

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2453**

5 (By Delegates Marshall, Guthrie, Sumner, Barill,
6 D. Poling, Fragale, Hamilton and Boggs)

7 [Passed April 12, 2013; in effect ninety days from passage.]

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9
10 AN ACT to amend and reenact §15-3A-4 of the Code of West Virginia,
11 1931, as amended, relating to activating the Amber Alert Plan;
12 requiring a reporting law-enforcement agency to report a
13 suspected missing or abducted child to the West Virginia State
14 Police in the initial stages of investigation; and requiring
15 the West Virginia State Police to contact the Amber Alert
16 Coordinator for a determination as to whether Amber Alert
17 criteria has been satisfied.

18 **PREAMBLE**

19 THIS LEGISLATION SHALL BE KNOWN AS 'SKYLAR'S LAW.' WHEREAS, THE
20 AMBER PLAN, A PLAN TO HELP RECOVER ABDUCTED CHILDREN, HAS BEEN IN
21 EFFECT IN WEST VIRGINIA FOR NEARLY TEN YEARS WITH VERY SUCCESSFUL
22 RESULTS. THE AMBER PLAN NOT ONLY HELPS TO RECOVER ABDUCTED CHILDREN
23 BUT ALSO ACTS AS A DETERRENT TO THIS TYPE OF CRIME. SKYLAR'S LAW
24 WILL REQUIRE LAW ENFORCEMENT AGENCIES TO REPORT A SUSPECTED
25 ABDUCTION OR MISSING CHILD TO THE AMBER ALERT AUTHORITIES IN THE
26 INITIAL STAGES OF INVESTIGATION TO FACILITATE THEIR SAFE RETURN.

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

1 That §15-3A-4 of the Code of West Virginia, 1931, as amended,
2 be amended and reenacted, all to read as follows:

3 **ARTICLE 3A. AMBER ALERT PLAN.**

4 **§15-3A-4. Activation of Amber Alert.**

5 (a) The following criteria shall be met before the State
6 Police activate the Amber Alert:

7 (1) The child is believed to be abducted;

8 (2) The child is seventeen years of age or younger;

9 (3) The child may be in danger of death or serious bodily
10 injury; and

11 (4) There is sufficient information available to indicate that
12 an Amber Alert would assist in locating the child.

13 (b) In the event of suspicion that a child has been abducted
14 or is missing, and in the initial stages of a missing or abducted
15 child investigation, the reporting law enforcement agency shall
16 contact the West Virginia State Police Communications Center by
17 telephone. The communications center will then contact the Amber
18 Alert Coordinator to determine if the Amber Alert criteria are
19 satisfied."