

COMMITTEE SUBSTITUTE

FOR

H. B. 2453

(BY DELEGATE(S) MARSHALL, GUTHRIE, SUMNER, BARILL,
D. POLING, FRAGALE, HAMILTON AND BOGGS)

(Originating in the Committee on Finance)

[March 22, 2013]

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

PREAMBLE

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3A. AMBER ALERT PLAN.

§15-3A-4. Activation of Amber Alert.

- 1 (a) The following criteria shall be met before the State Police
- 2 activate the Amber Alert:

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

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

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

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

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

