

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 317

(The Speaker, *et al.*) (By Request - Administration)

Judiciary

Judicial Proceedings

Silver Alert Program - Establishment

This Administration bill creates a statewide Silver Alert Program within the Department of State Police (DSP) to provide a system for rapid dissemination of information to assist in locating a “missing person.” The bill requires DSP to take several specific procedural, training, local assistance, and recruitment actions, as well as to consult with the State Highway Administration (SHA) and the Maryland State Department of Education (MSDE), to implement the bill’s objectives.

The bill is effective October 1, 2009 contingent upon the ability of DSP to implement the program with existing budgeted resources. If DSP determines by July 1, 2009 that the department cannot handle implementation with existing budgeted funds, the Department of Legislative Services must be notified of that determination and the provisions of the bill are null and void.

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. The bill’s consultation requirements for SHA and MSDE can be handled with existing budgeted resources. 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 the existing budgeted resources.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: DSP is required to: (1) adopt guidelines and develop procedures for the issuance of a Silver Alert for a missing person; (2) provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a missing person; (3) provide assistance to a local law enforcement agency, as necessary, to assist in the safe recovery of a missing person; (4) 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; (5) consult with SHA 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 (6) consult with MSDE to develop a program to allow high school students to assist in the search for a missing person.

A missing person is defined as an individual:

- whose whereabouts are unknown;
- 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
- 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.

A “caregiver” or person filing a report regarding a missing person must immediately notify the “local law enforcement agency” with which the report was filed and DSP if the missing person who was the subject of the report is located and it is unlikely that the local law enforcement agency or DSP has knowledge that the missing person has been located.

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: The Developmental Disabilities Administration advises that, if its resources are sought and used in connection with training and issues relating to the general characteristics of developmentally disabled persons and treatment needs, contractual services may be necessary. Attendant costs for such services are estimated at about \$7,000, annually. DSP did not report such a need.

Additional Information

Prior Introductions: None.

Cross File: SB 303 (Senator Kramer, *et al.*) - Judicial Proceedings.

Information Source(s): Department of State Police, Maryland State Department of Education, Maryland Department of Transportation, Garrett and Montgomery counties, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2009
mam/hlb Revised - Updated Information - February 25, 2009
Revised - House Third Reader - March 25, 2009

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Silver Alert Program - Establishment

BILL NUMBER: House Bill 317

PREPARED BY: Governor's Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.