

SENATE BILL 86

E4

5r0836
CF 5r1066

By: **Senator Simonaire**

Introduced and read first time: January 26, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2015

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Hit and Run Suspects – Yellow Alert Program**

3 FOR the purpose of requiring the Department of State Police to establish a Yellow Alert
4 Program to provide a system for rapid dissemination of certain information to assist
5 in locating and apprehending certain missing persons suspected of failing to remain
6 at the scene of a vehicle accident under certain circumstances; requiring the
7 Department to adopt certain guidelines and develop certain procedures for issuing a
8 Yellow Alert, provide certain training and assistance to local law enforcement
9 agencies, recruit certain broadcasters, local volunteer groups, and other members of
10 the public to assist in developing and implementing a Yellow Alert, and consult with
11 the State Highway Administration to establish a certain plan; requiring certain law
12 enforcement officers or agencies to provide certain notification under certain
13 circumstances; defining certain terms; and generally relating to the establishment
14 of a Yellow Alert Program.

15 BY adding to
16 Article – Public Safety
17 Section 3–606
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Transportation
22 Section 27–113
23 Annotated Code of Maryland

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.



(2012 Replacement Volume and 2014 Supplement)

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

Article – Public Safety

3-606.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “LAW ENFORCEMENT AGENCY” MEANS A STATE, COUNTY, OR
MUNICIPAL POLICE DEPARTMENT OR AGENCY, OR A SHERIFF’S DEPARTMENT.

(3) “MISSING SUSPECT” MEANS AN INDIVIDUAL:

(I) WHOSE WHEREABOUTS ARE UNKNOWN;

(II) WHO IS SUSPECTED OF VIOLATING § 27-113 OF THE
TRANSPORTATION ARTICLE; AND

(III) WHOSE VEHICLE THE REPORTING LAW ENFORCEMENT
AGENCY IS ABLE TO DESCRIBE, INCLUDING ANY INFORMATION ABOUT THE
VEHICLE’S REGISTRATION PLATE.

(B) (1) THE DEPARTMENT OF STATE POLICE SHALL ESTABLISH A
YELLOW ALERT PROGRAM TO PROVIDE A SYSTEM FOR RAPID DISSEMINATION OF
INFORMATION TO ASSIST IN LOCATING AND APPREHENDING A MISSING SUSPECT.

(2) THE DEPARTMENT OF STATE POLICE SHALL:

(I) ADOPT GUIDELINES AND DEVELOP PROCEDURES FOR
ISSUING A YELLOW ALERT FOR A MISSING SUSPECT;

(II) 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;

(III) PROVIDE ASSISTANCE TO A LOCAL LAW ENFORCEMENT
AGENCY, AS NECESSARY, TO ASSIST IN THE LOCATION AND APPREHENSION OF A
MISSING SUSPECT;

1 (IV) RECRUIT PUBLIC AND COMMERCIAL TELEVISION AND
 2 RADIO BROADCASTERS, LOCAL VOLUNTEER GROUPS, AND OTHER MEMBERS OF THE
 3 PUBLIC TO ASSIST IN DEVELOPING AND IMPLEMENTING A YELLOW ALERT; AND

4 (V) CONSULT WITH THE STATE HIGHWAY ADMINISTRATION TO
 5 ESTABLISH A PLAN FOR PROVIDING INFORMATION RELATING TO A YELLOW ALERT
 6 TO THE PUBLIC THROUGH THE DYNAMIC MESSAGE SIGN SYSTEM LOCATED ACROSS
 7 THE STATE.

8 (C) A LAW ENFORCEMENT OFFICER OR AGENCY THAT APPREHENDS A
 9 MISSING SUSPECT WHO IS THE SUBJECT OF A YELLOW ALERT IMMEDIATELY SHALL
 10 NOTIFY THE DEPARTMENT OF STATE POLICE AND THE LAW ENFORCEMENT AGENCY
 11 THAT FILED THE REPORT RESULTING IN THE YELLOW ALERT THAT THE MISSING
 12 SUSPECT HAS BEEN APPREHENDED.

13 Article – Transportation

14 27–113.

15 (a) In this section, “serious bodily injury” means an injury that:

16 (1) Creates a substantial risk of death;

17 (2) Causes serious permanent or serious protracted disfigurement;

18 (3) Causes serious permanent or serious protracted loss of the function of
 19 any body part, organ, or mental faculty; or

20 (4) Causes serious permanent or serious protracted impairment of the
 21 function of any bodily member or organ.

22 (b) A person who violates § 20–102 of this article (“Driver to remain at scene —
 23 Accident resulting in bodily injury or death”) and who knew or reasonably should have
 24 known that the accident might result in serious bodily injury to another person and serious
 25 bodily injury actually occurred to another person, is guilty of a felony and on conviction is
 26 subject to imprisonment for not more than 5 years or a fine of not more than \$5,000 or both.

27 (c) A person who violates § 20–102 of this article (“Driver to remain at scene —
 28 Accident resulting in bodily injury or death”) and who knew or reasonably should have
 29 known that the accident might result in the death of another person and death actually
 30 occurred to another person, is guilty of a felony and on conviction is subject to imprisonment
 31 for not more than 10 years or a fine of not more than \$10,000 or both.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2015.