

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2453**

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

6 (Originating in the Committee on Finance)

7 [March 22, 2013]

8
9

10 A BILL to amend and reenact §15-3A-4 of the Code of West Virginia,
11 1931, as amended, all relating to the activation of the Amber
12 Alert Plan, requiring a reporting law enforcement agency to
13 report a suspected missing or abducted child to the West
14 Virginia State Police in the initial stages of investigation,
15 and requiring the West Virginia State Police to contact Amber
16 Alert for determination of alert criteria.

17 PREAMBLE

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

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

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

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

2 **§15-3A-4. Activation of Amber Alert.**

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

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

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

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

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

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