

HB 4075

FILED

2008 MAR 31 PM 12: 26

OFFICE OF THE  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**House Bill No. 4075**

(By Delegates DeLong, Caputo, Fragale, Webser, White,  
Kominar and Shook)



Passed March 7, 2008

In Effect Ninety Days from Passage

**E N R O L L E D**

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**H. B. 4075**

SECRETARY OF STATE

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(BY DELEGATES DELONG, CAPUTO, FRAGALE, WEBSTER, WHITE,  
KOMINAR AND SHOOK)

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[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §15-3A-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-3A-7, all relating to use of video image recording devices in an Amber Alert activation; providing for video image monitoring during Amber Alert activations; and, directing the Secretary of Military Affairs and Public Safety to develop a plan to implement a video monitoring system during Amber Alerts.

*Be it enacted by the Legislature of West Virginia:*

That §15-3A-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §15-3A-7, all to read as follows:

**ARTICLE 3A. Amber Alert 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  
6 agree that the most critical moments in the search for an  
7 abducted child are the first few hours immediately following  
8 the abduction, asserting that if a child is not found within two  
9 to four 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  
17 child;

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

21 (6) That in addition to public alerts, other tools allowing  
22 rapid response and identification of the movements of  
23 persons suspected in a child abduction require the use all  
24 forms of developing technologies to assist law enforcement  
25 in rapid response to these alerts and is an additional tool for  
26 assuring the well being and safety of our children. Thus, the  
27 use of traffic video recording and monitoring devices for the  
28 purpose of surveillance of a suspect vehicle adds yet another  
29 set of eyes to assist law enforcement and aid in the safe  
30 recovery of the child.

31 (b) The Legislature declares that given the successes  
32 other states and regions have experienced in using broadcast  
33 media alerts to quickly locate and safely recover abducted  
34 children, and, with the recent development of highway video  
35 recording and monitoring systems, it is altogether fitting and  
36 proper, and within the public interest, to establish these  
37 programs for West Virginia.

**§15-3A-7. Providing for the use of video image recording  
devices for search purposes during an Amber  
Alert Activation.**

1 (a) The State Police and the division of highways shall  
2 coordinate a process to utilize all available video recording  
3 and monitoring devices for the purpose of monitoring Amber  
4 Alert suspect vehicles. This program shall be called the  
5 “Guardian Angel Video Monitoring” Program.

6 (b) The secretary of military affairs and public safety  
7 shall also develop a plan to provide for the State Police to  
8 monitor and utilize video recording and monitoring devices  
9 during an Amber Alert. This “Guardian Angel Video  
10 Monitoring” implementation plan shall include at a  
11 minimum, the following:

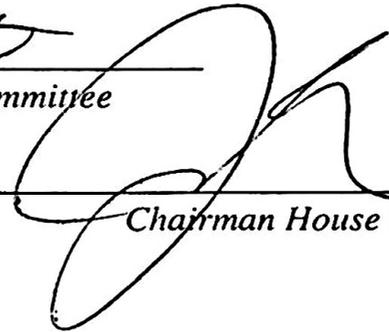
12 (1) Utilization of any state or local video recording and  
13 monitoring devices upon agreement with the department,  
14 agency or political subdivision in control of the video  
15 recording device; and,

16 (2) Development of policies and initiatives relating to  
17 facilitating sharing of information with neighboring states  
18 wherein suspect vehicles in Amber Alerts may be crossing  
19 state lines.

20       (c) The secretary shall submit the plan to the Joint  
21       Committee on Government and Finance no later than  
22       December 1, 2008. The plan shall include an analysis of all  
23       related costs for equipping and using a statewide video  
24       recording and monitoring system during the duration of an  
25       Amber Alert and recommendations for any additional  
26       legislation or actions necessary to further facilitate the  
27       implementation of the “Guardian Angel Video Monitoring”  
28       program.

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

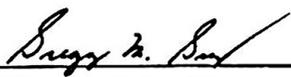
  
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Chairman Senate Committee

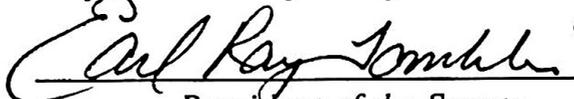
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 31<sup>ST</sup>  
day of March, 2008.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 25 2008

Time 10:20 am