

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3188**

By Delegates Linville, Tully, Summers, Young, and

Maynor

[Introduced January 31, 2023; 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 §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5 and §15-3F-6 of said code,  
3 all relating to the establishment of an alert system for missing cognitively impaired  
4 persons; providing for the use of video image recording devices for search purposes during  
5 a Purple Alert; providing legislative findings; providing criteria for the activation of a Purple  
6 Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for  
7 individuals providing information pursuant to a Purple Alert in good faith.

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

**ARTICLE 3F. PURPLE ALERT PLAN.**

**§15-3F-1. Short title.**

1 This article shall be known and may be cited as "Purple Alert Plan."

**§15-3F-2. Findings and declarations relative to "Purple Alert Plan".**

1 (a) The Legislature finds that:

2 (1) Public alerts can be one of the most effective tools in locating missing who has a mental  
3 or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual  
4 disability or a developmental disability; a brain injury; another physical, mental, or emotional  
5 disability that is not related to substance abuse; or a combination of any of these;

6 (2) Law-enforcement officers and other professionals specializing in the field of missing  
7 persons agree that the most critical moments in the search for a missing person are the first few  
8 hours immediately following the discovery that the individual is missing, asserting that if he or she  
9 is not found within 24 hours, it is unlikely that he or she will be found alive or without serious injury.  
10 The rapid dissemination of information, including a description of the missing cognitively impaired  
11 person or senior citizen, details of how he or she became missing, and of any vehicle involved, to  
12 the citizens of the affected community and region is, therefore, critical;

13 (3) Alerted to the situation, the citizenry become an extensive network of eyes and ears  
14 serving to assist law enforcement in quickly locating and safely recovering a missing person who

15 has a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder;  
16 an intellectual disability or a developmental disability; a brain injury; another physical, mental, or  
17 emotional disability that is not related to substance abuse; or a combination of any of these;

18 (4) The most effective method of immediately notifying the public of a missing person who  
19 has a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder;  
20 an intellectual disability or a developmental disability; a brain injury; another physical, mental, or  
21 emotional disability that is not related to substance abuse; or a combination of any of these;

22 (5) All forms of developing technologies are required to assist law enforcement in rapidly  
23 responding to these alerts and are an additional tool for assuring the well-being and safety of our  
24 cognitively impaired citizenry. Thus, the use of traffic video recording and monitoring devices for  
25 the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law  
26 enforcement and aid in the safe recovery of the cognitively impaired person or senior citizen.

27 (b) The Legislature declares that given the successes other states and regions have  
28 experienced in using broadcast media alerts to quickly locate and safely recover missing persons,  
29 and, with the recent development of highway video recording and monitoring systems, it is  
30 altogether fitting and proper, and within the public interest, to establish these programs for West  
31 Virginia.

**§15-3F-3. Establishment of "Purple Alert" program.**

1 (a) The Secretary of the Department of Military Affairs and Public Safety shall establish a  
2 "Purple Alert" program authorizing the broadcast media, upon notice from the State Police, to  
3 broadcast an alert to inform the public of a missing person who has a mental or cognitive disability  
4 that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or a  
5 developmental disability; a brain injury; another physical, mental, or emotional disability that is not  
6 related to substance abuse; or a combination of any of these;

7 (b) The secretary shall notify the broadcast media serving the State of West Virginia of the  
8 establishment of "Purple Alert" program and invite their voluntary participation.

9           (c) The secretary shall submit a plan to the Joint Committee on Government and Finance  
10 no later than July 1, 2024. The plan shall include "Purple Alert" activation protocols, evaluation of  
11 first responder training requirements and needs as related to cognitively impaired persons and  
12 senior citizens, coordination and utilization of established programs and analysis of any costs. The  
13 secretary shall also make recommendations for any additional legislation or actions necessary to  
14 further facilitate the implementation of the "Purple Alert" program.

**§15-3F-4. Activation of Purple Alert.**

1           The following criteria shall be met before the State Police activate the Purple Alert:

2           (1) The person is believed to have a mental or cognitive disability that is not Alzheimer's  
3 disease or a dementia-related disorder; an intellectual disability or a developmental disability, a  
4 brain injury; another physical, mental, or emotional disability that is not related to substance  
5 abuse; or a combination of any of these;

6           (2) The person is believed to be missing, regardless of circumstance;

7           (3) A person who has knowledge that the person is missing has submitted a missing  
8 person's report to the State Police or other appropriate law-enforcement agency;

9           (4) The missing person may be in danger of death or serious bodily injury;

10          (5) The missing person is domiciled or believed to be located in the State of West Virginia;

11          (6) The missing person is, or is believed to be, at a location that cannot be determined by  
12 an individual familiar with the missing person, and the missing person is incapable of returning to  
13 the missing person's residence without assistance; and

14          (7) There is sufficient information available to indicate that a Purple Alert would assist in  
15 locating the missing person.

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

1           (a) To participate, the media may agree, upon notice from the State Police via email or  
2 facsimile, to transmit information to the public about a missing cognitively impaired person or  
3 senior citizen that has occurred within their broadcast service region.

4           (b) The alerts shall include a description of the missing individual, such details of the  
5 circumstance surrounding him or her becoming missing, as may be known, and such other  
6 information as the State Police may deem pertinent and appropriate. The State Police shall in a  
7 timely manner update the broadcast media with new information when appropriate concerning the  
8 missing cognitively impaired person or senior citizen.

9           (c) The alerts also shall provide information concerning how those members of the public  
10 who have information relating to the missing cognitively impaired person or senior citizen may  
11 contact the State Police or other appropriate law-enforcement agency.

12           (d) Concurrent with the notice provided to the broadcast media, the State Police shall also  
13 notify the Department of Transportation, the Division of Highways and the West Virginia Turnpike  
14 Commission of the "Purple Alert" so that the department and the affected authorities may, if  
15 possible, through the use of their variable message signs, inform the motoring public that a "Purple  
16 Alert" is in progress and may provide information relating to the missing cognitively impaired  
17 person or senior citizen and how motorists may report any information they have to the State  
18 Police or other appropriate law-enforcement agency.

19           (e) The alerts shall terminate upon notice from the State Police.

20           (f) The secretary shall develop and undertake a campaign to inform law-enforcement  
21 agencies about the "Purple Alert" program established under this article.

**§15-3F-6. Immunity from civil or criminal liability.**

1           No person or entity who in good faith follows and abides by the provisions of this article is  
2 liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof  
3 unless it is alleged and proven that the information disclosed was false and disclosed with the  
4 knowledge that the information was false.

NOTE: The purpose of this bill is to establish an alert system for missing cognitively impaired persons. The bill provides for the use of video image recording devices for search purposes during a Purple Alert. The bill provides for legislative findings. The bill sets forth criteria for the activation of a Purple Alert. The bill provides for notice and broadcasting of a

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Purple Alert. Finally, the bill provides immunity for individuals providing information pursuant to a Purple Alert in good faith.

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