

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2860**

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

7

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

9

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

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

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §15-9-5, to read as
22 follows:

23 **ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND**
24 **CORRECTION.**

25 **§15-9-5. Authorization for the promulgation of legislative rules.**

26 (a) The Governor's Committee on Crime, Delinquency and

1 Correction shall develop and promulgate rules for state, county and
2 municipal law-enforcement officers, law-enforcement agencies and
3 communications and emergency operations centers that dispatch law-
4 enforcement officers with regard to the identification,
5 investigation, reporting and prosecution of suspected child abuse
6 and neglect: *Provided*, That such rules and procedures must be
7 consistent with the priority criteria prescribed by generally
8 applicable department procedures.

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

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

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

20 (e) The advisory committee shall be composed of:

21 (1) The Director of the Prosecuting Attorney's Institute or
22 his or her designee;

23 (2) The State Superintendent of the West Virginia State Police
24 or his or her designee;

25 (3) One representative of law enforcement with experience in
26 investigating child abuse and neglect cases representing

1 municipalities appointed by the Executive Director of the
2 Governor's Committee on Crime, Delinquency and Correction;

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

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

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

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

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

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

19 (10) An individual representing communications and emergency
20 operations centers that dispatch law-enforcement officers; and

21 (11) Other persons or organizations who, in the discretion of
22 the Executive Director of the Governor's Committee on Crime,
23 Delinquency and Corrections have an interest in the rules:
24 *Provided*, That the total number of the advisory committee may not
25 exceed sixteen.