

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 237**

BY SENATORS JEFFRIES, CLINE, AND BALDWIN

[Introduced January 10, 2019; Referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, and §15-3C-6; and to  
 3 amend and reenact §61-5-17 of said code, all relating to improving the ability of law  
 4 enforcement to locate and return missing persons; establishing short title; declaring  
 5 findings; defining terms; setting forth details of process for filing a missing persons report;  
 6 detailing actions that must be taken by law enforcement upon filing of a missing persons  
 7 report; authorizing reporting and obtaining of additional information under certain  
 8 circumstances; improving the identification of human remains; improving the timely  
 9 information and notification to family members of missing persons; authorizing expeditious  
 10 record exchanges between national and state databases related to missing and  
 11 unidentified persons; and creating a criminal offense of filing a false missing persons  
 12 report.

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

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 3C. MISSING PERSONS ACT.**

#### **§15-3C-1. Short title.**

1 This article shall be known and may be cited as the “Missing Persons Act.”

#### **§15-3C-2. Findings.**

1 (a) The Legislature finds that:

2 (1) Public information can be one of the most effective tools in locating a missing person;

3 (2) Law-enforcement officers and other professionals specializing in the field of missing

4 persons agree that the most critical moments in the search for a missing person are the first few

5 hours immediately following the discovery that the individual is missing, asserting that if he or she

6 is not found within 24 hours, it is unlikely that he or she will be found alive or without serious injury.

7 The rapid dissemination of information, including a description of the missing person, details of

8 how he or she became missing, and of any vehicle involved, to the citizens of the affected  
9 community and region is, therefore, critical;

10 (3) Alerted to the situation, the citizenry become an extensive network of eyes and ears  
11 servicing to assist law enforcement in quickly locating and safely recovering the missing person;

12 (4) All forms of developing technologies are helpful in assisting law enforcement in rapidly  
13 responding to these alerts and are an additional tool for assuring the well-being and safety of our  
14 citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of  
15 surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid  
16 in the safe recovery of the missing person.

17 (b) The Legislature declares that given the successes other states and regions have  
18 experienced in using missing person networks to quickly locate and identify persons, and, with  
19 the recent development of highway video recording and monitoring systems, it is altogether fitting  
20 and proper, and within the public interest, to establish these programs for West Virginia.

**§15-3C-3. Definitions.**

1 As used in this article:

2 (1) "CODIS" means the Federal Bureau of Investigation's Combined DNA Index System  
3 that allows 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 file a missing persons  
7 report.

8 (3) "Electronic communication device" means a cell telephone, personal digital assistant,  
9 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) "Lead law-enforcement agency" means the law-enforcement agency that initially

13 receives a report of a missing person and has primary responsibility for investigating a missing or  
14 unidentified person case.

15 (5) "Missing person" means any person who is reported missing to a law-enforcement unit  
16 until located.

17 (6) "National Crime Information Center" or "NCIC" means the nationwide, online computer  
18 telecommunications system maintained by the Federal Bureau of Investigations to assist  
19 authorized agencies in criminal justice and related law-enforcement objectives.

20 (7) "Integrated Automated Fingerprint Identification System" or "IAFIS" means a national  
21 automated fingerprint identification and criminal history system maintained by the Federal Bureau  
22 of Investigation.

23 (8) "National Missing and Unidentified Persons System" or "NamUs" means a national  
24 centralized repository and resource center for missing persons and unidentified decedent records.

25 (9) "Unidentified person" means any person, living or deceased, who has not been  
26 identified through investigation for over 30 days. All human remains that have been recovered  
27 and not identified are included in this definition.

28 (10) "Violent Criminal Apprehension Program" or "ViCAP" is a unit of the United States  
29 Federal Bureau of Investigation responsible for the analysis of serial violent and sexual crimes.

**§15-3C-4. Missing person reports and process.**

1 (a) A person may file a complaint of a missing person with a law-enforcement agency  
2 having jurisdiction. The complaint shall include, but need not be limited to:

3 (1) Name of the missing person and his or her date of birth;

4 (2) Address of the missing person;

5 (3) Identifying characteristics of the missing person, including, if known, birthmarks, moles,  
6 tattoos, scars, height and weight, gender, race, current hair color and true or natural hair color,  
7 eye color, prosthetics, surgical implants, cosmetic implants, physical anomalies and blood type;

8 (4) Description of the clothing the missing person was believed to be wearing and the

9 items that might be with the missing person, such as jewelry, accessories, shoes, or boots, or any  
10 other distinguishing characteristics;

11 (5) Date of last known contact or length of time the person has been missing;

12 (6) The missing person's driver's license and Social Security numbers, if known, or other  
13 known numbers related to other forms of identification;

14 (7) A recent photograph of the missing person;

15 (8) Information on the missing person's electronic communication devices, such as cell  
16 phone numbers, social networking login information, and email addresses;

17 (9) Reasons why the complainant believes that the person is missing;

18 (10) Name and location of the missing person's school or employer;

19 (11) Name and location of the missing person's dentist or primary care physician;

20 (12) Description of the possible means of transportation of the missing person, including  
21 make, model, color, license and identification number of a vehicle;

22 (13) Identifying information about a known or possible abductor or person last seen with  
23 the missing person, including name; physical description; date of birth; identifying marks;  
24 description of the possible means of transportation, including the make, model, color, license and  
25 identification number of a vehicle and any known associates;

26 (14) Name of the complainant and his or her relationship to the missing person; and

27 (15) Any additional information considered relevant by either the complainant or the law-  
28 enforcement agency.

29 (b) High-risk determination and reports --

30 (1) Upon initial receipt of a missing person report, the lead law-enforcement agency shall  
31 immediately assess whether there is a basis to determine that the person missing is a high-risk  
32 missing person. If a law-enforcement agency has previously determined that a missing person is  
33 not a high-risk missing person, but obtains new information, it shall immediately determine  
34 whether the information provided to the law-enforcement agency indicates that the person missing

35 is a high-risk missing person. Risk assessments shall be performed no later than eight hours  
36 after the initial missing person report or when new information is provided to the law-enforcement  
37 agency. The circumstances that indicate that an individual is a high-risk missing person include  
38 any of the following, but are not limited to:

39 (A) A person missing as a result of a stranger abduction;

40 (B) A person missing under suspicious circumstances;

41 (C) A person missing under unknown circumstances;

42 (D) A person missing under known dangerous circumstances;

43 (E) A person missing more than 30 days;

44 (F) A person already designated as high-risk by another law-enforcement agency;

45 (G) There is evidence that the person does not have a pattern of running away or  
46 disappearing, may have been abducted by a noncustodial parent, is mentally impaired, is a  
47 person under the age of 21, or has been the subject of past threats or acts of violence; or

48 (H) Factors that may, in the judgment of the law-enforcement official, determine that the  
49 missing person may be at high-risk.

50 (2) If, upon assessment, the lead law-enforcement agency determines that the missing  
51 person is at high-risk, the agency shall:

52 (A) Immediately notify the West Virginia State Police with information most likely to aid in  
53 the location and safe return of the missing person and shall provide all other information obtained  
54 relating to the missing person case within 24 hours. The West Virginia State Police shall  
55 immediately notify all law-enforcement agencies within the state and surrounding region with  
56 information that will aid in the prompt location and safe return of the missing person. Local law-  
57 enforcement agencies who receive the notification shall notify officers to be on the lookout for the  
58 missing person or a suspected abductor; and

59 (B) Immediately, and no more than two hours after the determination that the missing  
60 person is high-risk, enter all collected information relating to the missing person case into local,

61 state and federal databases, as specified in §15-3C-4(4) of this code. If the lead law-enforcement  
62 agency does not have the capability to enter the data directly into state and federal databases,  
63 the West Virginia State Police shall enter all collected information relating to the missing person  
64 case into the databases. The information shall be provided in accordance with applicable  
65 guidelines relating to the databases. Supplemental information in missing person cases shall be  
66 entered as soon as practicable.

67 (3) If, upon assessment, the lead law-enforcement agency determines that the missing  
68 person is not at high-risk, the agency shall, within 24 hours, enter all collected information relating  
69 to the missing person case into local, state, and federal databases, as specified in §15-3C-4(4)  
70 of this code. If the lead law-enforcement agency does not have the capability to enter the data  
71 directly into state and federal databases, the West Virginia State Police shall enter all collected  
72 information relating to the missing person case into the databases. The information shall be  
73 provided in accordance with applicable guidelines relating to the databases. Supplemental  
74 information in missing person cases shall be entered as soon as practicable.

75 (4) Filing and removal of reports –

76 (A) A report of the complaint of a missing person shall be entered into the data systems  
77 of the West Virginia State Police, the National Crime Information Center, and the National Missing  
78 and Unidentified Persons System. Any information obtained from the data systems shall be  
79 disseminated to the lead law-enforcement agency and to other law-enforcement agencies who  
80 may come in contact with or be involved in the investigation or location of a missing person;

81 (B) All DNA profiles shall be uploaded into the West Virginia State Police and NamUs  
82 databases after completion of the DNA analysis and other procedures required for database entry;

83 (C) Information collected under this article that is relevant to the Federal Bureau of  
84 Investigation's Violent Criminal Apprehension Program shall be entered as provided under this  
85 section as soon as possible;

86 (D) Upon the location of a missing person, or determination that the person is no longer

87 missing, the lead law-enforcement agency shall immediately, and no later than 24 hours after the  
88 determination or location, remove or request the removal of all records of the missing person from  
89 all respective data systems.

90 (E) The chief officer of each law-enforcement agency shall ensure that persons entering  
91 data relating to fingerprints, medical or dental records in state or federal databases are specifically  
92 trained to understand and correctly enter the information sought by these databases. Chief  
93 officers are strongly encouraged to either use persons with specific expertise in fingerprints,  
94 medical or dental records for this purpose or to consult with West Virginia's office of the Chief  
95 Medical Examiner to ensure accuracy and completeness of information entered into state and  
96 federal databases.

97 (F) In cases of a missing person under the age of 21, the responding local law-  
98 enforcement agency shall contact the National Center for Missing and Exploited Children and  
99 request the case be entered into their database and the photograph and information of that  
100 missing person be displayed on their website.

101 (c) Investigations must occur --

102 (1) Law-enforcement agencies may not prevent an immediate active investigation on the  
103 basis of an agency rule which specifies an automatic time limitation for a missing person  
104 investigation.

105 (2) Law-enforcement agencies may not refuse to accept a missing person report for any  
106 reason, including that the report does not meet all the requirements contained in this article.

107 (3) Law-enforcement agencies shall accept missing person reports in person. Law-  
108 enforcement agencies are encouraged to accept reports by phone or by electronic or other media  
109 to the extent that such reporting is consistent with law-enforcement policies or practices.

110 (4) Law-enforcement agencies are not required to obtain written authorization before  
111 publicly releasing any photograph that would aid in the investigation or identification of the missing  
112 person.



113 (d) Lead law-enforcement agencies shall notify the person making the report, a family  
114 member, or other person in a position to assist in efforts to locate the missing person:

115 (1) If they are seeking additional information and materials that will aid in locating the  
116 missing person, such as credit or debit cards the missing person has access to, other banking  
117 information and records of phone use;

118 (2) That any DNA samples provided for the missing person case are provided on a  
119 voluntary basis and will be used solely to help locate or identify the missing person and will not  
120 be used for any other purpose; and

121 (3) Regarding general information about the handling of the missing person case or about  
122 intended efforts in the case, except when the disclosure would adversely affect the ability to locate  
123 or protect the missing person or to apprehend or prosecute any person criminally involved in the  
124 disappearance. Law-enforcement agencies may provide information materials through  
125 publications or other means regarding available resources and how they are used, based upon  
126 the age of the missing person.

127 (e) Lead law-enforcement agencies shall make use of all available tools, resources and  
128 technologies available as applicable to resolve a missing person case. This includes assistance  
129 from: (1) Other law-enforcement agencies, whether at a local, state, or federal level; (2) nonprofit  
130 search and rescue organizations, which may provide, at no charge, trained animal searches, use  
131 of specialized equipment and man trackers; (3) services provided by qualified organizations; (4)  
132 cell phone triangularization and tracking; (5) the subpoena of cell phone, land line, Internet, email,  
133 and social networking website records; and (6) technology experts to examine any available  
134 information gleaned from a computer belonging to or used by the missing person.

135 (f) If a person remains missing after 30 days, and the additional information and materials  
136 specified in this section have not been received, the law-enforcement agency shall attempt to  
137 obtain:

138 (1) DNA samples from family members and the missing person along with any needed

139 documentation, including any consent forms, required for the entry of the information into state or  
140 national DNA databases. All DNA samples obtained in missing persons cases shall be  
141 immediately forwarded to an appropriate crime laboratory for analysis. The laboratory shall  
142 establish procedures for determining how to prioritize analysis of the samples relating to missing  
143 persons cases;

144 (2) An authorization to release dental or skeletal x-rays of the missing person, and any  
145 other medical and dental records of the person reported missing, to the lead law-enforcement  
146 agency and to the patrol. If no family or next of kin exists or can be located, the law-enforcement  
147 agency may execute a written declaration, stating that an active investigation seeking the location  
148 of the missing person is being conducted and that the records are necessary for the exclusive  
149 purpose of furthering the investigation. The written declaration, signed by a law-enforcement  
150 officer, is sufficient authority for a health care practitioner to release the missing person's x-rays,  
151 dental records, dental x-rays and records of any surgical implants to the local law-enforcement  
152 agency, and may not be the basis for disciplinary action. Upon receipt of a properly executed  
153 release, request or declaration, records shall be submitted within 10 days to the requesting  
154 agency;

155 (3) Additional photographs of the missing person that may aid the investigation or  
156 identification; and

157 (4) Fingerprints of the missing person;

158 (g) Nothing in this section precludes a law-enforcement agency from attempting to obtain  
159 the materials identified in §15-3C-4(f) of this code or elsewhere in this section before the expiration  
160 of the 30-day period.

161 (h) Any person or persons who maliciously and knowingly files a false missing person  
162 report to a law-enforcement officer is subject to prosecution under §61-5-17(c) of this code.

**§15-3C-5. Reporting and handling of an unidentified person and human remains.**

1 (a) The Office of the West Virginia Medical Examiner shall provide information to local law-

2 enforcement agencies about best practices for handling death scene investigations.

3 (b) The Office of the Chief Medical Examiner shall identify any publications or training  
4 opportunities that may be available to local law-enforcement agencies or law-enforcement officers  
5 concerning the handling of death scene investigations.

6 (c) After performing any death scene investigation considered appropriate under the  
7 circumstances, the official with custody of the human remains shall ensure that the human  
8 remains are delivered to the county's coroner or medical examiner.

9 (d) Any person with custody of human remains that are not identified within 24 hours of  
10 discovery shall promptly notify the Office of the Chief Medical Examiner of the location of those  
11 remains.

12 (e) If the person with custody of remains cannot determine whether the remains found are  
13 human or not, that person shall notify the Office of the Chief Medical Examiner of the existence  
14 of possible human remains.

**§15-3C-6. Unidentified person and human remains identification.**

1 (a) If the official with custody of the human remains is not a medical examiner, the official  
2 shall promptly transfer the unidentified remains to the nearest medical examiner agency within  
3 the state which is qualified to examine human remains for the purpose of identification.

4 (b) Notwithstanding any other action considered appropriate, the medical examiner shall  
5 make reasonable attempts to promptly identify human remains. These actions may include, but  
6 are not limited to, obtaining:

7 (1) Photographs of the human remains, prior to an autopsy;

8 (2) Dental or skeletal X-rays;

9 (3) Photographs of items found with the human remains;

10 (4) Fingerprints from the remains;

11 (5) Samples of tissue suitable for DNA typing;

12 (6) Samples of whole bone or hair, or both, suitable for DNA typing; and

- 13 (7) Any other information that may support identification efforts.
- 14 (c) A medical examiner or any other person may not dispose of, or engage in actions that  
15 will materially affect the unidentified human remains before the medical examiner obtains:
- 16 (1) Samples suitable for DNA identification archiving;
- 17 (2) Photographs of the unidentified person or human remains; and
- 18 (3) All other appropriate steps for identification have been exhausted.
- 19 (d) Cremation of unidentified human remains is prohibited.
- 20 (e) The medical examiner shall make reasonable efforts to obtain prompt DNA analysis of  
21 biological samples, if the human remains have not been identified by other means, within 30 days.
- 22 (f) The medical examiner shall seek support from appropriate state and federal agencies  
23 for human remains identification efforts. The support may include, but is not limited to, available  
24 mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants for crime  
25 laboratory or medical examiner office improvement.
- 26 (g) The medical examiner shall promptly enter information in federal and state databases  
27 that can aid in the identification of missing persons. Information shall be entered into federal  
28 databases as follows:
- 29 (1) Information for the NCIC and NamUs databases, including dental information if  
30 possible within 24 hours;
- 31 (2) DNA profiles and information shall be entered into CODIS within five business days  
32 after the completion of the DNA analysis and procedures necessary for the entry of the DNA  
33 profile;
- 34 (3) Information sought by the Violent Criminal Apprehension Program database as soon  
35 as practicable; and
- 36 (4) Fingerprints shall be entered into the appropriate state and national databases as soon  
37 as possible.
- 38 (h) If medical examiner office personnel do not input the data directly into the federal

39 databases, the West Virginia State Police shall consult with the medical examiner's office to  
40 ensure appropriate training of the West Virginia State Police data entry personnel and the  
41 establishment of a quality assurance protocol for ensuring the ongoing quality of data entered in  
42 the federal and state databases;

43 (i) Nothing in this article may be interpreted to preclude any medical examiner office, the  
44 West Virginia State Police or local law-enforcement agency from pursuing other efforts to identify  
45 unidentified human remains including efforts to publicize information, descriptions or photographs  
46 that may aid in the identification of the unidentified remains, allow family members to identify  
47 missing persons, and seek to protect the dignity of missing persons.

48 (j) Agencies handling the remains of a missing person who is now deceased shall notify  
49 the law-enforcement agency handling the missing person case. Documented efforts must be  
50 made to locate family members of the deceased person to inform them of the death and location  
51 of the remains of their family member.

52 (k) When a person previously reported missing has been identified, the medical examiner,  
53 regional forensic center, or other identifying agency, shall promptly notify the lead law-  
54 enforcement agency or, if the lead agency is unknown, the West Virginia State Police that the  
55 person has been identified.

56 (l) Unless evidence contradicts otherwise, the date of death for a missing person is the  
57 date of disappearance.

58 (m) Nothing in this section prohibits law-enforcement agencies or regional forensic centers  
59 from maintaining case files related to missing citizens or unidentified bodies.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**

**§61-5-17. Obstructing officer; fleeing from officer; making false statements to officer;  
interfering with emergency communications; penalties; definitions.**

1 (a) A person who by threats, menaces, acts or otherwise forcibly or illegally hinders or

2 obstructs or attempts to hinder or obstruct a law-enforcement officer, probation officer or parole  
3 officer acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof,  
4 shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or  
5 both fined and confined.

6 (b) A person who intentionally disarms or attempts to disarm a law-enforcement officer,  
7 correctional officer, probation officer or parole officer, acting in his or her official capacity, is guilty  
8 of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less  
9 than one nor more than five years.

10 (c) A person who, with intent to impede or obstruct a law-enforcement officer in the conduct  
11 of an investigation of a felony offense, knowingly and willfully makes a materially false statement,  
12 or files a false missing persons report is guilty of a misdemeanor and, upon conviction thereof,  
13 shall be fined not less than \$25 nor more than \$200, or confined in jail for five days, or both fined  
14 and confined. The provisions of this section do not apply to statements made by a spouse, parent,  
15 stepparent, grandparent, sibling, half sibling, child, stepchild or grandchild, whether related by  
16 blood or marriage, of the person under investigation. Statements made by the person under  
17 investigation may not be used as the basis for prosecution under this subsection. For purposes  
18 of this subsection, "law-enforcement officer" does not include a watchman, a member of the West  
19 Virginia State Police or college security personnel who is not a certified law-enforcement officer.

20 (d) A person who intentionally flees or attempts to flee by any means other than the use  
21 of a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her  
22 official capacity who is attempting to make a lawful arrest of the person, and who knows or  
23 reasonably believes that the officer is attempting to arrest him or her, is guilty of a misdemeanor  
24 and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in  
25 jail not more than one year, or both fined and confined.

26 (e) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement  
27 officer, probation officer or parole officer acting in his or her official capacity after the officer has

28 given a clear visual or audible signal directing the person to stop is guilty of a misdemeanor and,  
29 upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 and shall be  
30 confined in jail not more than one year.

31 (f) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement  
32 officer, probation officer or parole officer acting in his or her official capacity after the officer has  
33 given a clear visual or audible signal directing the person to stop, and who operates the vehicle  
34 in a manner showing a reckless indifference to the safety of others, is guilty of a felony and, upon  
35 conviction thereof, shall be fined not less than \$1,000 nor more than \$2,000 and shall be  
36 imprisoned in a state correctional facility not less than one nor more than five years.

37 (g) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement  
38 officer, probation officer or parole officer acting in his or her official capacity after the officer has  
39 given a clear visual or audible signal directing the person to stop, and who causes damage to the  
40 real or personal property of a person during or resulting from his or her flight, is guilty of a  
41 misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than  
42 \$3,000 and shall be confined in jail for not less than six months nor more than one year.

43 (h) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement  
44 officer, probation officer or parole officer acting in his or her official capacity after the officer has  
45 given a clear visual or audible signal directing the person to stop, and who causes bodily injury to  
46 a person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof,  
47 shall be imprisoned in a state correctional facility not less than three nor more than 10 years.

48 (i) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement  
49 officer, probation officer or parole officer acting in his or her official capacity after the officer has  
50 given a clear visual or audible signal directing the person to stop, and who causes death to a  
51 person during or resulting from his or her flight, is guilty of a felony and, upon conviction thereof,  
52 shall be imprisoned in a state correctional facility for not less than five nor more than 15 years. A  
53 person imprisoned pursuant to this subsection is not eligible for parole prior to having served a

54 minimum of three years of his or her sentence or the minimum period required by §62-12-13 of  
55 this code, whichever is greater.

56 (j) A person who intentionally flees or attempts to flee in a vehicle from a law-enforcement  
57 officer, probation officer or parole officer acting in his or her official capacity after the officer has  
58 given a clear visual or audible signal directing the person to stop, and who is under the influence  
59 of alcohol, controlled substances or drugs, is guilty of a felony and, upon conviction thereof, shall  
60 be imprisoned in a state correctional facility not less than three nor more than 10 years.

61 (k) For purposes of this section, the term "vehicle" includes any motor vehicle, motorcycle,  
62 motorboat, all-terrain vehicle or snowmobile as those terms are defined in §17A-1-1 of this code,  
63 whether or not it is being operated on a public highway at the time and whether or not it is licensed  
64 by the state.

65 (l) For purposes of this section, the terms "flee", "fleeing" and "flight" do not include a  
66 person's reasonable attempt to travel to a safe place, allowing the pursuing law-enforcement  
67 officer to maintain appropriate surveillance, for the purpose of complying with the officer's direction  
68 to stop.

69 (m) The revisions to §61-5-17(e), §61-5-17(f), §61-5-17(g) and §61-5-17(h) of this code  
70 enacted during the regular session of the 2010 regular legislative session shall be known as the  
71 Jerry Alan Jones Act.

72 (n) (1) No person, with the intent to purposefully deprive another person of emergency  
73 services, may interfere with or prevent another person from making an emergency  
74 communication, which a reasonable person would consider necessary under the circumstances,  
75 to law-enforcement, fire, or emergency medical service personnel.

76 (2) For the purpose of this subsection, the term "interfere with or prevent" includes, but is  
77 not limited to, seizing, concealing, obstructing access to or disabling or disconnecting a telephone,  
78 telephone line or equipment or other communication device.

79 (3) For the purpose of this subsection, the term "emergency communication" means



80 communication to transmit warnings or other information pertaining to a crime, fire, accident,  
81 power outage, disaster or risk of injury or damage to a person or property.

82 (4) A person who violates this subsection is guilty of a misdemeanor and, upon conviction  
83 thereof, shall be confined in jail for a period of not less than one day nor more than one year or  
84 shall be fined not less than \$250 nor more than \$2,000, or both fined and confined.

85 (5) A person who is convicted of a second offense under this subsection is guilty of a  
86 misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three months  
87 nor more than one year or fined not less than \$500 nor more than \$3,000, or both fined and  
88 confined.

89 (6) A person who is convicted of a third or subsequent offense under this subsection is  
90 guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six  
91 months nor more than one year or fined not less than \$500 nor more than \$4,000, or both fined  
92 and confined.

93 (7) In determining the number of prior convictions for purposes of imposing punishment  
94 under this subsection, the court shall disregard all such prior convictions occurring more than 10  
95 years prior to the offense in question.

NOTE: The purpose of this bill is to improve the process of coordinating law-enforcement agencies in finding missing persons and identifying found remains.

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