

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 1045

(Senator Muse)

Judicial Proceedings

Judiciary

Missing Children - Search Efforts and Collaboration (Phylicia's Law)

This bill requires a law enforcement agency, when instituting appropriate intensive search procedures relating to a missing child, to coordinate volunteer search teams. The bill also adds additional requirements for the State Clearinghouse for Missing Children and clarifies that the National Center for Missing and Exploited Children is the organization that must be notified in specified circumstances.

Fiscal Summary

State Effect: The Department of State Police can handle the bill's requirements using existing budgeted resources.

Local Effect: Local law enforcement can handle the bill's requirements using existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: For children who have disappeared from or are thought to be located in the State, the State Clearinghouse for Missing Children is required to publish the names of and relevant available information on missing children and annual statistics regarding missing children. The State Clearinghouse may establish and maintain a list of organizations and groups that provide volunteer search teams or resources relating to missing children. Under current law, law enforcement agencies must take specified action if one of several factors, including that the missing child is under the age of 14, is

determined when evaluating a report of a missing child. The bill requires those actions to be taken if an agency determines that the missing child is under the age of 17.

Current Law: After receiving a report regarding a missing child by a law enforcement agency, the law enforcement agency must immediately determine if (1) the missing child has not been the subject of a prior missing persons report; (2) the missing child suffers from a mental or physical handicap or illness; (3) the disappearance of the missing child is of a suspicious or dangerous nature; (4) the person filing the report of a missing child has reason to believe that the missing child may have been abducted; (5) the missing child has ever previously been the subject of a child abuse report filed with the State or local law enforcement agency; or (6) the missing child is under age 14.

If the law enforcement agency concludes that any one of the above conditions exists, the agency must immediately take further action as specified in statute, including instituting appropriate intensive search procedures, notifying the National Missing Children Information Center, and forwarding a copy of the missing persons report to the State Clearinghouse for Missing Children.

The State Clearinghouse for Missing Children, operated by the Department of State Police, is responsible for (1) the receipt, collection, and distribution of general information and annual statistics regarding missing children; and (2) coordination of law enforcement agencies and other interested parties within and outside the State regarding information on children who have disappeared from, or are thought to be located in, Maryland.

Background: Phylicia Barnes, a teen honors student and high school athlete from North Carolina, was visiting family in Baltimore when she disappeared December 28, 2010. Her body was found nearly four months later and her death was ruled a homicide. According to the National Center for Missing and Exploited Children, an estimated 800,000 children are reported missing every year.

Additional Information

Prior Introductions: None.

Cross File: Although HB 1120 (Delegate Carter, *et al.* – Judiciary) is designated as a cross file, it is different.

Information Source(s): Governor's Office for Children; Department of Human Resources; Maryland State Department of Education; Department of Juvenile Services;

Department of State Police; Baltimore, Garrett, and Montgomery counties; National Center for Missing and Exploited Children; Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2012
mc/kdm Revised - Senate Third Reader - April 9, 2012

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510