As Passed by the House

126th General Assembly
Regular Session
2005-2006

H. B. No. 551

Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D., Seitz, Hughes, Bubp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T., Beatty, Brown, Chandler, Collier, Daniels, DeBose, Dolan, Domenick, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hoops, Koziura, Martin, Mason, McGregor, R., Perry, Reinhard, Seaver, Smith, S., Stewart, D., Stewart, J., Strahorn, Uecker, Ujvagi, Williams, Yates

A B I L L

To amend section 5502.52 of the Revised Code to prohibit a person from making a false report that results in the implementation of the statewide emergency alert program or a local or regional emergency alert program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5502.52 of the Revised Code be amended to read as follows:

Sec. 5502.52. (A) There is hereby created the statewide emergency alert program to aid in the identification and location of children who are under eighteen years of age, who are abducted, and whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to a child. The program shall be a coordinated effort among the governor's office, the department of public safety, the

attorney general, law enforcement agencies, the state's public and commercial television and radio broadcasters, and others as deemed necessary by the governor.

(B) The statewide emergency alert program shall not be implemented unless all of the following activation criteria are met:

(1) The local investigating law enforcement agency confirms that an abduction has occurred.

(2) An abducted child is under eighteen years of age.

(3) The abduction poses a credible threat of immediate danger of serious bodily harm or death to a child.

(4) A law enforcement agency determines that the child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.

(5) There is sufficient descriptive information about the child, the abductor, and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child.

(C) Nothing in division (B) of this section prevents the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan.

(D) Any radio broadcast station, television broadcast station, or cable television system participating in the statewide emergency alert program or in any local or regional emergency alert program, and any director, officer, employee, or agent of any such station or system, shall not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to

broadcast or cablecast, any information pursuant to the statewide emergency alert program or the local or regional emergency alert program.

(E) No person shall knowingly make a false report that a child has been abducted and that leads to the implementation of the statewide emergency alert program created under this section or that leads to the implementation of a local or regional emergency alert program. Whoever violates this division is guilty of a felony of the fourth degree.

(F) As used in this section:

(1) "Abducted child" means a child for whom there is credible evidence to believe that the child has been abducted in violation of section 2905.01, 2905.02, 2905.03, or 2905.05 of the Revised Code.

(2) "Cable television system" means a cable system, as defined in section 2913.04 of the Revised Code.

(3) "Law enforcement agency" includes, but is not limited to, a county sheriff's office, the office of a village marshal, a police department of a municipal corporation, a police force of a regional transit authority, a police force of a metropolitan housing authority, the state highway patrol, a state university law enforcement agency, the office of a township police constable, and the police department of a township or joint township police district.

Section 2. That existing section 5502.52 of the Revised Code is hereby repealed.