

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 77

(Chair, Judiciary Committee)(By Request - Departmental
- State Police)

Judiciary

Judicial Proceedings

**Family Law - Missing Children - Reporting Requirements and Repeal of
Advisory Council**

This departmental bill alters the reporting requirements regarding missing children for a law enforcement agency on receipt of a report regarding a missing child under specified circumstances. In addition, the bill repeals the advisory council relating to the State Clearinghouse for Missing Children.

Fiscal Summary

State Effect: Although the bill likely results in some efficiencies, the bill is procedural in nature and does not materially affect State operations or finances.

Local Effect: Although the bill likely results in some efficiencies, the bill is procedural in nature and does not materially affect local government operations or finances.

Small Business Effect: The Department of State Police (DSP) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill repeals the requirement for a law enforcement agency, on receipt of specified information regarding a missing child, to (1) enter all necessary and available information into the Maryland Interagency Law Enforcement System (MILES) and (2) after notification to the National Center for Missing and Exploited Children, forward a copy of the missing persons report involving the missing child to the State Clearinghouse

for Missing Children. The bill requires a law enforcement agency to enter all necessary and available information into the National Crime Information Center (NCIC) computer networks within two hours after receipt of the minimum information necessary to make the entry.

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 younger than age 17.

If the law enforcement agency concludes that any one of the specified conditions exists, the agency must immediately:

- enter all necessary and available information into the MILES and the NCIC computer networks;
- institute appropriate intensive search procedures, including the coordination of volunteer search teams;
- notify the National Center for Missing and Exploited Children and forward to the State Clearinghouse for Missing Children a copy of the missing persons report involving the missing child;
- notify the appropriate local department and, to the extent possible, obtain any information that may assist in the locating of the missing child; and
- enlist the aid of DSP, when appropriate, in locating the missing child.

If the conditions specified do not exist, the law enforcement agency must (1) immediately seek to determine the circumstances surrounding the disappearance of the missing child and (2) if the missing child has not been located, implement the required procedures within 12 hours of the filing of a report regarding a missing child.

Generally, if a missing child has not been located within 24 hours of the filing of a missing persons report and either the local law enforcement agency or DSP have reason to believe that the missing child may be located in a jurisdiction other than the jurisdiction where the missing persons report was filed, DSP must enter the investigation and, in cooperation with the appropriate local law enforcement agencies, assist State and national efforts to locate the missing child.

A law enforcement agency may not establish a mandatory waiting period before beginning an investigation to locate a missing child. A law enforcement agency may not adopt rules, regulations, or policies that prohibit or discourage the filing of a report or the taking of any action on a report that a child is a missing child or that a child is believed to be a missing child.

Every person filing a report of a missing child must notify the local law enforcement agency and DSP immediately after locating the missing child if it is unlikely that the local law enforcement agency or DSP have knowledge that the missing child has been located.

The State Clearinghouse for Missing Children, operated by DSP, 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, the State.

An advisory council must be appointed to:

- review the activities of the State clearinghouse;
- review the training provided for, and investigatory procedures used by, law enforcement personnel in the locating of missing children;
- examine possible methods for identifying missing children prior to enrollment in a public or nonpublic school; and
- explore the feasibility and effectiveness of utilizing the Federal Parent Locator Service in locating missing children.

Background: DSP advises that this bill is intended to (1) bring the State into compliance with federal law by requiring that all necessary and available information be entered into the NCIC computer networks within two hours after receipt of the minimum information necessary to make the entry; (2) update statute to reflect the current name of the reporting database; (3) eliminate the duplicative requirement that paper copies of reports be sent to the State Clearinghouse for Missing Children; and (4) eliminate an advisory council that has not met since 1987. DSP advises that the State Clearinghouse for Missing Children receives the reports of all missing children entered into NCIC and no longer has a need for paper copies.

NCIC is a computerized index of criminal justice information created to provide a database for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agencies about crimes and criminals. The information is intended to assist authorized agencies in criminal justice and related law enforcement objectives, such as apprehending fugitives, locating missing

persons, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system. NCIC is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Queen Anne's, and St. Mary's counties; City of College Park; Maryland State Department of Education; Department of Juvenile Services; Department of State Police; Federal Bureau of Investigation; Department of Legislative Services

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min/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Family Law – Missing Children - Reports

BILL NUMBER: HB 77

PREPARED BY: Thomas Williams, Director Government Affairs, MSP

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

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