

# HOUSE BILL 20

E1

2lr0376

(PRE-FILED)

---

By: Delegates K. Kelly, Kramer, ~~and Simmons~~ Simmons, Howard, Aumann, Szeliga, Holmes, Afzali, Bates, Beitzel, Boteler, Burns, Cluster, Conway, DeBoy, Eckardt, Frank, Frush, Gaines, George, Glenn, Guzzone, Haddaway-Riccio, Hogan, James, Kach, Kaiser, Kipke, Krebs, Lafferty, McComas, McConkey, McDermott, McDonough, Minnick, Morhaim, Norman, Ready, Schulz, Sophocleus, Stocksdale, Vitale, Washington, and Wood

Requested: July 11, 2011

Introduced and read first time: January 11, 2012

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2012

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes – Requirement to Report Death or Disappearance of Minor –**  
3 **Penalties**

4 FOR the purpose of requiring, under certain circumstances, a parent or other person  
5 who has permanent care or custody or responsibility for the supervision of a  
6 minor ~~to notify, within certain periods of time depending on the age of the minor~~  
7 under a certain age to notify, within a certain period of time, the appropriate  
8 law enforcement agency that the minor is ~~missing~~ a missing child; requiring,  
9 under certain circumstances, a parent or other person who has permanent care  
10 or custody or responsibility for the supervision of a minor to notify, within a  
11 certain period of time, the appropriate law enforcement agency or medical  
12 authority that the minor has died; establishing certain penalties; defining a  
13 certain term; and generally relating to a requirement to report the death or  
14 disappearance of a minor.

15 BY adding to

16 Article – Criminal Law

17 Section ~~3-608 through 3-610~~ and 3-609

---

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 Annotated Code of Maryland  
2 (2002 Volume and 2011 Supplement)

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

5 Article – Criminal Law

6 **3-608.**

7 ~~(A) UNLESS THE DISAPPEARANCE OF A MINOR UNDER THE AGE OF 13~~  
8 ~~YEARS HAS ALREADY BEEN REPORTED TO THE APPROPRIATE LAW~~  
9 ~~ENFORCEMENT AGENCY, IN THIS SECTION, “MISSING CHILD” MEANS A MINOR~~  
10 ~~WHOSE WHEREABOUTS ARE UNKNOWN TO A PARENT OR OTHER PERSON WHO~~  
11 ~~HAS PERMANENT CARE AND CUSTODY OR RESPONSIBILITY FOR THE~~  
12 ~~SUPERVISION OF THE MINOR.~~

13 ~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~  
14 ~~PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR CUSTODY OR~~  
15 ~~RESPONSIBILITY FOR THE SUPERVISION OF A MINOR UNDER THE AGE OF 13~~  
16 ~~YEARS SHALL MAY NOT RECKLESSLY OR WILLFULLY FAIL TO NOTIFY THE~~  
17 ~~APPROPRIATE LAW ENFORCEMENT AGENCY THAT THE MINOR IS MISSING A~~  
18 ~~MISSING CHILD WITHIN 24 HOURS OF BECOMING AWARE OF THE~~  
19 ~~DISAPPEARANCE OF THE MINOR THE TIME AT WHICH THE PARENT OR OTHER~~  
20 ~~PERSON KNEW OR SHOULD HAVE KNOWN THAT THE MINOR IS A MISSING CHILD.~~

21 ~~(C) THIS SECTION DOES NOT APPLY IF THE FACT THAT THE MINOR IS A~~  
22 ~~MISSING CHILD HAS ALREADY BEEN REPORTED TO THE APPROPRIATE LAW~~  
23 ~~ENFORCEMENT AGENCY.~~

24 ~~(B) (D)~~ (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
25 ~~FELONY MISDEMEANOR~~ AND ON CONVICTION IS SUBJECT TO IMPRISONMENT  
26 NOT EXCEEDING ~~10~~ 3 YEARS.

27 **3-609.**

28 ~~(A) UNLESS THE DISAPPEARANCE OF A MINOR OVER THE AGE OF 12~~  
29 ~~YEARS HAS ALREADY BEEN REPORTED TO THE APPROPRIATE LAW~~  
30 ~~ENFORCEMENT AGENCY, A PARENT OR OTHER PERSON WHO HAS PERMANENT~~  
31 ~~CARE OR CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR~~  
32 ~~OVER THE AGE OF 12 YEARS SHALL NOTIFY THE APPROPRIATE LAW~~  
33 ~~ENFORCEMENT AGENCY THAT THE MINOR IS MISSING WITHIN 48 HOURS OF~~  
34 ~~BECOMING AWARE OF THE DISAPPEARANCE OF THE MINOR.~~

1 ~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY~~  
2 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.~~

3 ~~3-610.~~

4 (A) UNLESS THE DEATH OF A MINOR HAS ALREADY BEEN REPORTED TO  
5 THE APPROPRIATE LAW ENFORCEMENT AGENCY OR MEDICAL AUTHORITY, A  
6 PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR CUSTODY OR  
7 RESPONSIBILITY FOR THE SUPERVISION OF A MINOR SHALL REPORT THE  
8 DEATH OF THE MINOR TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR  
9 MEDICAL AUTHORITY WITHIN 2 5 HOURS OF BECOMING AWARE OF THE DEATH.

10 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A ~~FELONY~~  
11 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
12 EXCEEDING ~~10~~ 3 YEARS.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2012.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.