

# HOUSE BILL 1120

D4, E3

(2lr2616)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Carter, Alston, Anderson, Barnes, Boteler, Braveboy, Cane, Dumais, Haynes, Holmes, Kach, K. Kelly, Lee, Mitchell, Nathan-Pulliam, Oaks, Proctor, B. Robinson, Rosenberg, Simmons, Smigiel, Stukes, Tarrant, F. Turner, Walker, and Washington**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Missing Children – Search Efforts and Collaboration**  
3 **(Phylcia’s Law)**

4 FOR the purpose of *altering a certain factor that a law enforcement agency considers*  
5 *when evaluating a report regarding a missing child;* ~~altering a certain factor~~  
6 ~~that a law enforcement agency considers when evaluating a report regarding a~~  
7 ~~missing child;~~ altering the requirement that a law enforcement agency institute  
8 appropriate search procedures to locate certain missing children to include the  
9 coordination of volunteer search teams; clarifying the name of the organization  
10 that a law enforcement agency must notify after receiving a certain missing  
11 child report; ~~requiring a law enforcement agency that is attempting to locate a~~  
12 ~~child to make an effort to include certain organizations and groups if~~

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 ~~appropriate~~ requiring the State Clearinghouse for Missing Children ~~to~~  
 2 ~~coordinate certain entities to locate certain missing children; requiring the~~  
 3 ~~Clearinghouse to oversee search efforts used to locate certain missing children;~~  
 4 ~~requiring the Clearinghouse~~ to publish certain information relating to missing  
 5 children in the State; authorizing the Clearinghouse to establish and maintain a  
 6 list of organizations and groups that provide volunteer search teams or  
 7 resources relating to missing children; and generally relating to missing  
 8 children.

9 BY repealing and reenacting, with amendments,  
 10 Article – Family Law  
 11 Section 9–402 and 9–403  
 12 Annotated Code of Maryland  
 13 (2006 Replacement Volume and 2011 Supplement)

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

16 **Article – Family Law**

17 9–402.

18 (a) On receipt of a report regarding a missing child by a law enforcement  
 19 agency, the law enforcement agency shall immediately determine if:

20 (1) the missing child has not been the subject of a prior missing  
 21 persons report;

22 (2) the missing child suffers from a mental or physical handicap or  
 23 illness;

24 (3) the disappearance of the missing child is of a suspicious or  
 25 dangerous nature;

26 (4) the person filing the report of a missing child has reason to believe  
 27 that the missing child may have been abducted;

28 (5) the missing child has ever previously been the subject of a child  
 29 abuse report filed with the State or local law enforcement agency; or

30 (6) the missing child is under ~~14~~ 17 17 years of age.

31 (b) Upon conclusion by the law enforcement agency that any one of the  
 32 conditions specified in subsection (a) of this section exists, the law enforcement agency  
 33 shall immediately:

1 (1) enter all necessary and available information into the Maryland  
2 Interagency Law Enforcement System (MILES) and the National Crime Information  
3 Center (NCIC) computer networks;

4 (2) institute appropriate intensive search procedures, **INCLUDING**  
5 **THE COORDINATION OF VOLUNTEER SEARCH TEAMS;**

6 (3) notify the National [Missing Children Information Center]  
7 **CENTER FOR MISSING AND EXPLOITED CHILDREN** and forward to the State  
8 Clearinghouse for Missing Children a copy of the missing persons report involving the  
9 missing child;

10 (4) notify the appropriate local department and, to the extent possible,  
11 obtain any information that may assist in the locating of the missing child; and

12 (5) enlist the aid of the Department of State Police, when appropriate,  
13 in locating the missing child.

14 (c) If the conditions specified in subsection (a) of this section do not exist, the  
15 law enforcement agency shall:

16 (1) immediately seek to determine the circumstances surrounding the  
17 disappearance of the missing child; and

18 (2) implement the procedures set forth in subsection (b) of this section  
19 within 12 hours of the filing of a report regarding a missing child, if the missing child  
20 has not been located.

21 (d) Notwithstanding any provision of law to the contrary, if a missing child  
22 has not been located within 24 hours of the filing of a missing persons report and  
23 either the local law enforcement agency or the Department of State Police have reason  
24 to believe that the missing child may be located in a jurisdiction other than the  
25 jurisdiction where the missing persons report was filed, the Department of State  
26 Police shall enter the investigation and, in cooperation with the appropriate local law  
27 enforcement agencies, assist State and national efforts to locate the missing child.

28 (e) (1) A law enforcement agency may not establish a mandatory waiting  
29 period before beginning an investigation to locate a missing child.

30 (2) A law enforcement agency may not adopt rules, regulations, or  
31 policies that prohibit or discourage the filing of a report or the taking of any action on  
32 a report that a child is a missing child or that a child is believed to be a missing child.

33 (f) Every person filing a report of a missing child shall be required to notify  
34 the local law enforcement agency and the Department of State Police immediately  
35 upon the locating of the missing child if it is unlikely that the local law enforcement

1 agency or the Department of State Police have knowledge that the missing child has  
2 been located.

3 ~~(C) A LOCAL LAW ENFORCEMENT AGENCY THAT IS ATTEMPTING TO~~  
4 ~~LOCATE A MISSING CHILD SHALL MAKE AN EFFORT TO INCLUDE~~  
5 ~~ORGANIZATIONS AND GROUPS THAT PROVIDE VOLUNTEER SEARCH TEAMS OR~~  
6 ~~RESOURCES RELATING TO MISSING CHILDREN IF APPROPRIATE.~~

7 9-403.

8 (a) There is a State Clearinghouse for Missing Children operated by the  
9 Department of State Police that is responsible for:

10 (1) the receipt, collection, and distribution of general information and  
11 annual statistics regarding missing children; and

12 (2) coordination of law enforcement agencies and other interested  
13 persons or groups within and outside the State regarding information on children who  
14 have disappeared from, or are thought to be located in, Maryland.

15 (B) FOR CHILDREN WHO HAVE DISAPPEARED FROM OR ARE THOUGHT  
16 TO BE LOCATED IN THE STATE, THE STATE CLEARINGHOUSE FOR MISSING  
17 CHILDREN ~~SHALL~~:

18 (1) ~~COORDINATE LOCAL LAW ENFORCEMENT AGENCIES,~~  
19 ~~NATIONAL MISSING CHILDREN'S ORGANIZATIONS, MISSING CHILDREN EXPERTS,~~  
20 ~~AND THE FAMILY OF A MISSING CHILD TO LOCATE THE MISSING CHILDREN;~~

21 (2) ~~OVERSEE SEARCH EFFORTS USED TO LOCATE MISSING~~  
22 ~~CHILDREN; AND~~

23 (3) SHALL PUBLISH:

24 (I) THE NAMES OF AND RELEVANT AVAILABLE  
25 INFORMATION ON MISSING CHILDREN; AND

26 (II) ~~UPDATES REGARDING THE LOCATION OF MISSING~~  
27 ~~CHILDREN; AND~~

28 (III) ANNUAL STATISTICS REGARDING MISSING CHILDREN;  
29 AND

30 (2) MAY ESTABLISH AND MAINTAIN A LIST OF ORGANIZATIONS  
31 AND GROUPS THAT PROVIDE VOLUNTEER SEARCH TEAMS OR RESOURCES  
32 RELATING TO MISSING CHILDREN.

1           **[(b)] (C)**     The Secretary of State Police may develop, in cooperation with  
2 local law enforcement agencies, a plan for voluntary fingerprinting programs for  
3 children.

4           **[(c)] (D)**     (1)    An advisory council shall be appointed having the following  
5 responsibilities:

6                           (i)     review of the activities of the State Clearinghouse;

7                           (ii)    review of the training provided for, and investigatory  
8 procedures used by, law enforcement personnel in the locating of missing children;

9                           (iii)  examine possible methods for identifying missing children  
10 prior to enrollment in a public or nonpublic school; and

11                          (iv)    explore the feasibility and effectiveness of utilizing the  
12 Federal Parent Locator Service in locating missing children.

13                          (2)    The advisory council shall consist of the following members:

14                           (i)     1 person from the Department of Juvenile Services, to be  
15 designated by the Secretary of Juvenile Services;

16                           (ii)    1 person from the Maryland State Department of Education,  
17 to be designated by the State Superintendent of Schools;

18                           (iii)  1 person from the Department of State Police, to be  
19 appointed by the Secretary of State Police;

20                           (iv)    the Special Secretary of the Office for Children, Youth, and  
21 Families, who shall serve as chairman of the advisory council;

22                           (v)     the President of the Governor's Youth Advisory Council or a  
23 designee of the President from the Council;

24                           (vi)   1 member from the State Sheriff's Association, to be  
25 designated by the President of the Association;

26                           (vii)  1 member from the State Chiefs of Police Association, to be  
27 designated by the President of the Association; and

28                           (viii) 2 members from the public at-large, to be appointed by the  
29 Governor.

1            [(d) (E)]    (1)    The term of council members from the public shall be 2  
2 years.

3                    (2)    At the end of a term, a council member from the public shall  
4 continue to serve until a successor is appointed.

5                    (3)    Council members from the public may serve successive terms.

6                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.