WEST VIRGINIA CODE CHAPTER 15 ARTICLE 3E

WV Legislature

§15-3E-1. Short title.

This article shall be known and may be cited as the Green Alert Plan.

WV Legislature

§15-3E-2. Findings and declarations relative to Green Alert Plan.

(a) The Legislature finds that:

(1) According to the U.S. Department of Veterans Affairs, 20 veterans commit suicide each day across the country;

(2) While veterans make up less than nine percent of the total U.S. population, tragically, they account for 19 percent of all suicides in America;

(3) By establishing the Green Alert Plan, law enforcement will be provided with additional tools that will help them in responding to an at-risk veteran's disappearance and place an emphasis on the risk of suicide for veterans with a service-related condition;

(4) The Green Alert Plan would also allow for a more rapid dissemination of information on the missing at-risk veteran to the public, who, having been alerted to the situation, now become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering a missing at-risk veteran, and potentially saving them serious injury or suicide; and

(5) Given the success of both the Amber and Silver Alert systems, expanding the program to include at-risk veterans is imperative to help those who have served.

(b) The Legislature declares that creating a Green Alert is a way to prevent more tragedies and help ensure our veterans get back home safely.

WV Legislature

§15-3E-3. Establishment of Green Alert Plan.

(a) The Superintendent of the West Virginia State Police shall establish the Green Alert Plan authorizing the broadcast media, upon notice from the West Virginia State Police, to broadcast an alert to inform the public of a missing at-risk veteran, subject to the criteria established in §15-3E-4 of this code. The program shall be a voluntary, cooperative effort between state law enforcement and the broadcast media.

(b) As used in this article, "at-risk veteran" means a person who is currently serving in the armed forces on active duty, reserve status, or in the National Guard, or a person who served in the active military, or who was discharged or released under conditions other than dishonorable who is known, based on the information provided by the person making the report, to have a physical or mental health condition that is related to his or her service.

(c) The superintendent shall notify the broadcast media serving the State of West Virginia of the establishment the Green Alert Plan and invite their voluntary participation.

(d) The superintendent shall submit a plan to the Joint Committee on Government and Finance no later than December 1, 2020. The plan shall include Green Alert activation protocols, evaluation of first responder training requirements and needs as related to at-risk veterans, coordination and use of established programs, and analysis of any costs. The superintendent shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the Green Alert Plan.

WV Legislature

§15-3E-4. Activation of Green Alert.

The following criteria shall be met before the West Virginia State Police activate the Green Alert:

(1) An individual who has knowledge that the at-risk veteran is missing has submitted a missing person's report to the West Virginia State Police or other appropriate law-enforcement agency;

(2) The at-risk veteran is believed to be missing, regardless of circumstance;

(3) Based upon information provided by the individual who has submitted the missing person's report, law enforcement has reason to believe that the at-risk veteran has a physical or mental health condition that is related to his or her service;

(4) The missing at-risk veteran may be in danger of death or serious bodily injury;

(5) The missing at-risk veteran is domiciled or believed to be located in the state of West Virginia;

(6) The missing at-risk veteran is, or is believed to be, at a location that cannot be determined by an individual familiar with the missing at-risk veteran, and the missing at-risk veteran is incapable of returning to his or her residence without assistance; and

(7) There is sufficient information available to indicate that a Green Alert would assist in locating the missing at-risk veteran.

WV Legislature

§15-3E-5. Notice to participating media; broadcast of alert.

(a) To participate, the media may agree, upon notice from the West Virginia State Police via email or facsimile, to transmit information to the public about a missing at-risk veteran that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing at-risk veteran, such details of the circumstance surrounding him or her becoming missing, as may be known, and such other information as the West Virginia State Police may deem pertinent and appropriate. The West Virginia State Police shall, in a timely manner, update the broadcast media with new information when appropriate concerning the missing at-risk veteran.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing at-risk veteran may contact the West Virginia State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the West Virginia State Police shall also notify the Department of Transportation, the Division of Highways, and the West Virginia Turnpike Commission of the Green Alert so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a Green Alert is in progress and may provide information relating to the missing at-risk veteran and how motorists may report any information they have to the West Virginia State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the West Virginia State Police.

(f) The superintendent shall develop and undertake a campaign to inform law-enforcement agencies about the Green Alert Plan established under this article.

WV Legislature

§15-3E-6. Aid to missing at-risk veteran; immunity from civil or criminal liability.

No person or entity who, in good faith, follows and abides by the provisions of this article is liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false.

WV Legislature

§15-3E-7. Guidelines; procedural rules.

The superintendent may adopt guidelines and procedural rules to effectuate the purposes of this article.

WV Legislature