

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 539**

By Senators Takubo, Deeds, Oliverio, Weld, Trump,

Maroney, and Woelfel

[Introduced January 24, 2024; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §15A-12-9, relating to creating the cold case database, explaining the types of  
 3 cases to be included in the cold case database; explaining the state agency developing the  
 4 cold case database; delineating the information that must be provided for inclusion in the  
 5 cold case database for each investigation; and delineating the information that may be  
 6 provided for inclusion in the cold case database for each investigation if applicable to either  
 7 the victim of the crime or the suspect of the crime.

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

**ARTICLE            12.            WEST            VIRGINIA            FUSION            CENTER.**  
**§15A-12-9.                            Cold                            case                            database.**

1            (a) As used in this section, "cold case" means any investigation into a violent crime,  
 2 missing person, or unidentified human remains, where all investigative leads have been  
 3 exhausted and said investigation remains unsolved.

4            (b) The West Virginia Fusion Center shall develop a secure database that contains  
 5 information related to each cold case in any jurisdiction in the state.

6            (c) The West Virginia Fusion Center shall adopt policies and procedures that specify the  
 7 information to be collected and maintained in the database shall consist of, but not limited to, that  
 8 information specified within this statute.

9            (d) Each law enforcement agency in the state shall provide the information required by the  
 10 West Virginia Fusion Center for inclusion in the database for each investigation. The law  
 11 enforcement agency shall maintain the physical evidence and investigation files for each case  
 12 unless otherwise agreed to by the law enforcement agency until the investigation is resolved.

13            (e) The West Virginia Fusion Center shall maintain the information contained within the  
 14 cold case database indefinitely.

15            (f) Definitions. – Terms used in this code section are defined as follows:

16            (1) "CODIS" means the Combined DNA Index System;

- 17           (2) "Database" means the cold case database;
- 18           (3) "NAMUS" means the National Missing and Unidentified Persons System;
- 19           (4) "NCIC" means the National Crime Information Center;
- 20           (5) "NCMEC" means the National Center for Missing and Exploited Children;
- 21           (6) "ViCAP" means the Violence Crime Apprehension Program; and,
- 22           (7) "Violent Crime" means any homicide, sex crime, or malicious assault.
- 23           (g) Information to be collected and maintained in the cold case database. – Each law
- 24 enforcement agency in the state shall provide information regarding the following cold case types
- 25 to the West Virginia Fusion Center for inclusion in the database:
- 26           (1) Unsolved violent crimes;
- 27           (2) Missing person;
- 28           (3) Unidentified human remains.
- 29           (h) The following information is required, when available, in order for a cold case to be
- 30 included in the database:
- 31           (1) The victim's:
- 32           (A) Name,
- 33           (B) Gender,
- 34           (C) Race,
- 35           (D) Ethnicity, and
- 36           (E) Date of birth;
- 37           (2) ViCAP number if the case has been entered into the ViCAP system;
- 38           (3) NCMEC number if the case has been entered into the NCMEC system (if applicable);
- 39           (4) Whether the case was entered into the NAMUS system;
- 40           (5) NCIC number if entered into the NCIC system;
- 41           (6) Medical Examiner case number;
- 42           (7) Whether a probative, unanalyzed suspect referenced DNA is available;

- 43 (8) Whether a probative crime scene DNA profile from the putative perpetrator has been
- 44 uploaded to CODIS;
- 45 (9) Whether reference DNA from the victim is available;
- 46 (10) West Virginia State Police Forensic Lab case number;
- 47 (11) Name of agency investigating the case;
- 48 (12) Investigating agency phone number;
- 49 (13) Date case entered into the database;
- 50 (14) Agency case number;
- 51 (15) Whether the victim was a juvenile or adult victim at the time the crime occurred;
- 52 (16) Date crime was reported to investigating agency;
- 53 (17) Date or approximate date the victim was last seen;
- 54 (18) Date or approximate date of death;
- 55 (19) Cause or manner of death;
- 56 (20) Location body was found (if applicable);
- 57 (21) Whether a weapon was used and the type of weapon used (if applicable);
- 58 (22) Whether the following evidence is available:
- 59 (A) Fingerprints,
- 60 (B) Palm prints,
- 61 (C) Latent prints,
- 62 (D) Dental records,
- 63 (E) Shell casings, and
- 64 (F) Other physical evidence;
- 65 (23) Scars, marks, and tattoos and any other unique distinguishing features;
- 66 (24) Whether a suspect or person of interest has been identified;
- 67 (25) Date case solved; and,
- 68 (26) Case narrative.

- 69            (i) The following information may be entered if applicable to either the victim or the suspect,
- 70 but the law enforcement agency must specify which individual is being referenced:
- 71            (1) Vehicle information;
- 72            (2) Alias(es);
- 73            (3) Associated case addresses;
- 74            (4) Associated phone numbers;
- 75            (5) Associated names;
- 76            (6) Case photos or composite drawing at the discretion of the investigating agency; and,
- 77            (7) Any other additional information that is pertinent to the case not listed above.

NOTE: The purpose of this bill is to create the Cold Case database, explaining the types of cases to be included in the Cold Case database, explaining the state agency developing the Cold Case database, delineating the information that must be provided for inclusion in the Cold Case database for each investigation and delineating the information that may be provided for inclusion in the Cold Case database for each investigation if applicable to either the victim of the crime or the suspect of the crime.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.