



1 that the most critical moments in the search for an abducted or  
2 otherwise missing child are the first few hours immediately  
3 following the abduction or discovery that a child is missing,  
4 asserting that if a child is not found within two to four hours, it  
5 is unlikely that the abducted child will be found alive or that a  
6 child missing but not abducted will return safely;

7 (3) The rapid dissemination of information, including a  
8 description of the abducted or missing child, details of the  
9 abduction, abductor and vehicle involved, or other circumstances  
10 surrounding a child gone missing, to the citizens of the affected  
11 community and region is, therefore, critical;

12 (4) Alerted to an abduction or the report of a child missing,  
13 the citizenry become an extensive network of eyes and ears serving  
14 to assist law enforcement in quickly locating and safely recovering  
15 the child;

16 (5) The most effective method of immediately notifying the  
17 public of a child abduction or report of a missing child is through  
18 the broadcast media; and

19 (6) That in addition to public alerts, other tools allowing  
20 rapid response and identification of the movements of persons  
21 suspected in a child abduction or in connection with a child being  
22 missing require the use of all forms of developing technologies to  
23 assist law enforcement in rapid response to these alerts and is an  
24 additional tool for assuring the well being and safety of our

1 children. Thus, the use of traffic video recording and monitoring  
2 devices for the purpose of surveillance of a suspect vehicle adds  
3 yet another set of eyes to assist law enforcement and aid in the  
4 safe recovery of the child.

5 (b) The Legislature declares that given the successes other  
6 states and regions have experienced in using broadcast media alerts  
7 to quickly locate and safely recover abducted children and children  
8 reported missing regardless of reason, and, with the recent  
9 development of highway video recording and monitoring systems, it  
10 is altogether fitting and proper, and within the public interest,  
11 to establish these programs for West Virginia.

12 **§15-3A-3. Establishment of "Amber's Plan".**

13 (a) The secretary of the Department of Military Affairs and  
14 Public Safety shall establish "Amber's Plan", a program authorizing  
15 the broadcast media, upon notice from the State Police, to transmit  
16 an emergency alert to inform the public of a child abduction or  
17 that a child is reported missing. The program shall be a  
18 voluntary, cooperative effort between state and local law-  
19 enforcement agencies and the broadcast media.

20 (b) The secretary shall notify the broadcast media serving the  
21 State of West Virginia of the establishment of "Amber's Plan" and  
22 invite their voluntary participation.

23 **§15-3A-4. Activation of Amber Alert.**

24 The following criteria shall be met before the State Police

1 activate the Amber Alert:

2 (1) The child is

3 (A) Believed to be abducted; or

4 (B) Has been reported to the State Police or other  
5 appropriate law-enforcement agency as believed to be missing,  
6 regardless of circumstance, and the missing child is or is believed  
7 to be at a location that cannot be determined by an individual  
8 familiar with the missing child; and

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

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

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

14 **§15-3A-5. Notice to participating media; broadcast of alert.**

15 (a) The participating media shall voluntarily agree, upon  
16 notice from the State Police, to transmit emergency alerts to  
17 inform the public of a child abduction or report of a missing child  
18 that has occurred within their broadcast service regions.

19 (b) The alerts shall be read after a distinctive sound tone  
20 and a statement notifying that the broadcast is an abducted or  
21 missing child alert. The alerts shall be broadcast as often as  
22 possible, pursuant to guidelines established by the West Virginia  
23 Broadcasters' Association, for the first three hours. After the  
24 initial three hours, the alert shall be rebroadcast at such

1 intervals as the investigating authority, the State Police and the  
2 participating media deem appropriate.

3 (c) The alerts shall include a description of the child, such  
4 details of the abduction and abductor or circumstances surrounding  
5 the disappearance as may be known, and such other information as  
6 the State Police may deem pertinent and appropriate. The State  
7 Police shall in a timely manner update the broadcast media with new  
8 information when appropriate concerning the abduction or the  
9 disappearance of a missing child.

10 (d) The alerts also shall provide information concerning how  
11 those members of the public who have information relating to the  
12 abduction or disappearance of a missing child may contact the State  
13 Police or other appropriate law-enforcement agency.

14 (e) Concurrent with the notice provided to the broadcast  
15 media, the State Police shall also notify the Department of  
16 Transportation, the Division of Highways and the West Virginia  
17 ~~turnpike commission~~ Parkways, Economic Development and Tourism  
18 Authority of the "Amber Alert" so that the department and the  
19 affected authorities may, if possible, through the use of their  
20 variable message signs, inform the motoring public that an "Amber  
21 Alert" is in progress and may provide information relating to the  
22 abduction and how motorists may report any information they have to  
23 the State Police or other appropriate law-enforcement agency.

24 (f) The alerts shall terminate upon notice from the State

1 Police.

2       (g) The secretary, with the assistance of the participating  
3 broadcast media, shall develop and undertake a campaign to inform  
4 law-enforcement agencies about "Amber's Plan" and the emergency  
5 alert program established under this article.

NOTE: The purpose of this bill is to expand coverage under the Amber Alert Plan which currently applies only to children believed to have been abducted. The bill would include children reported to law-enforcement authorities as missing, regardless of circumstance.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.