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SENATE BILL NO. 1204

Offered January 8, 2003

Prefiled January 8, 2003

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.

Patrons—Newman, Blevins, Cuccinelli, Hanger, Mims and Rerras

Referred to Committee on General Laws

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 shall develop, in cooperation with private entities, a program to provide parental access to child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include 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, whose domicile at the time he or she was reported missing was the Commonwealth of Virginia, or a child of a foreign jurisdiction whose whereabouts are unknown and upon information and belief law-enforcement officials determine such child may be in Virginia, whose age at the time he or she was first reported missing was 17 years of age or younger, and whose disappearance poses a credible threat as determined by local law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

"Amber Alert" means the notice of child abduction provided to the public by the media 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.

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

"Media" means print, radio, television, and Internet-based communication systems.

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

The Virginia State Police shall be responsible for developing regulations and 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 shall also be responsible for (i) helping local law enforcement and the media establish Amber Agreements and Amber Alert Programs; (ii) determining the geographic scope of a particular Amber Alert; and (iii) establishing 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

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59 *in this statute shall be construed to be a mandate that the local officials or the media establish or*
60 *participate in an Amber Alert Program. Existing Amber Agreements and Programs shall not be altered*
61 *by this legislation. The Virginia State Police, however, shall make all localities aware of the new law,*
62 *regulations, and policies and offer assistance in conforming them to this statute.*

63 *§ 52-34.3. Activation of Amber Alert Program upon an incident of child abduction.*

64 *A. Upon receipt of a notice of a child abduction from a local law-enforcement agency, the Virginia*
65 *State Police shall confirm the accuracy of the information and provide assistance to local law*
66 *enforcement in the implementation of the Amber Alert Program in the locality, region or statewide.*

67 *B. Amber Alerts may be local, regional or statewide. The initial decision to make an Amber Alert*
68 *shall be in the discretion of the local law-enforcement officials. Decisions to make an Amber Alert*
69 *outside the locality where the child was abducted shall be in the discretion of the Virginia State Police.*
70 *Local law enforcement and the Virginia State Police are encouraged to work together and confer. The*
71 *Virginia Center for Missing Children of the Virginia State Police shall serve as a clearinghouse for*
72 *information related to an abduction.*

73 *C. In those situations where appropriate, the Virginia State Police shall send the Amber Alert to the*
74 *Federal Communications Commission's designated state emergency alert system broadcaster in Virginia.*
75 *Participating radio and television stations shall issue the alert at designated intervals as specified by the*
76 *Commission.*

77 *D. The Amber Alert shall include such information as the local law-enforcement agency deems*
78 *appropriate that will assist in the safe recovery of the abducted child. The Amber Alert shall include a*
79 *statement instructing anyone with information related to the abduction to contact his local*
80 *law-enforcement agency.*

81 *E. The Amber Alert shall be cancelled under the terms of the Amber Agreement. In those cases*
82 *where the Federal Communications Commission's designated state emergency alert system broadcaster*
83 *has broadcast an alert, the Virginia State Police shall notify the Federal Communications Commission's*
84 *designated state emergency alert system broadcaster that the child has been found or that the alert*
85 *should be cancelled. Any local law-enforcement agency that locates a child who is the subject of an*
86 *alert shall notify the Virginia State Police as soon as possible that the child has been located.*