

HOUSE BILL 1209

E4

8lr2094

By: Delegates Proctor, Pena–Melnik, Atterbeary, Barron, Dumais, Fennell, Frush, Gibson, Healey, C. Howard, Jameson, Lam, J. Lewis, Patterson, Pendergrass, Queen, Sample–Hughes, Sydnor, Valderrama, Valentino–Smith, A. Washington, and Wilkins

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – ~~Silver Alert Program – Pedestrians and Case Status~~**
3 **~~(Eula’s Law)~~ Missing Persons – Information**
4 **(Eula and Danny’s Law)**

5 FOR the purpose of ~~clarifying that the Silver Alert Program applies to an individual who~~
6 ~~is believed to be either traveling in a vehicle or on foot; requiring the Department of~~
7 ~~State Police to establish and maintain a certain online system that reflects a certain~~
8 ~~case status; requiring a law enforcement agency to enter certain information into the~~
9 ~~National Crime Information Center computer network at a certain time under~~
10 ~~certain circumstances; requiring the Department of State Police to place a certain~~
11 ~~link to a certain Internet site on the home page of the Department’s website; and~~
12 ~~generally relating to the Silver Alert Program~~ missing persons.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section ~~3–604~~ 3–601
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2017 Supplement)

18 BY adding to
19 Article – Public Safety
20 Section 3–607

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 (2011 Replacement Volume and 2017 Supplement)

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

5 **Article – Public Safety**

6 ~~§ 604.~~

7 (a) (1) ~~In this section the following words have the meanings indicated.~~

8 (2) ~~“Caregiver” means a parent, spouse, guardian, legal custodian, or~~
9 ~~person responsible for the supervision of another adult.~~

10 (3) ~~“Law enforcement agency” means a State, county, or municipal police~~
11 ~~department or agency, or a sheriff’s department.~~

12 (4) ~~“Missing person” means an individual:~~

13 (i) ~~whose whereabouts are unknown;~~

14 (ii) ~~WHO IS BELIEVED TO BE EITHER TRAVELING IN A VEHICLE~~
15 ~~OR ON FOOT;~~

16 (iii) ~~who suffers a cognitive impairment including a diagnosis of~~
17 ~~Alzheimer’s disease or dementia to the extent that the individual requires assistance from~~
18 ~~a caregiver; and~~

19 [(iii)] (iv) ~~whose disappearance poses a credible threat to the health~~
20 ~~and safety of the individual due to age, health, mental or physical disability, environment,~~
21 ~~or weather conditions, as determined by a law enforcement agency.~~

22 (b) (1) ~~The Department of State Police shall establish a Silver Alert Program~~
23 ~~to provide a system for rapid dissemination of information to assist in locating a missing~~
24 ~~person.~~

25 (2) ~~The Department of State Police shall:~~

26 (i) ~~adopt guidelines and develop procedures for issuing a Silver~~
27 ~~Alert for a missing person;~~

28 (ii) ~~provide training to local law enforcement agencies on the~~
29 ~~guidelines and procedures to be used to handle a report of a missing person;~~

30 (iii) ~~provide assistance to a local law enforcement agency, as~~
31 ~~necessary, to assist in the safe recovery of a missing person;~~

1 ~~(iv) recruit public and commercial television and radio broadcasters,~~
2 ~~local volunteer groups, and other members of the public to assist in developing and~~
3 ~~implementing a Silver Alert;~~

4 ~~(v) consult with the State Highway Administration to establish a~~
5 ~~plan for providing information relevant to a Silver Alert to the public through the dynamic~~
6 ~~message sign system located across the State; [and]~~

7 ~~(VI) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE ONLINE~~
8 ~~SYSTEM THAT REFLECTS, ON A CONTINUOUSLY UPDATED BASIS, THE STATUS OF~~
9 ~~EACH ACTIVE SILVER ALERT CASE; AND~~

10 ~~[(vi)] (vii) consult with the State Department of Education to develop~~
11 ~~a program that:~~

12 ~~1. allows high school students to assist in the search for a~~
13 ~~missing person under this section;~~

14 ~~2. complies with COMAR 13A.03.02.06; and~~

15 ~~3. is consistent with the student service learning guidelines~~
16 ~~developed by the State Department of Education.~~

17 ~~(e) A caregiver or person filing a report regarding a missing person immediately~~
18 ~~shall notify the local law enforcement agency with which the report was filed and the~~
19 ~~Department of State Police if:~~

20 ~~(1) the missing person who was the subject of the report is located; and~~

21 ~~(2) it is unlikely that the local law enforcement agency or the Department~~
22 ~~of State Police has knowledge that the missing person has been located.~~

23 3-601.

24 (a) (1) A law enforcement agency may not establish a mandatory waiting
25 period before taking a missing person report.

26 (2) A law enforcement agency shall make every effort to inform the general
27 public and the family of a missing person that the agency does not impose a mandatory
28 waiting period before taking a missing person report.

29 (b) In accordance with subsection (a) of this section, a law enforcement agency:

30 (1) shall accept without delay a report of a missing person provided in
31 person; and

1 (2) may accept a report of a missing person by phone or other electronic
2 means if:

3 (i) that form of reporting is consistent with the policy of the law
4 enforcement agency; and

5 (ii) the reporting person completes the report in person as soon as
6 possible.

7 (C) WITH REGARD TO A MISSING PERSON AS DEFINED IN § 3-604 OF THIS
8 SUBTITLE, A LAW ENFORCEMENT AGENCY SHALL ENTER ALL NECESSARY AND
9 AVAILABLE INFORMATION INTO THE NATIONAL CRIME INFORMATION CENTER
10 COMPUTER NETWORK WITHIN 2 HOURS AFTER RECEIPT OF THE MINIMUM
11 INFORMATION NECESSARY TO MAKE THE ENTRY.

12 3-607.

13 THE DEPARTMENT OF STATE POLICE SHALL PLACE A DIRECT LINK TO THE
14 INTERNET SITE OF THE MARYLAND CENTER FOR MISSING AND UNIDENTIFIED
15 PERSONS ON THE HOME PAGE OF THE DEPARTMENT’S WEBSITE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.