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HOUSE BILL NO. 214

Offered January 14, 2004

Prefiled January 7, 2004

A BILL to amend and reenact §§ 52-34.1, 52-34.2 and 52-34.3 of the Code of Virginia, relating to use of Amber Alert system for terrorists.

 Patron—Athey

 Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 52-34.1, 52-34.2 and 52-34.3 of the Code of Virginia are amended and reenacted as follows:

§ 52-34.1. Definitions.

As used in this chapter:

"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 *or terrorist identification* 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 *or terrorists*.

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

"*Terrorist*" means means any person who assists or has assisted terrorist organizations, as provided in 18 U.S.C. § 2339 B or who commits or attempts to commit acts of terrorism, as defined in § 18.2-46.4.

§ 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 *to include use and distribution of information concerning identification of terrorists*. 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 *or that a terrorist has been identified* 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 the act of assembly creating this chapter.

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

A. Upon receipt of a notice of a child abduction from a law-enforcement agency *or information regarding the identification of a terrorist from any source*, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the implementation of the Amber Alert Program as the investigation dictates.

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

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

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59 D. The Amber Alert shall include such information as the law-enforcement agency deems appropriate
60 that will assist in the safe recovery of the abducted child *or location of the terrorist*.
61 E. The Amber Alert shall be cancelled under the terms of the Amber Agreement. Any local
62 law-enforcement agency that locates a child who is the subject of an alert shall notify the Virginia State
63 Police immediately that the child has been located.