

As Reported by the House State Government Committee

126th General Assembly

Regular Session

2005-2006

H. B. No. 551

**Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D.,
Seitz, Hughes, Bupp, Yuko, Willamowski, Aslanides, Schaffer, Otterman,
Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T.**

—

A B I L L

To amend section 5502.52 of the Revised Code to 1
prohibit a person from making a false report that 2
results in the implementation of the statewide 3
emergency alert program or a local or regional 4
emergency alert program. 5

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

Section 1. That section 5502.52 of the Revised Code be 6
amended to read as follows: 7

Sec. 5502.52. (A) There is hereby created the statewide 8
emergency alert program to aid in the identification and location 9
of children who are under eighteen years of age, who are abducted, 10
and whose abduction, as determined by a law enforcement agency, 11
poses a credible threat of immediate danger of serious bodily harm 12
or death to a child. The program shall be a coordinated effort 13
among the governor's office, the department of public safety, the 14
attorney general, law enforcement agencies, the state's public and 15
commercial television and radio broadcasters, and others as deemed 16
necessary by the governor. 17

(B) The statewide emergency alert program shall not be 18

implemented unless all of the following activation criteria are	19
met:	20
(1) The local investigating law enforcement agency confirms	21
that an abduction has occurred.	22
(2) An abducted child is under eighteen years of age.	23
(3) The abduction poses a credible threat of immediate danger	24
of serious bodily harm or death to a child.	25
(4) A law enforcement agency determines that the child is not	26
a runaway and has not been abducted as a result of a child custody	27
dispute, unless the dispute poses a credible threat of immediate	28
danger of serious bodily harm or death to the child.	29
(5) There is sufficient descriptive information about the	30
child, the abductor, and the circumstances surrounding the	31
abduction to indicate that activation of the alert will help	32
locate the child.	33
(C) Nothing in division (B) of this section prevents the	34
activation of a local or regional emergency alert program that may	35
impose different criteria for the activation of a local or	36
regional plan.	37
(D) Any radio broadcast station, television broadcast	38
station, or cable television system participating in the statewide	39
emergency alert program or in any local or regional emergency	40
alert program, and any director, officer, employee, or agent of	41
any such station or system, shall not be liable to any person for	42
damages for any loss allegedly caused by or resulting from the	43
station's or system's broadcast or cablecast of, or failure to	44
broadcast or cablecast, any information pursuant to the statewide	45
emergency alert program or the local or regional emergency alert	46
program.	47
(E) <u>No person shall knowingly make a false report that a</u>	48

child has been abducted and that leads to the implementation of 49
the statewide emergency alert program created under this section 50
or that leads to the implementation of a local or regional 51
emergency alert program. Whoever violates this division is guilty 52
of a felony of the fourth degree. 53

(F) As used in this section: 54

(1) "Abducted child" means a child for whom there is credible 55
evidence to believe that the child has been abducted in violation 56
of section 2905.01, 2905.02, 2905.03, or 2905.05 of the Revised 57
Code. 58

(2) "Cable television system" means a cable system, as 59
defined in section 2913.04 of the Revised Code. 60

(3) "Law enforcement agency" includes, but is not limited to, 61
a county sheriff's office, the office of a village marshal, a 62
police department of a municipal corporation, a police force of a 63
regional transit authority, a police force of a metropolitan 64
housing authority, the state highway patrol, a state university 65
law enforcement agency, the office of a township police constable, 66
and the police department of a township or joint township police 67
district. 68

Section 2. That existing section 5502.52 of the Revised Code 69
is hereby repealed. 70