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HOUSE BILL NO. 1832

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 5, 2003)

(Patron Prior to Substitute—Delegate Athey)

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 11 of Title 2.2 a section numbered 2.2-1161.1, by adding a section numbered 22.1-16.2 and by adding in Title 52 a chapter numbered 7.1, consisting of sections numbered 52-34.1, 52-34.2, and 52-34.3, relating to Code Adam alerts and the Virginia Amber Alert Program.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 11 of Title 2.2 a section numbered 2.2-1161.1, by adding a section numbered 22.1-16.2 and by adding in Title 52 a chapter numbered 7.1, consisting of sections numbered 52-34.1, 52-34.2, and 52-34.3 as follows:

§ 2.2-1161.1. Code Adam alerts in public buildings.

Each state building that is open to the public shall have in place a Code Adam or similar program for the prevention of child abduction. Code Adam is a protocol used as a preventive tool against child abductions and for locating lost children in public buildings. The Department of General Services shall develop model plans and ensure that each building covered by this section is prepared to activate Code Adam or a similar program under appropriate circumstances. All state agencies shall render assistance to the Department, upon request, in implementing this statute and the Department's plan within their buildings.

§ 22.1-16.2. Child identification kits.

The Board of Education shall develop, in cooperation with private entities, a program to provide parental access to child identification kits. The Board shall inform local school divisions about the availability of child protection kits from private entities and encourage the participation of private entities. The kits may include instructions and materials that may be used to compile identification information about the child, including a current photo, fingerprints, DNA samples, and important medical information and instructions for the proper safekeeping of the kit. In no case shall such kits be held for safekeeping by any school, school board, or other public entity.

CHAPTER 7.1.

VIRGINIA AMBER ALERT PROGRAM.

§ 52-34.1. Definitions.

"Abducted child" means a child whose whereabouts are unknown, who is believed to have been abducted, who is 17 years of age or younger, and whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

"Amber Agreement" means the voluntary agreement between law-enforcement officials and members of the media whereby a child will be declared abducted, and the public will be notified, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Amber Alert" means the notice of child abduction provided to the public by the media or other methods under an Amber Agreement.

"Amber Alert Program" or "Program" means the procedures and Amber Agreements to aid in the identification and location of abducted children.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

§ 52-34.2. Establishment of the Virginia Amber Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Amber Alert Programs throughout the Commonwealth. Amber Alert Programs may be local, regional, or statewide. They may include multiple localities or regions and may be expanded or compressed. The Virginia State Police may (i) inform local law-enforcement officials of the policies and procedures for the Amber Alert Programs set by the State Police; (ii) assist in determining the geographic scope of a particular Amber Alert; and (iii) establish procedures and standards by which a local law-enforcement agency may verify a child has been abducted and report such information to the Virginia State Police.

The establishment of an Amber Alert Program by a locality and the media is voluntary and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in an Amber Alert Program. Existing Amber Agreements and Programs shall not be altered by this legislation.

§ 52-34.3. Activation of Amber Alert Program upon an incident of child abduction.

60 A. Upon receipt of a notice of a child abduction from a law-enforcement agency, the Virginia State
61 Police shall confirm the accuracy of the information and provide assistance in the implementation of the
62 Amber Alert Program as the investigation dictates.

63 B. Amber Alerts may be local, regional, or statewide. The initial decision to make an Amber Alert
64 shall be at the discretion of the local law-enforcement officials. Local law enforcement and the Virginia
65 State Police are encouraged to work together and confer. The Missing Children Information
66 Clearinghouse operated by the Virginia State Police shall serve as a central repository for information
67 related to an abduction.

68 C. In those situations where appropriate, the Virginia State Police shall send the Amber Alert to
69 Virginia's emergency alert system. Participating media are encouraged to issue the alert at designated
70 intervals as specified by the Amber Alert Program.

71 D. The Amber Alert shall include such information as the law-enforcement agency deems appropriate
72 that will assist in the safe recovery of the abducted child.

73 E. The Amber Alert shall be cancelled under the terms of the Amber Agreement. Any local
74 law-enforcement agency that locates a child who is the subject of an alert shall notify the Virginia State
75 Police immediately that the child has been located.

76 **2. That the Virginia State Police shall inform all local law-enforcement agencies that are operating**
77 **or participating in Amber Alert programs on the effective date of this act of the provisions of this**
78 **chapter and the policies developed pursuant to this chapter and offer assistance to such agencies in**
79 **conforming their programs to this chapter and the policies developed.**