CHAPTER 397

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.4, consisting of sections numbered 52-34.10, 52-34.11, and 52-34.12, relating to establishment of the Virginia Critically Missing Adult Alert Program.

[H 260]

Approved March 23, 2018

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.4, consisting of sections numbered 52-34.10, 52-34.11, and 52-34.12, as follows:

CHAPTER 7.4.

VIRGINIA CRITICALLY MISSING ADULT ALERT PROGRAM.

§ 52-34.10. Definitions.

As used in this chapter:

"Critically missing adult" means an adult (i) whose whereabouts are unknown, (ii) who is believed to have been abducted, and (iii) whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police.

"Critically missing adult alert" means the notice of a critically missing adult provided to the public by the media or other methods under a Critically Missing Adult Alert Agreement.

"Critically Missing Adult Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby an adult will be declared missing, and the public will be notified by media outlets, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Critically Missing Adult Alert Program" means the procedures and Critically Missing Adult Alert Agreements to aid in the identification and location of a critically missing adult.

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

§ 52-34.11. Establishment of the Virginia Critically Missing Adult Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Critically Missing Adult Alert Programs throughout the Commonwealth. The Virginia State Police shall (i) inform local law-enforcement officials of the policies and procedures to be used for the Critically Missing Adult Alert Programs; (ii) assist in determining the geographic scope of a particular Critically Missing Adult Alert; and (iii) establish procedures and standards by which a local law-enforcement agency shall verify that an adult is a critically missing adult and shall report such information to the Virginia State Police.

The establishment of a Critically Missing Adult Alert Program by a local law-enforcement agency 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 a Critically Missing Adult Alert Program.

§ 52-34.12. Activation of Critically Missing Adult Alert Program upon an incident of a critically missing adult.

A. Upon receipt of a notice of a critically missing adult from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation of the Critically Missing Adult Alert Program as the investigation dictates.

B. Critically Missing Adult Alerts may be local, regional, or statewide. The initial decision to make a local Critically Missing Adult Alert shall be at the discretion of the local law-enforcement official. Prior to making a local Critically Missing Adult Alert, the local law-enforcement official shall confer with the Virginia State Police and provide information regarding the critically missing adult to the Virginia State Police. The decision to make a regional or statewide Critically Missing Adult Alert shall be at the discretion of the Virginia State Police.

C. The Critically Missing Adult Alert shall include the critically missing adult information as defined in § 15.2-1718.2 and any other such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the critically missing adult.

D. The Critically Missing Adult Alert shall be cancelled under the terms of the Critically Missing Adult Alert Agreement. Any local law-enforcement agency that locates a critically missing adult who is the subject of an alert shall notify the Virginia State Police immediately that the critically missing adult has been located.