

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4345

By Delegates Hornby, Holstein, and Heckert

[Originating in the Committee on the Judiciary;

Reported on February 4, 2026.]

1 A BILL to amend and reenact §15-3D-3 and §15A-12-9 of the Code of West Virginia, as amended;
2 and to amend the code by adding a new section, designated §15-3D-10, relating to
3 preserving records and evidence in missing persons complaints that are unresolved after
4 one year; creating definitions; mandating the creation of certain databases; requiring
5 record and evidence retention; and requiring certain records be transmitted to the Fusion
6 Center.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 3D. WEST VIRGINIA'S MISSING PERSON'S ACT.

§15-3D-3. Definitions.

1 For the purposes of this article:

2 (1) "CODIS" means the Federal Bureau of Investigation's Combined DNA Index System,
3 which allows for the storage and exchange of DNA records submitted by federal, state, and local
4 forensic DNA laboratories. The term "CODIS" includes the National DNA Index System or NDIS,
5 administered and operated by the Federal Bureau of Investigation.

6 (2) "Complainant" means a person who contacts law enforcement to report that a person is
7 missing.

8 (3) "Electronic communication device" means a cellular telephone, personal digital
9 assistant, electronic device with mobile data access, laptop computer, pager, broadband personal
10 communication device, two-way messaging device, electronic game, or portable computing
11 device.

12 (4) "Juvenile" means any person under 18 years of age.

13 (5) "Law-enforcement agency" means any duly authorized state, county, or municipal
14 organization employing one or more persons whose responsibility is the enforcement of laws of
15 the state or any county or municipality thereof.

(6) "Lead law-enforcement agency" means the law-enforcement agency that initially receives a missing persons complaint or, after the fulfillment of all requirements of this article related to the initial receipt of a missing persons complaint and transmission of information to required databases, the law-enforcement agency with the primary responsibility for investigating a missing or unidentified persons complaint.

(7) "Missing and endangered child" means any missing child for which there are substantial indications the child is at high risk of harm or in immediate danger, and rapid action is required, including, but not limited to:

(A) Physically or mentally disabled and dependent upon an agency or another individual for care;

(B) Under the age of 13;

(C) Missing under circumstances which indicate the child's safety may be in danger; or

(D) A foster child and has been determined a missing and endangered child by the Department of Human Services.

(8) "Missing child" means any child under the age of 18 whose whereabouts are unknown to the child's legal custodian.

(9) "Missing person" means any person who is reported missing to a law-enforcement agency.

(10) "NamUs" means the database of the National Missing and Unidentified Persons System.

(11) "NCIC" means the database of the National Crime Information Center, the nationwide, online computer telecommunications system maintained by the Federal Bureau of Investigation to assist authorized agencies in criminal justice and related law-enforcement objectives.

(12) "NCMEC" means the database of the National Center for Missing and Exploited Children.

(13) "Unidentified person" means any person, living or deceased, who has not been

identified through investigation for over 30 days.

(14) "Unresolved missing persons complaint" means a missing person's complaint that is unresolved one year from the date the missing persons complaint was filed pursuant to §15-3D-3 of this code.

~~(14)~~ (15) "Violent Criminal Apprehension Program" or "ViCAP" is a unit of the Federal Bureau of Investigation responsible for the analysis of serial violent and sexual crimes.

~~(15)~~ (16) "WEAPON system" means the West Virginia Automated Police Network.

§15-3D-10. Unresolved missing persons complaints.

(a) Unresolved missing persons complaint records and evidence must be retained permanently and may not be destroyed.

(b) Resolved missing persons complaints may follow the state's existing record-retention schedules.

(c) Law-enforcement agencies must digitize active and unresolved missing persons complaint files, ensuring that all related documentation and evidence are scanned, uploaded, or otherwise preserved in a secure, searchable digital format. Physical and biological evidence must be retained permanently by the lead law-enforcement agency or the West Virginia State Police pursuant to the policies of the law-enforcement agency.

(d) All documentation related to an unresolved missing persons complaint shall be transmitted to the West Virginia Fusion Center by the lead law-enforcement agency. The West Virginia Fusion Center shall retain the documentation until it is provided notice by the lead law-enforcement agency or the West Virginia State Police that the person has been located or the complaint has been resolved.

CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.

ARTICLE 12. WEST VIRGINIA FUSION CENTER.
§15A-12-9. Cold case database.

(a) As used in this section:

"CODIS" means the Combined DNA Index System;

"Cold case" means any investigation into a qualifying crime, ~~a missing person~~, or unidentified human remains where all investigative leads have been exhausted and the crime remains unsolved;

"Database" means the cold case database;

"NAMUS" means the National Missing and Unidentified Persons System;

"NCIC" means the National Crime Information Center;

"NCMEC" means the National Center for Missing and Exploited Children;

"Qualifying crime" means felony offenses set forth in §61-2-1 *et seq.*, §61-3-1, §61-3-2, §61-3-7, §61-3C-14b, §61-3E-1 *et seq.*, §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-8D-1 *et seq.* of this code; and

"Unresolved missing persons complaint" has the same meaning as that term is defined in §15-3D-4 of this code.

"ViCAP" means the Violent Crime Apprehension Program.

(b) The West Virginia Fusion Center shall develop a secure database that contains all information related to each cold case and all unresolved missing persons complaints in any jurisdiction in the state.

(c) The West Virginia Fusion Center shall adopt policies and procedures to collect information for the database and for its maintenance.

(d) (1) Each law-enforcement agency in the state and the State Fire Marshal's Fire Investigation Division may provide the information required by the West Virginia Fusion Center for inclusion in the database for each cold case.

(2) Each law-enforcement agency in the state must provide the information required by the West Virginia Fusion Center for inclusion in each unresolved missing persons complaint.

(3) Each law-enforcement agency and the office of the State Fire Marshal may maintain its

physical evidence and investigation files for each cold case until the investigation is resolved.

(e) Information to be collected and maintained in the cold case database. – Each law-enforcement agency in the state and the Fire Marshal's Fire Investigation Division may provide a written report or other information to the West Virginia Fusion Center for inclusion in the database containing the following:

(1) The victim's:

(A) Name;

(B) Gender;

(C) Race;

(D) Ethnicity; and

(E) Date of birth;

(2) The ViCAP number if the case has been entered into the ViCAP system;

(3) The NCMEC number if the case has been entered into the NCMEC system;

(4) Whether the case was entered into the NAMUS system;

(5) The NCIC number if entered into the NCIC system;

(6) The Medical Examiner case number;

(7) Whether a probative, unanalyzed suspect referenced DNA is available;

(8) Whether a probative crime scene DNA profile from the putative perpetrator has been uploaded to CODIS;

(9) Whether reference DNA from the victim is available;

(10) The West Virginia State Police Forensic Lab case number;

(11) The name of the agency investigating the case;

(12) The investigating agency's phone number;

(13) The agency case number;

(14) Whether the victim was a juvenile or adult victim at the time the crime occurred;

(15) The date the crime was reported to the investigating agency;

- 53 (16) The date or approximate date the victim was last seen;
- 54 (17) The date or approximate date of death;
- 55 (18) The cause or manner of death;
- 56 (19) The location where the body was found;
- 57 (20) Whether a weapon was used, and the type of weapon used;
- 58 (21) Whether the following evidence is available:
- 59 (A) Fingerprints;
- 60 (B) Palm prints;
- 61 (C) Latent prints;
- 62 (D) Dental records;
- 63 (E) Shell casings; or
- 64 (F) Other physical evidence;
- 65 (22) Whether a suspect or person of interest has been identified;
- 66 (23) Scars, marks, tattoos, and any other unique distinguishing features of any suspects or
- 67 persons of interest;
- 68 (24) A case narrative; and
- 69 (25) Any other additional information that is pertinent to the case.
- 70 (f) The following information may be entered if applicable to either the victim or the suspect,
- 71 but the law-enforcement agency shall specify which individual is being referenced:
- 72 (1) Vehicle information;
- 73 (2) Aliases;
- 74 (3) Associated case addresses;
- 75 (4) Associated phone numbers;
- 76 (5) Associated names;
- 77 (6) Case photos or composite drawings at the discretion of the investigating agency; and
- 78 (7) Any other additional information that is pertinent to the case.

79 (g) The West Virginia Fusion Center shall maintain the information contained within the
80 database indefinitely.