

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4190**

By Delegates Linville, Heckert and Kump

[Introduced January 10, 2024; 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, §15-3F-6, and §15-3F-7 of  
3 said code, all relating to the establishment of an alert system for missing cognitively  
4 impaired persons; providing legislative findings; defining cognitive disability; providing for  
5 the establishment of a Purple Alert Plan; 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 a missing person who has  
3 a cognitive disability;

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 the  
10 affected community and region is, therefore, critical;

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

14 (4) The most effective method of immediately notifying the public of a missing person who  
15 has a cognitive disability 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 disability.**

1 "Cognitive disability" for the purposes of this article means an intellectual disability or a  
2 developmental disability, a brain injury, or another physical, mental, or emotional disability that is  
3 not related to substance abuse: *Provided*, That this definition does not include Alzheimer's  
4 disease or dementia-related disorders which are included in the Silver Alert program, established  
5 pursuant to §15-3B-1 *et seq.* of this code.

**§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 disability;

4 (b) The Secretary shall notify the broadcast media serving the State of West Virginia of the  
5 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 disability;  
3 (2) The person is believed to be missing, regardless of circumstance;  
4 (3) A person 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; and  
11 (7) There is sufficient information available to indicate that a Purple Alert would assist in  
12 locating the missing person.

**§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 has  
3 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 "Purple  
16 Alert" is in progress. The department and the affected authorities may provide information relating  
17 to the missing cognitively impaired person and information on how motorists may report any  
18 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 article is not  
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 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.