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SENATE BILL NO. 49

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on February 25, 2022)

(Patron Prior to Substitute—Senator Favola)

A BILL to amend and reenact §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia, relating to receipt of critically missing adult reports.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1718.2 and 52-34.10 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1718.2. Receipt of critically missing adult reports.

A. No police or sheriff's department shall establish or maintain any policy that requires the observance of any waiting period before accepting a critically missing adult report. Upon receipt of a critically missing adult report by any police or sheriff's department, the department shall immediately, but in all cases within two hours of receiving the report, enter identifying and descriptive data about the critically missing adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the report to the Department of State Police, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

B. For purposes of this section:

"Critically missing adult" means any missing adult ~~24~~ 18 years of age or older *who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100* or whose disappearance indicates a credible threat to the health and safety of the adult, as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances.

"Critically missing adult report" means a report prepared in a format prescribed by the Superintendent of State Police for use by law-enforcement agencies to report critically missing adult information, including a photograph, to the Department of State Police.

§ 52-34.10. Definitions.

As used in this chapter:

"Critically missing adult" means an adult ~~(i)~~ 18 years of age or older whose whereabouts are unknown, ~~(ii)~~ and (i) who is believed to have been abducted, ~~and~~; (ii) who has a developmental disability, intellectual disability, or mental illness as those terms are defined in § 37.2-100; or (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.