

# **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

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

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## **H. B. 2860**

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

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[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.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (10) An individual representing communications and  
50 emergency operations centers that dispatch law-enforcement  
51 officers; and

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

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*Governor*