

# VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

## CHAPTER 189

*An Act to amend and reenact §§ 52-34.13, 52-34.14, and 52-34.15 of the Code of Virginia, relating to the Virginia Missing Person with Autism Alert Program.*

[H 2216]

Approved March 18, 2021

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 52-34.13, 52-34.14, and 52-34.15 of the Code of Virginia are amended and reenacted as follows:**

**§ 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~~ person with autism" means a ~~child~~ any person (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) (iii) whose disappearance poses a credible threat as determined by law enforcement to the safety and health of the ~~child~~ person and under such other circumstances as deemed appropriate by the Virginia State Police.

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

"Missing ~~Child~~ Person with Autism Alert Agreement" means a voluntary agreement between law-enforcement officials and members of the media whereby a ~~child~~ person 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~~ Person with Autism Alert Program" or "Program" means the procedures and Missing ~~Child~~ Person with Autism Alert Agreements to aid in the identification and location of a missing ~~child~~ person with autism.

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

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

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

**§ 52-34.15. Activation of Virginia Missing Person with Autism Alert Program upon incident of a missing person with autism.**

A. Upon receipt of a notice of a missing ~~child~~ person 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~~ Person with Autism Alert Program as the investigation dictates.

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

C. The Missing ~~Child~~ Person 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~~ person with autism.

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