WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2860

(By Delegates Mahan, Boggs, Brown, Fleischauer,
T. Campbell, Doyle, Cowles, Perdue and Miley)

Passed March 11, 2011

In Effect Ninety Days From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2860

(BY DELEGATES MAHAN, BOGGS, BROWN, FLEISCHAUER, T. CAMPBELL, DOYLE, COWLES, PERDUE AND MILEY)

[Passed March 11, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9-5, all relating to authorization of the promulgation of certain rules by the Governor’s Committee on Crime, Delinquency and Correction regarding identification, investigation, reporting, and prosecution of suspected child abuse and neglect; convening certain meetings of advisory committee to assist in development of rules; and providing for composition of advisory committee.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §15-9-5, to read as follows:
ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION.


(a) The Governor's Committee on Crime, Delinquency and Correction shall develop and promulgate rules for state, county and municipal law-enforcement officers, law-enforcement agencies and communications and emergency operations centers that dispatch law-enforcement officers with regard to the identification, investigation, reporting and prosecution of suspected child abuse and neglect: Provided, That such rules and procedures must be consistent with the priority criteria prescribed by generally applicable department procedures.

(b) The rules and the revisions thereof as provided in this section shall be proposed as legislative rules for legislative approval in accordance with article three chapter twenty-nine-a of this code.

(c) Prior to the publication of proposed rules, the Governor's Committee on Crime, Delinquency and Correction shall convene a meeting or meetings of an advisory committee to assist in the development of the rules.

(d) The advisory committee shall meet at least on a biennial basis to review the rules and to propose revisions as a result of changes in law or policy.

(e) The advisory committee shall be composed of:

(1) The Director of the Prosecuting Attorney's Institute or his or her designee;
(2) The State Superintendent of the West Virginia State Police or his or her designee;

(3) One representative of law-enforcement with experience in investigating child abuse and neglect cases representing municipalities appointed by the Executive Director of the Governor's Committee on Crime, Delinquency and Correction;

(4) One representative of law-enforcement with experience in investigating child abuse and neglect cases representing counties appointed by the Executive Director of the Governor's Committee on Crime, Delinquency and Correction;

(5) The Commissioner of the Bureau for Children and Families of the Department of Health and Human Resources or his or her designee;

(6) A health care provider with pediatric experience and child abuse expertise;

(7) The Director of the Division of Children's Services of the Administrative Office of the Courts or his or her designee, as a nonvoting member;

(8) The Director of the West Virginia Child Advocacy Network or his or her designee;

(9) The Director of the West Virginia Developmental Disabilities Council or his or her designee;

(10) An individual representing communications and emergency operations centers that dispatch law-enforcement officers; and
(11) Other persons or organizations who, in the discretion of the Executive Director of the Governor's Committee on Crime, Delinquency and Corrections have an interest in the rules: *Provided*, That the total number of the advisory committee may not exceed sixteen.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

Acting President of the Senate

The within is approved this the 24th day of March, 2011.

Governor
PRESENTED TO THE GOVERNOR

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