

**Senate Bill No. 368**

(By Senators Palumbo, Laird, Prezioso, Jenkins, Foster, Unger,  
Chafin, Plymale, McCabe, Wills, Snyder, Minard and Klempa)

[Introduced February 1, 2011; referred to the Committee on Health  
and Human Resources; and then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §15-9-5, relating to  
requiring the Governor's Committee on Crime, Delinquency and  
Correction to establish procedures for the investigation of  
child abuse and neglect investigations through the legislative  
rule-making process; and requiring establishment of an  
advisory committee to assist in the development of the rules.

*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.**

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

1           (a) The Governor's Committee on Crime, Delinquency and  
2 Correction shall develop and shall propose rules for legislative  
3 approval in accordance with the provisions of article three,  
4 chapter twenty-nine-a of this code for state, county and municipal  
5 law-enforcement officers, law-enforcement agencies and  
6 communications and emergency operations centers which dispatch law-  
7 enforcement officers with regard to child abuse and neglect. The  
8 rules and procedures shall be consistent with the priority criteria  
9 prescribed by generally applicable department procedures.

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

15           (1) The Executive Director of the Prosecuting Attorneys  
16 Institute or his or her designee;

17           (2) The Superintendent of the State Police or his or her  
18 designee;

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

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

1 (5) A healthcare provider with pediatric experience and child  
2 abuse expertise;

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

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

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

10 (9) An individual representing communications and emergency  
11 operations centers that will dispatch law-enforcement officers; and

12 (10) Other persons or organizations who, in the discretion of  
13 the Executive Director of the Governor's Committee on Crime,  
14 Delinquency and Corrections, have an interest in the development of  
15 this rule; *Provided*, That the total number of the advisory  
16 committee may not exceed sixteen.

NOTE: The purpose of this bill is to require the Governor's  
Committee on Crime, Delinquency and Correction to establish  
procedures for the investigation of child abuse and neglect  
investigations through the legislative rulemaking process.

This section is new; therefore, strike-throughs and  
underscoring have been omitted.