WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2910

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

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Passed March 6, 2003

In Effect Ninety Days from Passage
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.

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

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

(a) The Legislature finds and determines that:

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

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

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

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

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

(b) The Legislature declares that given the successes other states and regions have experienced in using broadcast media alerts to quickly locate and safely recover abducted children, it is altogether fitting and proper, and within the public interest, to establish such a program for West Virginia.
§15-3A-3. Establishment of “Amber’s Plan”.

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

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

§15-3A-4. Activation of Amber alert.

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

1. The child is believed to be abducted;
2. The child is seventeen years of age or younger;
3. The child may be in danger of death or serious bodily injury; and
4. There is sufficient information available to indicate that an amber alert would assist in locating the child.

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

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

(b) The alerts shall be read after a distinctive sound tone and a statement notifying that the broadcast is an abducted child
alert. The alerts shall be broadcast as often as possible, pursuant to guidelines established by the West Virginia Broadcasters’ Association, for the first three hours. After the initial three hours, the alert shall be rebroadcast at such intervals as the investigating authority, the state police and the participating media deem appropriate.

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

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

(e) Concurrent with the notice provided to the broadcast media, the state police shall also notify the department of transportation, the division of highways and the West Virginia turnpike commission of the “Amber 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 an “Amber Alert” is in progress and may provide information relating to the abduction and how motorists may report any information they have to the state police or other appropriate law-enforcement agency.

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

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

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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

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

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Date 3/14/03
Time 11:10 AM