

HB 2585 B STAFF MEASURE SUMMARY**Carrier:** Sen. Heard**Senate Committee On Judiciary****Action Date:** 05/21/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 4/22, 5/21**WHAT THE MEASURE DOES:**

Establishes process for determining that person missing in wilderness or forested environment is deceased. Requires that Search and Rescue Coordinator (SRC) and county sheriff send documentation of investigation into person missing in wilderness or forested environment and determination that the sheriff believes the person to be deceased to the Chief Medical Examiner (CME). Requires CME to evaluate credibility of investigation and determine, within seven days of receiving report, that there is either no reasonable suspicion that the person is not deceased, or that there is reasonable suspicion that the person is not deceased. Requires CME, based on determination, to either file a report of death within 45 days of receiving report or to report back to sheriff with basis for determination and list of any missing information that would aid in evaluation. Requires reasonable effort by sheriff to provide missing information to CME.

ISSUES DISCUSSED:

- Examples of persons missing in wilderness
- Extent of search for missing person
- Comparison of process for determining status of person lost at sea or lost in wilderness
- Determination of credibility in search results

EFFECT OF AMENDMENT:

Modifies process for determining that person missing in wilderness or forested environment is deceased.

BACKGROUND:

The Chief Medical Examiner (CME) may complete and file a report of death for a person whose body is not found after a reasonable and thorough investigation. Additionally, within 45 days of receiving information of a person lost at sea and presumed dead, the CME is required to determine if the information is credible, and if it is, to complete and file a report of death. If it is not credible, the CME may continue with the death investigation.

House Bill 2585 B provides a process for declaring a person lost in the wilderness or forested environment deceased. The measure allows a sheriff and Search and Rescue Coordinator (SRC), upon investigation of a person lost in the wilderness or forested environment, to send documentation of the investigation and determination that the person is deceased to the CME. Within seven days of receiving the documentation, the CME must evaluate the credibility of the investigation and conclusion that the person is deceased. If the CME finds there is no reasonable suspicion that the person is not deceased, then the CME must issue the death report within 45 days. If the CME finds there is reasonable suspicion that the person may be alive, the CME must report that back to the sheriff and ask for any missing information that would help in the evaluation by the CME. The sheriff must then make reasonable efforts to provide the missing information to the CME, and the CME will continue the death investigation in conjunction with the sheriff and SRC. If, at any point in time, the CME determines there is no reasonable suspicion that the person is alive, the CME is directed to file a report of death within 45 days.