

HOUSE BILL 1120

D4, E3

2lr2616
CF 2lr3066

By: **Delegates Carter, Alston, Anderson, Barnes, Boteler, Braveboy, Cane, Dumais, Haynes, Holmes, Kach, K. Kelly, Lee, Mitchell, Nathan-Pulliam, Oaks, Proctor, B. Robinson, Rosenberg, Simmons, Smigiel, Stukes, Tarrant, F. Turner, Walker, and Washington**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Missing Children – Search Efforts and Collaboration**
3 **(Phylcia’s Law)**

4 FOR the purpose of altering a certain factor that a law enforcement agency considers
5 when evaluating a report regarding a missing child; altering the requirement
6 that a law enforcement agency institute appropriate search procedures to locate
7 certain missing children to include the coordination of volunteer search teams;
8 clarifying the name of the organization that a law enforcement agency must
9 notify after receiving a certain missing child report; requiring the State
10 Clearinghouse for Missing Children to coordinate certain entities to locate
11 certain missing children; requiring the Clearinghouse to oversee search efforts
12 used to locate certain missing children; requiring the Clearinghouse to publish
13 certain information relating to missing children in the State; and generally
14 relating to missing children.

15 BY repealing and reenacting, with amendments,
16 Article – Family Law
17 Section 9–402 and 9–403
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2011 Supplement)

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

22 **Article – Family Law**

23 9–402.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) On receipt of a report regarding a missing child by a law enforcement
2 agency, the law enforcement agency shall immediately determine if:

3 (1) the missing child has not been the subject of a prior missing
4 persons report;

5 (2) the missing child suffers from a mental or physical handicap or
6 illness;

7 (3) the disappearance of the missing child is of a suspicious or
8 dangerous nature;

9 (4) the person filing the report of a missing child has reason to believe
10 that the missing child may have been abducted;

11 (5) the missing child has ever previously been the subject of a child
12 abuse report filed with the State or local law enforcement agency; or

13 (6) the missing child is under [14] 17 years of age.

14 (b) Upon conclusion by the law enforcement agency that any one of the
15 conditions specified in subsection (a) of this section exists, the law enforcement agency
16 shall immediately:

17 (1) enter all necessary and available information into the Maryland
18 Interagency Law Enforcement System (MILES) and the National Crime Information
19 Center (NCIC) computer networks;

20 (2) institute appropriate intensive search procedures, **INCLUDING**
21 **THE COORDINATION OF VOLUNTEER SEARCH TEAMS;**

22 (3) notify the National [Missing Children Information Center]
23 **CENTER FOR MISSING AND EXPLOITED CHILDREN** and forward to the State
24 Clearinghouse for Missing Children a copy of the missing persons report involving the
25 missing child;

26 (4) notify the appropriate local department and, to the extent possible,
27 obtain any information that may assist in the locating of the missing child; and

28 (5) enlist the aid of the Department of State Police, when appropriate,
29 in locating the missing child.

30 (c) If the conditions specified in subsection (a) of this section do not exist, the
31 law enforcement agency shall:

32 (1) immediately seek to determine the circumstances surrounding the
33 disappearance of the missing child; and

1 (2) implement the procedures set forth in subsection (b) of this section
2 within 12 hours of the filing of a report regarding a missing child, if the missing child
3 has not been located.

4 (d) Notwithstanding any provision of law to the contrary, if a missing child
5 has not been located within 24 hours of the filing of a missing persons report and
6 either the local law enforcement agency or the Department of State Police have reason
7 to believe that the missing child may be located in a jurisdiction other than the
8 jurisdiction where the missing persons report was filed, the Department of State
9 Police shall enter the investigation and, in cooperation with the appropriate local law
10 enforcement agencies, assist State and national efforts to locate the missing child.

11 (e) (1) A law enforcement agency may not establish a mandatory waiting
12 period before beginning an investigation to locate a missing child.

13 (2) A law enforcement agency may not adopt rules, regulations, or
14 policies that prohibit or discourage the filing of a report or the taking of any action on
15 a report that a child is a missing child or that a child is believed to be a missing child.

16 (f) Every person filing a report of a missing child shall be required to notify
17 the local law enforcement agency and the Department of State Police immediately
18 upon the locating of the missing child if it is unlikely that the local law enforcement
19 agency or the Department of State Police have knowledge that the missing child has
20 been located.

21 9-403.

22 (a) There is a State Clearinghouse for Missing Children operated by the
23 Department of State Police that is responsible for:

24 (1) the receipt, collection, and distribution of general information and
25 annual statistics regarding missing children; and

26 (2) coordination of law enforcement agencies and other interested
27 persons or groups within and outside the State regarding information on children who
28 have disappeared from, or are thought to be located in, Maryland.

29 **(B) FOR CHILDREN WHO HAVE DISAPPEARED FROM OR ARE THOUGHT**
30 **TO BE LOCATED IN THE STATE, THE STATE CLEARINGHOUSE FOR MISSING**
31 **CHILDREN SHALL:**

32 **(1) COORDINATE LOCAL LAW ENFORCEMENT AGENCIES,**
33 **NATIONAL MISSING CHILDREN'S ORGANIZATIONS, MISSING CHILDREN EXPERTS,**
34 **AND THE FAMILY OF A MISSING CHILD TO LOCATE THE MISSING CHILDREN;**

1 **(2) OVERSEE SEARCH EFFORTS USED TO LOCATE MISSING**
2 **CHILDREN; AND**

3 **(3) PUBLISH:**

4 **(I) THE NAMES OF AND RELEVANT AVAILABLE**
5 **INFORMATION ON MISSING CHILDREN;**

6 **(II) UPDATES REGARDING THE LOCATION OF MISSING**
7 **CHILDREN; AND**

8 **(III) ANNUAL STATISTICS REGARDING MISSING CHILDREN.**

9 **[(b)](C)** The Secretary of State Police may develop, in cooperation with
10 local law enforcement agencies, a plan for voluntary fingerprinting programs for
11 children.

12 **[(c)](D)** (1) An advisory council shall be appointed having the following
13 responsibilities:

14 (i) review of the activities of the State Clearinghouse;

15 (ii) review of the training provided for, and investigatory
16 procedures used by, law enforcement personnel in the locating of missing children;

17 (iii) examine possible methods for identifying missing children
18 prior to enrollment in a public or nonpublic school; and

19 (iv) explore the feasibility and effectiveness of utilizing the
20 Federal Parent Locator Service in locating missing children.

21 (2) The advisory council shall consist of the following members:

22 (i) 1 person from the Department of Juvenile Services, to be
23 designated by the Secretary of Juvenile Services;

24 (ii) 1 person from the Maryland State Department of Education,
25 to be designated by the State Superintendent of Schools;

26 (iii) 1 person from the Department of State Police, to be
27 appointed by the Secretary of State Police;

28 (iv) the Special Secretary of the Office for Children, Youth, and
29 Families, who shall serve as chairman of the advisory council;

1 (v) the President of the Governor's Youth Advisory Council or a
2 designee of the President from the Council;

3 (vi) 1 member from the State Sheriff's Association, to be
4 designated by the President of the Association;

5 (vii) 1 member from the State Chiefs of Police Association, to be
6 designated by the President of the Association; and

7 (viii) 2 members from the public at-large, to be appointed by the
8 Governor.

9 **[(d)](E)** (1) The term of council members from the public shall be 2
10 years.

11 (2) At the end of a term, a council member from the public shall
12 continue to serve until a successor is appointed.

13 (3) Council members from the public may serve successive terms.

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