

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 19

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.5, consisting of sections numbered 52-34.13, 52-34.14, and 52-34.15, relating to establishment of the Virginia Missing Child with Autism Alert Program.

[H 65]

Approved March 2, 2020

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 7.5, consisting of sections numbered 52-34.13, 52-34.14, and 52-34.15, as follows:

CHAPTER 7.5.

VIRGINIA MISSING CHILD WITH AUTISM ALERT PROGRAM.

§ 52-34.13. Definitions.

As used in this chapter, unless the context requires a different meaning:

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

"Missing child with autism" means a child (i) whose whereabouts are unknown; (ii) who has been diagnosed with autism spectrum disorder as defined in § 38.2-3418.17; (iii) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; and (iv) 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.

"Missing child with autism alert" means the notice of a missing child with autism provided to the public by the media or other methods under a Missing Child with Autism Alert Agreement.

"Missing Child with Autism Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby a child with autism 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.

"Virginia Missing Child with Autism Program" or "Program" means the procedures and Missing Child with Autism Alert Agreements to aid in the identification and location of a missing child with autism.

§ 52-34.14. Establishment of the Virginia Missing Child with Autism Alert Program.

The Virginia State Police shall develop policies for the establishment of uniform standards for the creation of Virginia Missing Child with Autism 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 Missing Child with Autism Alert Programs; (ii) assist in determining the geographic scope of a particular Missing Child with Autism Alert; and (iii) establish procedures and standards by which a local law-enforcement agency shall verify that a child with autism is missing and shall report such information to the Virginia State Police.

The establishment of a Missing Child with Autism 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 Missing Child with Autism Alert Program.

§ 52-34.15. Activation of Virginia Missing Child with Autism Alert Program upon incident of a missing child with autism.

A. Upon receipt of a notice of a missing child with autism from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the activation of the Missing Child with Autism Alert Program as the investigation dictates.

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

C. The Missing Child with Autism Alert shall include such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the missing child with autism.

D. The Missing Child with Autism Alert shall be canceled under the terms of the Missing Child with Autism Alert Agreement. Any local law-enforcement agency that locates a missing child with autism who is the subject of an alert shall notify the Virginia State Police immediately that the missing child with autism has been located.