

Department of Legislative Services
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 86

(Senator Simonaire)

Judicial Proceedings

Judiciary

Public Safety - Hit and Run Suspects - Yellow Alert Program

This bill requires the Department of State Police (DSP) to establish a statewide Yellow Alert Program to provide a system for rapid dissemination of information to assist in locating and apprehending a “missing suspect” who is suspected of failing to remain at the scene of a traffic accident that might result in “serious bodily injury” or death. Among other things, DSP must adopt guidelines and develop procedures for the program, provide training and assistance to local law enforcement agencies, and consult with the State Highway Administration (SHA) to develop a plan for providing information to the public regarding a Yellow Alert. The apprehension of a suspect who is the subject of a Yellow Alert must be immediately reported to DSP and the law enforcement agency that filed the report.

Fiscal Summary

State Effect: The bill’s requirements can be handled with the existing budgeted resources of DSP, the Maryland Department of Transportation, the Maryland Transportation Authority, and any other affected State agencies.

Local Effect: The bill’s requirements for local law enforcement units can be handled with existing local resources.

Small Business Effect: None.

Analysis

Bill Summary: DSP must (1) adopt guidelines and develop procedures for the issuance of a Yellow Alert; (2) provide training to local law enforcement agencies on the guidelines and procedures to be used to make and handle a report of a missing suspect; (3) provide assistance to a local law enforcement agency, as necessary, to assist in the location and

apprehension of a missing suspect; (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 Yellow Alert; and (5) consult with SHA to establish a plan for providing information relating to a Yellow Alert to the public through the dynamic message sign system located across the State.

A “missing suspect” is defined as an individual:

- whose whereabouts are unknown;
- who is suspected of a violation of specified provisions of the Transportation Article relating to failing to remain at the scene of a traffic accident that might result in “serious bodily injury” or death; and
- whose vehicle the reporting law enforcement agency is able to describe, including any information about the vehicle’s registration plate.

Current Law/Background:

Requirement to Remain at Scene of Accident

The driver of each vehicle involved in an accident that results in bodily injury or death to another person must immediately stop the vehicle as close as possible to the scene of the accident without obstructing traffic more than necessary. The driver of each vehicle involved in an accident that results in bodily injury or death to another person must also immediately return to and remain at the scene of the accident until the driver has complied with specified requirements relating to providing assistance and information.

A person who violates those provisions and who knew or reasonably should have known that the accident might result in serious bodily injury to another person, and “serious bodily injury” actually occurred, is guilty of a felony and on conviction is subject to imprisonment for up to five years and/or a fine of up to \$5,000. A person who violates those provisions and who knew or reasonably should have known that the accident might result in the death of another person, and death actually occurred, is guilty of a felony and on conviction is subject to imprisonment for up to 10 years and/or a fine of up to \$10,000.

A “serious bodily injury” means an injury that:

- creates a substantial risk of death;
- causes serious permanent or serious protracted disfigurement;
- causes serious permanent or serious protracted loss of the function of any body part, organ, or mental faculty; or
- causes serious permanent or serious protracted impairment of the function of any bodily member or organ.

Hit and Run Statistics and Estimate of Yellow Alerts under the Bill

The Maryland Automated Accident Reporting System (MAARS) defines an “incapacitating injury” as any injury, other than a fatal injury, which prevents the injured person from walking, driving, or normally continuing the activities he was capable of performing before the injury occurred.

Using data provided by the Motor Vehicle Administration, **Exhibit 1** shows the number of fatalities and serious bodily injuries suffered by drivers, other vehicle occupants, or pedestrians involved in hit and run collisions in Maryland over the past five calendar years, as estimated by DSP. Using this data, DSP estimates that about 42 hit and run events per year will result in Yellow Alerts being made under the bill’s provisions. This estimate is based on the following two assumptions:

- that about half of all incapacitating injuries under MAARS would meet the statutory definition of “serious bodily injury,” described above; and
- that about half of all qualifying hit and run traffic events will produce a witness who can and will provide a suitable vehicle description, including information regarding a license plate identifier.

Exhibit 1
Hit and Run Fatalities and Serious Bodily Injuries in Maryland
Calendar 2010-2014

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Total</u>	<u>Average</u>	<u>% of All Hit and Run Collisions</u>
Fatality	19	26	19	20	12	96	19	13.1
Serious Bodily Injury	76	69	49	45	8	319	64	43.5
(Incapacitating)	(152)	(137)	(97)	(90)	(161)	(637)	(127)	(86.9)
Total Injured and Killed	95	95	68	65	93	415	83	56.5

Source: Department of State Police

Existing Alert Programs in Maryland: AMBER Alert Plan, Silver Alert Program, and Blue Alert Program

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 DSP. 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.

Chapters 503 and 504 of 2009 created a statewide Silver Alert Program in DSP to provide a system for rapid dissemination of information to assist in locating a missing person at least age 60 with a cognitive impairment.

Chapter 473 of 2010 established a Blue Alert Program in DSP to provide a system for rapid dissemination of information to assist in locating and apprehending a missing offender who is suspected of killing or seriously injuring a law enforcement officer.

Use of License Plate Reader Technology

Currently, 64 of the 160 law enforcement agencies in Maryland utilize License Plate Reader (LPR) technology, which uses a high-speed camera to automatically detect a vehicle's license plate as it passes the reader mounted either at a fixed location or on a patrol vehicle. The scan is then compared to information in a "hot list," which consists of license plate numbers of wanted vehicles or license plate numbers associated with wanted or missing persons and other specified databases. Once a scan is confirmed, law enforcement in the field can attempt to apprehend the wanted vehicle or person. LPR data is also used in investigating crimes and accidents. The collected data is networked to the Maryland Coordination and Analysis Center (MCAC) where it is retained on a central server for one year. MCAC was created in November 2003 as a center for coordinating the efforts of federal, State, and local agencies to gather, analyze, and share intelligence information with law enforcement, public health, and emergency responder personnel. Law enforcement agencies in the State have direct access to MCAC LPR data through the State's Criminal Justice Dashboard. According to MCAC, the data is used for crime analyses, law enforcement alerts, and the identification of the movement of individuals in an open criminal investigation.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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