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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2910

(By Delegates Mahan, Stalnaker, Long, Craig and Trump)



Passed March 6, 2003

In Effect Ninety Days from Passage

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H. B. 2910

(BY DELEGATES MAHAN, STALNAKER, LONG, CRAIG AND TRUMP)

[Passed March 6, 2003; in effect ninety days from passage.]

AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-a, relating to the establishment of an "Amber alert" system to be utilized to rapidly disseminate information with regard to abducted children.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-a, to read as follows:

ARTICLE 3A. AMBER ALERT PLAN.

§15-3A-1. Short title.

1 This article shall be known and may be cited as “Amber’s
2 Plan”.

**§15-3A-2. Findings and determinations relative to “Amber’s
Plan”.**

1 (a) The Legislature finds and determines that:

2 (1) Public alerts can be one of the most effective tools in
3 combating child abductions;

4 (2) Law enforcement officers and other professionals
5 specializing in the field of abducted and missing children agree
6 that the most critical moments in the search for an abducted
7 child are the first few hours immediately following the abduc-
8 tion, asserting that if a child is not found within two to four
9 hours, it is unlikely that child will be found alive;

10 (3) The rapid dissemination of information, including a
11 description of the abducted child, details of the abduction,
12 abductor and vehicle involved, to the citizens of the affected
13 community and region is, therefore, critical;

14 (4) Alerted to an abduction, the citizenry become an
15 extensive network of eyes and ears serving to assist law
16 enforcement in quickly locating and safely recovering the child;
17 and

18 (5) The most effective method of immediately notifying the
19 public of a child abduction is through the broadcast media.

20 (b) The Legislature declares that given the successes other
21 states and regions have experienced in using broadcast media
22 alerts to quickly locate and safely recover abducted children, it
23 is altogether fitting and proper, and within the public interest,
24 to establish such a program for West Virginia.

§15-3A-3. Establishment of “Amber’s Plan”.

1 (a) The secretary of the department of military affairs and
2 public safety shall establish “Amber’s Plan”, a program
3 authorizing the broadcast media, upon notice from the state
4 police, to transmit an emergency alert to inform the public of a
5 child abduction. The program shall be a voluntary, cooperative
6 effort between state and local law-enforcement agencies and the
7 broadcast media.

8 (b) The secretary shall notify the broadcast media serving
9 the state of West Virginia of the establishment of “Amber’s
10 Plan” and invite their voluntary participation.

§15-3A-4. Activation of Amber alert.

1 The following criteria shall be met before the state police
2 activate the amber alert:

3 (1) The child is believed to be abducted;

4 (2) The child is seventeen years of age or younger;

5 (3) The child may be in danger of death or serious bodily
6 injury; and

7 (4) There is sufficient information available to indicate that
8 an amber alert would assist in locating the child.

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

1 (a) The participating media shall voluntarily agree, upon
2 notice from the state police, to transmit emergency alerts to
3 inform the public of a child abduction that has occurred within
4 their broadcast service regions.

5 (b) The alerts shall be read after a distinctive sound tone
6 and a statement notifying that the broadcast is an abducted child

7 alert. The alerts shall be broadcast as often as possible, pursuant
8 to guidelines established by the West Virginia Broadcasters'
9 Association, for the first three hours. After the initial three
10 hours, the alert shall be rebroadcast at such intervals as the
11 investigating authority, the state police and the participating
12 media deem appropriate.

13 (c) The alerts shall include a description of the child, such
14 details of the abduction and abductor as may be known, and
15 such other information as the state police may deem pertinent
16 and appropriate. The state police shall in a timely manner
17 update the broadcast media with new information when
18 appropriate concerning the abduction.

19 (d) The alerts also shall provide information concerning
20 how those members of the public who have information relating
21 to the abduction may contact the state police or other appropri-
22 ate law-enforcement agency.

23 (e) Concurrent with the notice provided to the broadcast
24 media, the state police shall also notify the department of
25 transportation, the division of highways and the West Virginia
26 turnpike commission of the "Amber Alert" so that the depart-
27 ment and the affected authorities may, if possible, through the
28 use of their variable message signs, inform the motoring public
29 that an "Amber Alert" is in progress and may provide informa-
30 tion relating to the abduction and how motorists may report any
31 information they have to the state police or other appropriate
32 law-enforcement agency.

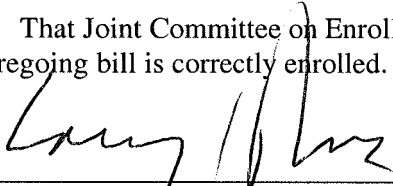
33 (f) The alerts shall terminate upon notice from the state
34 police.

35 (g) The secretary, with the assistance of the participating
36 broadcast media, shall develop and undertake a campaign to
37 inform law-enforcement agencies about "Amber's Plan" and
38 the emergency alert program established under this article.

§15-3A-6. Guidelines; procedural rules.

- 1 The secretary may adopt guidelines and procedural rules to
- 2 effectuate the purposes of this article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



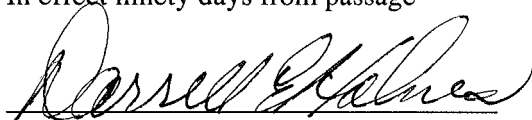
Chairman Senate Committee



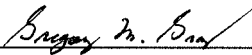
Chairman House Committee

Originating in the House.

In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 18th
day of March 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/03

Time 11:10am