

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 551

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Seitz, Hughes, Bulp, Yuko, Willamowski, Aslanides, Schaffer, Otterman,
Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T.,
Beatty, Brown, Chandler, Collier, Daniels, DeBose, Dolan, Domenick,
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Martin, Mason, McGregor, R., Perry, Reinhard, Seaver, Smith, S., Stewart, D.,
Stewart, J., Strahorn, Uecker, Ujvagi, Williams, Yates
Senators Cates, Gardner, Hottinger, Padgett**

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A B I L L

To amend sections 2743.49 and 5502.52 of the Revised 1
Code to prohibit a person from making a false 2
report that results in the implementation of the 3
statewide emergency alert program or a local or 4
regional emergency alert program and to revise the 5
formula to be used by the Auditor of State in 6
determining the amount of the adjustment to be 7
made in the dollar figure specified by statute for 8
a recovery by a wrongfully imprisoned individual. 9

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

Section 1. That sections 2743.49 and 5502.52 of the Revised 10
Code be amended to read as follows: 11

Sec. 2743.49. (A)(1) In January of each odd-numbered year, 12
the auditor of state, in accordance with this division and 13

division (A)(2) of this section, shall adjust the actual dollar 14
figure specified in division (E)(2)(b) of section 2743.48 of the 15
Revised Code or the actual dollar amount determined pursuant to 16
this section. The adjustment shall be based on the yearly average 17
of the previous two years of the consumer price index for all 18
urban consumers or its successive equivalent, as determined by the 19
United States department of labor, bureau of labor statistics, or 20
its successor in responsibility, for all items, Series A. ~~Using~~ 21
The auditor of state shall calculate the adjustment in the 22
following manner: 23

(a) First, using the yearly average for the immediately 24
preceding odd-numbered year as the base year, the auditor of state 25
shall compare the most current average consumer price index with 26
that determined in the even-numbered year immediately preceding 27
that odd-numbered year and shall determine the percentage increase 28
or decrease. The auditor of state shall multiply the percentage 29
increase or decrease by the actual dollar figure specified in 30
division (E)(2)(b) of section 2743.48 of the Revised Code or the 31
actual dollar figure determined for the previous odd-numbered year 32
under this section and shall add the product to or subtract the 33
product from its corresponding actual dollar figure, as 34
applicable, for the previous odd-numbered year. 35

(b) Second, using the yearly average for the immediately 36
preceding even-numbered year as the base year, the auditor of 37
state shall compare the most current average consumer price index 38
with that determined in the ~~preceding~~ odd-numbered year 39
immediately preceding that even-numbered year and shall determine 40
the percentage increase or decrease. The auditor of state shall 41
multiply the percentage increase or decrease by the ~~actual dollar~~ 42
~~figure specified in division (E)(2)(b) of section 2743.48 of the~~ 43
~~Revised Code or the actual dollar figure determined~~ under division 44
(A)(1)(a) of this section for the previous ~~odd-numbered~~ 45

even-numbered year ~~under this section~~ and shall add the product to 46
or subtract the product from its corresponding actual dollar 47
figure, as applicable, for the previous odd-numbered year. The 48
resulting figure is the adjusted dollar amount determined under 49
this section for purposes of this section and section 2743.48 of 50
the Revised Code. 51

(2) The auditor of state shall calculate the adjustment under 52
division (A)(1) of this section on or before the thirty-first day 53
of January of each odd-numbered year. The auditor of state shall 54
base the adjustment on the most current consumer price index that 55
is described in division (A)(1) of this section and that is in 56
effect as of the first day of January of each odd-numbered year. 57

(B)(1) The auditor of state shall certify the calculations 58
made under division (A) of this section on or before the 59
thirty-first day of January of each odd-numbered year. 60

(2) On or before the fifteenth day of February of each 61
odd-numbered year, the auditor of state shall prepare a report 62
setting forth the amount that a wrongfully imprisoned individual 63
is entitled to for each full year of imprisonment in the state 64
correctional institution for the offense of which the wrongfully 65
imprisoned individual was found guilty as provided in division 66
(E)(2)(b) of section 2743.49 of the Revised Code and as calculated 67
in accordance with this section. The report and all documents 68
relating to the calculations contained in the report are public 69
records. The report shall contain an indication of the period in 70
which the calculated amount applies, a summary of how the amount 71
was calculated, and a statement that the report and all related 72
documents are available for inspection and copying at the office 73
of the auditor of state. 74

(3) On or before the fifteenth day of February of each 75
odd-numbered year, the auditor of state shall transmit the report 76
to the general assembly and to the court of claims. 77

Sec. 5502.52. (A) There is hereby created the statewide 78
emergency alert program to aid in the identification and location 79
of children who are under eighteen years of age, who are abducted, 80
and whose abduction, as determined by a law enforcement agency, 81
poses a credible threat of immediate danger of serious bodily harm 82
or death to a child. The program shall be a coordinated effort 83
among the governor's office, the department of public safety, the 84
attorney general, law enforcement agencies, the state's public and 85
commercial television and radio broadcasters, and others as deemed 86
necessary by the governor. 87

(B) The statewide emergency alert program shall not be 88
implemented unless all of the following activation criteria are 89
met: 90

(1) The local investigating law enforcement agency confirms 91
that an abduction has occurred. 92

(2) An abducted child is under eighteen years of age. 93

(3) The abduction poses a credible threat of immediate danger 94
of serious bodily harm or death to a child. 95

(4) A law enforcement agency determines that the child is not 96
a runaway and has not been abducted as a result of a child custody 97
dispute, unless the dispute poses a credible threat of immediate 98
danger of serious bodily harm or death to the child. 99

(5) There is sufficient descriptive information about the 100
child, the abductor, and the circumstances surrounding the 101
abduction to indicate that activation of the alert will help 102
locate the child. 103

(C) Nothing in division (B) of this section prevents the 104
activation of a local or regional emergency alert program that may 105
impose different criteria for the activation of a local or 106
regional plan. 107

(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 sections 2743.49 and 5502.52 of the Revised Code are hereby repealed.

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