

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4190

BY DELEGATES LINVILLE, HECKERT, AND KUMP

[Passed March 8, 2024; in effect July 1, 2024.]

1 AN ACT to amend and reenact §15-3A-7 of the Code of West Virginia, 1931, as amended, to
2 amend and reenact §15-3B-2, §15-3B-3, §15-3B-4, and §15-3B-6 of said code; and to
3 amend said code by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-
4 3F-3, §15-3F-4, §15-3F-5, §15-3F-6, and §15-3F-7, all relating to establishing a “Purple
5 Alert” program; providing for inclusion of the “Purple Alert” program in the “Guardian Angel
6 Video Monitoring” Program; providing a date for implementation for addition of the “Silver
7 Alert” and “Purple Alert” programs in the “Guardian Angel Video Monitoring” Program;
8 removing persons with cognitive impairment from the “Silver Alert”; providing legislative
9 findings relating to the “Purple Alert” program; defining cognitive impairment; providing for
10 the establishment of a “Purple Alert” Plan; providing criteria for the activation of a “Purple
11 Alert”; providing for termination of a “Purple Alert”; providing for date of implementation of
12 the “Purple Alert”; providing for notice and broadcasting of a “Purple Alert”; providing for
13 the Secretary to develop and undertake a campaign to inform law enforcement agencies
14 about the “Purple Alert”; and providing immunity for individuals providing information
15 pursuant to a “Purple Alert” in good faith.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3A. AMBER ALERT PLAN.

§15-3A-7. Providing for the use of video image recording devices for search purposes during an Amber Alert, Silver Alert, or Purple Alert Activation.

1 (a) The State Police and the Division of Highways shall coordinate a process to utilize all
2 available video recording and monitoring devices for the purpose of monitoring Amber Alert, Silver
3 Alert, or Purple Alert suspect vehicles. This program shall be called the "Guardian Angel Video
4 Monitoring" Program.

5 (b) The Secretary of the Department of Homeland Security shall also develop a plan to
6 provide for the State Police to monitor and use video recording and monitoring devices during an

7 Amber Alert, Silver Alert, or Purple Alert. This "Guardian Angel Video Monitoring" implementation
8 plan shall include at a minimum, the following:

9 (1) Use of any state or local video recording and monitoring devices upon agreement with
10 the department, agency, or political subdivision in control of the video recording device; and,

11 (2) Development of policies and initiatives relating to facilitating sharing of information with
12 neighboring states in which suspect vehicles in Amber Alerts, Silver Alerts, or Purple Alerts may
13 be crossing state lines.

14 (c) The Secretary shall develop a plan for implementation no later than July 1, 2025. The
15 plan shall include an analysis of all related costs for equipping and using a statewide video
16 recording and monitoring system during the duration of an Amber Alert, Silver Alert, or Purple
17 Alert, and recommendations for any additional legislation or actions necessary to further facilitate
18 the implementation of the "Guardian Angel Video Monitoring" program.

ARTICLE 3B. SILVER ALERT PLAN.

§15-3B-2. Findings and declarations relative to "Silver Alert Plan".

1 (a) The Legislature finds that:

2 (1) Public alerts can be one of the most effective tools in locating senior citizens;

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 senior citizen, details
8 of 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 serving to assist law enforcement in quickly locating and safely recovering a missing senior
12 citizen;

13 (4) The most effective method of immediately notifying the public of a missing senior
14 citizen is through the broadcast media; and

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

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

§15-3B-3. Establishment of “Silver Alert” program.

1 (a) The Secretary of the Department of Homeland Security shall establish a “Silver Alert”
2 program authorizing the broadcast media, upon notice from the State Police, to broadcast an alert
3 to inform the public of a missing senior citizen, subject to the criteria established in section four of
4 this article. The program shall be a voluntary, cooperative effort between state law-enforcement
5 and the broadcast media.

6 (b) As used in this article:

7 “Senior citizen” means a person over 65 years of age.

8 (c) The Secretary shall notify the broadcast media serving the State of West Virginia of
9 the establishment of “Silver Alert” program and invite their voluntary participation.

§15-3B-4. Activation of Silver Alert.

10 The following criteria shall be met before the State Police activate the Silver Alert:

11 (1) The person is a senior citizen;

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

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

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

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

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

20 (7) There is sufficient information available to indicate that a Silver Alert would assist in
21 locating the missing person.

§15-3B-6. Aid to missing senior citizen; immunity from civil or criminal liability.

1 A person or entity who in good faith follows and abides by the provisions of this article is
2 not liable for any civil or criminal penalty as the result of any act or omission in the furtherance
3 thereof unless it is alleged and proven that the information disclosed was false and disclosed with
4 the knowledge that the information was false.

ARTICLE 3F. PURPLE ALERT PLAN.

§15-3F-1. Short Title.

1 This article shall be known and may be cited as the "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 a missing person who
3 has a cognitive impairment;

4 (2) Law-enforcement officers and other professionals, specializing in the field of missing
5 persons, agree that the most critical moments in the search for a missing person are the first few
6 hours immediately following the discovery that the individual is missing, asserting that if he or she
7 is not found within 24 hours, it is unlikely that he or she will be found alive or without serious injury.
8 The rapid dissemination of information, including a description of the missing cognitively impaired

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

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

14 (4) The most effective method of immediately notifying the public of a missing person who
15 has a cognitive impairment is through the broadcast media: and

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

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

§15-3F-3. Definition of Cognitive Impairment.

1 For the purposes of this article, “cognitive impairment” means a substantial disorder of
2 thought, mood, perception, orientation, or memory that grossly impairs judgement, behavior, or
3 the ability to live independently or provide self-care, and includes but is not limited to:

- 4 (1) Alzheimer’s disease or other related dementias;
- 5 (2) An intellectual or developmental disability;
- 6 (3) A brain injury; or
- 7 (4) Another mental disability not related to substance abuse.

§15-3F-4. Establishment of “Purple Alert” program.

1 (a) The Secretary of the Department of Homeland Security shall establish a "Purple Alert"
2 program authorizing the broadcast media, upon notice from the State Police, to broadcast an alert
3 to inform the public of a missing person who has a cognitive impairment;

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

6 (c) The Secretary shall develop a plan for implementation no later than July 1, 2025. The
7 plan shall include "Purple Alert" activation protocols, evaluation of first responder training
8 requirements and needs as related to a cognitively impaired person, coordination and use of
9 established programs, and analysis of any costs. The Secretary shall also make
10 recommendations for any additional legislation or actions necessary to further facilitate the
11 implementation of the "Purple Alert" program.

§15-3F-5. 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 cognitive impairment;

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

4 (3) An individual who has knowledge that the person is missing has submitted a missing
5 person's report to the State Police or other appropriate law-enforcement agency;

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

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

8 (6) The missing person is, or is believed to be, at a location that cannot be determined by
9 an individual familiar with the missing person, and the missing person is incapable of returning to
10 his or her residence without assistance;

11 (7) There is sufficient information available to indicate that a Purple Alert would assist in
12 locating the missing person; and

13 (8) The missing cognitively impaired person does not qualify for a Silver Alert or a Missing
14 Endangered Child Alert.

§15-3F-6. 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 that
3 has occurred within their broadcast service region.

4 (b) The alerts shall include a description of the missing person, any known details of the
5 circumstances surrounding the person becoming missing, and any other information as the State
6 Police may consider pertinent and appropriate. The State Police shall in a timely manner update
7 the broadcast media with new information when appropriate concerning the missing cognitively
8 impaired person.

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 may contact the State
11 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
16 "Purple Alert" is in progress. The department and the affected authorities may provide information
17 relating to the missing cognitively impaired person and information on how motorists may report
18 any information they have to the State 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-7. Immunity from civil or criminal liability.

1 A person or entity who in good faith follows and abides by the provisions of this
2 article is not liable for any civil or criminal penalty as the result of any act or omission in
3 the furtherance thereof, unless it is alleged and proven that the information disclosed
4 was false and disclosed with the knowledge that the information was false.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect July 1, 2024.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor