

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2860**

4 (By Delegates Mahan, Boggs, Brown, Fleischauer,
5 T. Campbell, Doyle, Cowles, Perdue and Miley)

6 (Originating in the Committee on the Judiciary)

7
8 [February 1, 2011]

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

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §15-9-5, to read as
18 follows:

19 **ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND**
20 **CORRECTION.**

21 **§15-9-5. Authorization for the promulgation of legislative rules.**

22 (a) The Governor's Committee on Crime, Delinquency and
23 Correction shall develop and promulgate rules for state, county and
24 municipal law-enforcement officers, law-enforcement agencies and
25 communications and emergency operations centers that dispatch law-
26 enforcement officers with regard to the identification,

1 investigation, reporting and prosecution of suspected child abuse
2 and neglect: *Provided*, That such rules and procedures must be
3 consistent with the priority criteria prescribed by generally
4 applicable department procedures.

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

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

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

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

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

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

21 (3) One representative of law enforcement with experience in
22 investigating child abuse and neglect cases representing
23 municipalities appointed by the Executive Director of the
24 Governor's Committee on Crime, Delinquency and Correction;

25 (4) One representative of law enforcement with experience in
26 investigating child abuse and neglect cases representing counties

1 appointed by the Executive Director of the Governor's Committee on
2 Crime, Delinquency and Correction;

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

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

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

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

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

15 (10) An individual representing communications and emergency
16 operations centers that dispatch law-enforcement officers; and

17 (11) Other persons or organizations who, in the discretion of
18 the Executive Director of the Governor's Committee on Crime,
19 Delinquency and Corrections have an interest in the rules:

20 Provided, That the total number of the advisory committee may not
21 exceed sixteen.