

SENATE BILL 86

E4

5lr0836
CF 5lr1066

By: **Senator Simonaire**

Introduced and read first time: January 26, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

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

24 (2012 Replacement Volume and 2014 Supplement)

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

27 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **3-606.**

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

4 (2) "LAW ENFORCEMENT AGENCY" MEANS A STATE, COUNTY, OR
5 MUNICIPAL POLICE DEPARTMENT OR AGENCY, OR A SHERIFF'S DEPARTMENT.

6 (3) "MISSING SUSPECT" MEANS AN INDIVIDUAL:

7 (I) WHOSE WHEREABOUTS ARE UNKNOWN;

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

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

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

16 (2) THE DEPARTMENT OF STATE POLICE SHALL:

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

19 (II) PROVIDE TRAINING TO LOCAL LAW ENFORCEMENT
20 AGENCIES ON THE GUIDELINES AND PROCEDURES TO BE USED TO MAKE AND
21 HANDLE A REPORT OF A MISSING SUSPECT;

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

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

28 (V) CONSULT WITH THE STATE HIGHWAY ADMINISTRATION TO
29 ESTABLISH A PLAN FOR PROVIDING INFORMATION RELATING TO A YELLOW ALERT

1 TO THE PUBLIC THROUGH THE DYNAMIC MESSAGE SIGN SYSTEM LOCATED ACROSS
2 THE STATE.

3 (C) A LAW ENFORCEMENT OFFICER OR AGENCY THAT APPREHENDS A
4 MISSING SUSPECT WHO IS THE SUBJECT OF A YELLOW ALERT IMMEDIATELY SHALL
5 NOTIFY THE DEPARTMENT OF STATE POLICE AND THE LAW ENFORCEMENT AGENCY
6 THAT FILED THE REPORT RESULTING IN THE YELLOW ALERT THAT THE MISSING
7 SUSPECT HAS BEEN APPREHENDED.

8 Article – Transportation

9 27–113.

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

11 (1) Creates a substantial risk of death;

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

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

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

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

22 (c) 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 the death of another person and death actually
25 occurred to another person, is guilty of a felony and on conviction is subject to imprisonment
26 for not more than 10 years or a fine of not more than \$10,000 or both.

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