

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1031 (Delegate Healey)
 Judiciary

Public Safety - Missing Person Reports - Collection and Publication

This bill requires the Department of State Police (DSP) to collect and publish on its website information on missing person reports in the State. The published information must (1) be disaggregated by age, race, and reporting county and (2) provide the number of resolved missing person reports in the preceding month. By December 31 each year, DSP must publish on its website a summary of all required information on missing person reports for the preceding calendar year. Each local law enforcement agency must provide DSP with information regarding any missing person within the agency’s jurisdiction as required by DSP. DSP must adopt procedures necessary for the collection of information provided by local law enforcement agencies. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$665,700 in FY 2025 for staffing and one-time computer programming costs. Future years reflect inflation and ongoing costs. Revenues are not affected.

| (in dollars) | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 665,700 | 215,800 | 225,500 | 237,600 | 248,800 |
| Net Effect | (\$665,700) | (\$215,800) | (\$225,500) | (\$237,600) | (\$248,800) |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government operations or finances. Local law enforcement agencies can handle the bill’s changes with existing resources.

Small Business Effect: None.

Analysis

Current Law: A law enforcement agency may not establish a mandatory waiting period before taking a missing person report. A law enforcement agency must, without delay, accept a report of a missing person provided in person, and may accept a report of a missing person by phone or other electronic means. A “missing person” is defined under § 3-604 of the Public Safety Article as an individual (1) whose whereabouts are unknown; (2) who suffers a cognitive impairment including a diagnosis of Alzheimer’s disease or dementia to the extent that the individual requires assistance from a caregiver; and (3) whose disappearance poses a credible threat to the health and safety of the individual due to age, health, mental or physical disability, environment, or weather conditions, as determined by a law enforcement agency.

A law enforcement agency must enter all necessary and available information into the National Crime Information Center (NCIC) network within two hours after receipt of the information needed to make the entry.

After receiving a report regarding a missing child, a law enforcement agency must immediately determine if (1) the missing child has not been the subject of a prior missing person 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 NCIC within two hours after receipt of information necessary to make the entry;
- institute appropriate intensive search procedures, including the coordination of volunteer search teams;
- notify the National Center for Missing and Exploited Children;
- notify the appropriate local department of social services 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 specified conditions 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 person 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 person 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.

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.

State Expenditures: General fund expenditures increase by \$665,723 in fiscal 2025, which accounts for the bill’s July 1, 2024 effective date. This estimate reflects the cost of hiring three administrative officers to collect, sort, and publish the required information regarding missing person reports. It includes salaries, fringe benefits, one-time start-up costs (including computer programming costs), and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- law enforcement agencies currently transmit missing person information directly to NCIC and send a copy of the data to DSP;
- DSP’s Center for Missing and Unidentified Persons – Internet Crimes Against Children Task Force staff handles missing children reports, creating and posting missing person posters, maintaining the official social media pages for missing children, and analytical work for search warrants for the task force;
- two employees currently handle all information relating to missing children in the State; and
- the center receives between 12,000 and 14,000 NCIC entries each year, which are entered manually by staff and saved into an unsupported Microsoft database; therefore, a new database is needed to collect and publish the required information at a one-time cost of \$425,000.

| | |
|---|------------------|
| Positions | 3.0 |
| Salaries and Fringe Benefits | \$217,701 |
| Computer Programming | 425,000 |
| Other Operating Expenses | <u>23,022</u> |
| Total FY 2025 State Expenditures | \$665,723 |

Future year expenditures reflect salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

DSP advises that it needs 10 additional administrative officers to implement the bill. The Department of Legislative Services (DLS) acknowledges that the bill expands the work of the center; however, DLS disagrees with the magnitude of the additional staffing estimated by DSP and advises that the required information can likely be collected and published with 3 additional administrative officers. Should overtime or additional personnel costs emerge in the future, DSP can request additional resources through the annual budget process.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford County; cities of College Park and Frostburg; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2023
rh/lgc

Analysis by: Shirleen M. E. Pilgrim

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