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
H. B. 4075

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

[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".
(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;

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

(6) That in addition to public alerts, other tools allowing rapid response and identification of the movements of persons suspected in a child abduction require the use all forms of developing technologies to assist law enforcement in rapid response to these alerts and is an additional tool for assuring the well being and safety of our children. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the child.
(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, and, with the recent development of highway video recording and monitoring systems, it is altogether fitting and proper, and within the public interest, to establish these programs for West Virginia.


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

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

1. Utilization of any state or local video recording and monitoring devices upon agreement with the department, agency or political subdivision in control of the video recording device; and,

2. Development of policies and initiatives relating to facilitating sharing of information with neighboring states wherein suspect vehicles in Amber Alerts may be crossing state lines.
(c) The secretary shall submit the plan to the Joint Committee on Government and Finance no later than December 1, 2008. The plan shall include an analysis of all related costs for equipping and using a statewide video recording and monitoring system during the duration of an Amber Alert and recommendations for any additional legislation or actions necessary to further facilitate the implementation of the "Guardian Angel Video Monitoring" program.
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 31st day of March, 2008.

Governor