

COMMITTEE SUBSTITUTE

FOR

H. B. 2860

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

(Originating in the Committee on the Judiciary)
[February 1, 2011]

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

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 Correction

17 shall convene a meeting or meetings of an advisory
18 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 experience
28 in investigating child abuse and neglect cases representing
29 municipalities appointed by the Executive Director of the
30 Governor's Committee on Crime, Delinquency and Correction;

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

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

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

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

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

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

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

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