

SENATE BILL 139

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2lr0304
CF 2lr0386

By: **Senators Jacobs, Stone, Colburn, Currie, Edwards, and Reilly**

Introduced and read first time: January 18, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Death or Disappearance of Minor – Required Reporting and**
3 **Prohibited Acts**
4 **(“Caylee’s Law”)**

5 FOR the purpose of requiring a parent or other person who has permanent care or
6 custody or responsibility for the supervision of a minor to notify, under certain
7 circumstances and within certain periods of time depending on the age of the
8 minor, the appropriate law enforcement agency that the minor is missing;
9 requiring a parent or other person who has permanent care or custody or
10 responsibility for the supervision of a minor to notify, within a certain period of
11 time, an appropriate law enforcement agency or medical authority that the
12 minor has died; prohibiting a parent or other person who has permanent care or
13 custody or responsibility for the supervision of a minor who has died from
14 knowingly engaging in certain conduct; establishing certain penalties for a
15 violation of this Act; and generally relating to conduct following the death or
16 disappearance of a minor.

17 BY adding to
18 Article – Criminal Law
19 Section 3–608 through 3–610
20 Annotated Code of Maryland
21 (2002 Volume and 2011 Supplement)

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

24 **Article – Criminal Law**

25 **3–608.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
2 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR WHO IS
3 UNDER THE AGE OF 13 YEARS SHALL NOTIFY THE APPROPRIATE LAW
4 ENFORCEMENT AGENCY THAT THE MINOR IS MISSING WITHIN 24 HOURS OF
5 BECOMING AWARE THAT THE MINOR IS MISSING.

6 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
7 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS
8 OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

9 **3-609.**

10 (A) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
11 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR WHO IS OVER
12 THE AGE OF 12 YEARS SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT
13 AGENCY THAT THE MINOR IS MISSING WITHIN 48 HOURS OF BECOMING AWARE
14 THAT THE MINOR IS MISSING IF:

15 (1) THE MINOR SUFFERS FROM A MENTAL OR PHYSICAL
16 HANDICAP OR ILLNESS;

17 (2) THE DISAPPEARANCE OF THE MINOR IS OF A SUSPICIOUS OR
18 DANGEROUS NATURE;

19 (3) THE PARENT OR OTHER PERSON HAS REASON TO BELIEVE
20 THAT THE MINOR HAS BEEN ABDUCTED; OR

21 (4) THE MINOR PREVIOUSLY HAS BEEN THE SUBJECT OF A CHILD
22 ABUSE REPORT FILED WITH A STATE OR LOCAL DEPARTMENT OF SOCIAL
23 SERVICES OR LAW ENFORCEMENT AGENCY.

24 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
25 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
26 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

27 **3-610.**

28 (A) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR
29 CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR SHALL
30 REPORT THE DEATH OF THE MINOR TO THE APPROPRIATE LAW ENFORCEMENT
31 AGENCY OR MEDICAL AUTHORITY WITHIN 1 HOUR OF BECOMING AWARE OF THE
32 DEATH UNLESS THE DEATH WAS ATTENDED BY A PHYSICIAN.

1 **(B) A PARENT OR OTHER PERSON WHO HAS PERMANENT CARE OR**
2 **CUSTODY OR RESPONSIBILITY FOR THE SUPERVISION OF A MINOR WHO HAS**
3 **DIED MAY NOT KNOWINGLY:**

4 **(1) MAKE FALSE OR MISLEADING STATEMENTS ABOUT THE**
5 **DEATH TO LAW ENFORCEMENT PERSONNEL;**

6 **(2) REFUSE TO MAKE MEDICAL OR OTHER INFORMATION THAT IS**
7 **PERTINENT TO AN INVESTIGATION OF THE DEATH AVAILABLE TO LAW**
8 **ENFORCEMENT PERSONNEL; OR**

9 **(3) ENGAGE IN ANY CONDUCT WITH THE INTENT TO IMPEDE AN**
10 **INVESTIGATION OF THE DEATH BY ALTERING EVIDENCE, INCLUDING**
11 **DISTURBING THE BODY OR THE AREA SURROUNDING THE BODY.**

12 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**
13 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS**
14 **OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

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