in FY 2013. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	230,300	220,500	228,600	284,600	245,400
Net Effect	(\$230,300)	(\$220,500)	(\$228,600)	(\$284,600)	(\$245,400)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None. The bill’s requirements for local law enforcement units can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: DSP is required to: (1) adopt guidelines and develop procedures for the issuance of a Silver Alert for a missing individual; (2) provide training to local law enforcement agencies on the guidelines and procedures for the issuance of a Silver Alert for a missing individual; (3) provide assistance to a local law enforcement agency, as necessary, to assist in the safe recovery of a missing individual; and (4) recruit public and commercial television and radio broadcasters and other members of the public to assist in developing and implementing a Silver Alert.

None of the bill's provisions may be construed to prevent the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan.

Current Law and Background: The AMBER Alert Plan in Maryland is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Broadcasters use the Emergency Alert System, formerly called the Emergency Broadcast System, to air a description of the abducted child and suspected abductor. This is the same concept used during severe weather emergencies. AMBER Alert information is coordinated by the Maryland State Police.

The alerts rely on the use of highway message boards as well as television and radio stations to broadcast the messages. They are issued when police believe that a child is in danger of serious bodily harm or death and have descriptive information about the child and suspect.

According to Maryland's AMBER Alert Plan, when the abduction of a child age 14 or under (or 15-17 with extenuating circumstances) occurs, law enforcement officers responding to the call will contact a State Police duty officer trained to handle such cases. After verifying the abduction meets the AMBER Alert criteria, the State Police activate the Emergency Alert System, notifying radio, television and cable outlets, the Maryland Department of Transportation, and surrounding states.

Chapter 528 of 2004 established a Task Force on Missing Vulnerable Adults, in part, to investigate integration with the Maryland AMBER Alert Plan and the broadcast media in locating missing vulnerable adults. In its final report, issued October 1, 2005, the task force did not recommend integration with the Maryland AMBER Alert Plan due to Federal Communications Commission requirements and protocol.

Law Enforcement Agencies in Maryland

There are 160 State and local police departments in Maryland, including the Maryland State Police. These departments are operated by State agencies, public and private institutions of higher education, county governments, municipalities, and unincorporated communities. At the local level, 84 jurisdictions have police departments, including 78 municipalities, 5 counties, and Baltimore City. The counties with police departments are Anne Arundel, Baltimore, Howard, and Montgomery, and Prince George's. In addition, the State's 23 counties and Baltimore City each have a local sheriff's department. Unincorporated communities with police departments include Crofton and Ocean Pines.

State Expenditures: General fund expenditures for DSP increase by \$230,300 in fiscal 2010, which accounts for the bill's October 1, 2009 effective date. This estimate reflects the cost of hiring one civilian program administrator and two civilian regional trainers/coordinators to provide training to the State's 159 State and local law enforcement departments and program coordination with those same departments. It includes salaries, fringe benefits, nonpolice automobiles, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- DSP will divide the State into two regions for training and program coordination purposes;
- each of the new civilian personnel will be equipped with nonpolice vehicles and mobile communications; and
- training can be accommodated at each State and local department's scheduled annual in-service training.

Salaries and Fringe Benefits	\$145,700
Vehicle Expenses	50,805
Other Equipment and Operating Expenses	<u>33,800</u>
Total FY 2010 State Expenditures	\$230,305

Vehicle expenses include purchase, insurance, fuel, and maintenance for three vehicles. Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses and vehicle replacement costs in fiscal 2013.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany County, Harford County, Montgomery County, Talbot County, Wicomico County, Town of Bel Air, Town of Leonardtown, Town of Riverdale Park, City of Salisbury, City of Westminster, Baltimore City, Department of Natural Resources, Department of General Services, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2009
mcp/hlb

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