

1 **H. B. 2860**

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

5 [Introduced January 26, 2011; referred to the
6 Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §15-9-5, relating to
12 the authorization of the promulgation of rules by the
13 Governor's Committee on Crime, Delinquency and Correction;
14 meetings; and the composition of advisory committee members.

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

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

19 **ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND**
20 **CORRECTION.**

21 **§15-9-5. Authorization for the promulgation of legislative rules.**

22 (a) The Governor's Committee on Crime, Delinquency and
23 Correction shall develop and promulgate rules for state, county and
24 municipal law-enforcement officers, law-enforcement agencies and

1 communications and emergency operations centers which dispatch law-
2 enforcement officers with regard to child abuse and neglect:
3 Provided, That such rules and procedures must be consistent with
4 the priority criteria prescribed by generally applicable department
5 procedures.

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

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

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

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

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

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

22 (3) One representative of law enforcement with experience in
23 investigating child abuse and neglect cases representing
24 municipalities appointed by the Executive Director of the

1 Governor's Committee on Crime, Delinquency and Correction;

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

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

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

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

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

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

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

20 (11) Other persons or organizations who, in the discretion of
21 the Executive Director of the Governor's Committee on Crime,
22 Delinquency and Corrections have an interest in the rules:

23 Provided, That the total number of the advisory committee shall not
24 exceed sixteen.

NOTE: The purpose of this bill relates to the authorization of the promulgation of rules by the Governor's Committee on Crime, Delinquency and Correction to establish procedures for the investigation of child abuse and neglect investigations.

This section is new; therefore, it has been completely underscored.