

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

H. B. No. 571

Representatives Hughes, Collier, Evans, C., Evans, D., Widener, Latta, Gilb,
Mason, Yuko, Key, Seitz, Allen, Barrett, Beatty, Book, Brown, Bubp, Buehrer,
Carano, Chandler, Combs, Daniels, DeBose, Dolan, Domenick, Driehaus,
Faber, Fende, Garrison, Gibbs, Hartnett, Harwood, Hoops, Law, McGregor, J.,
Otterman, Patton, S., Patton, T., Perry, Reed, Reidelbach, Schaffer,
Schlichter, Schneider, Seaver, Setzer, Smith, G., Stewart, D., Stewart, J.,
Strahorn, Wagoner

Senators Clancy, Zurz, Kearney, Stivers, Cates

—

A B I L L

To amend sections 109.741 and 313.08 and to enact 1
sections 2901.41 and 2901.42 of the Revised Code 2
relative to missing persons in Ohio. 3

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

Section 1. That sections 109.741 and 313.08 be amended and 4
sections 2901.41 and 2901.42 of the Revised Code be enacted to 5
read as follows: 6

Sec. 109.741. The attorney general shall adopt, in accordance 7
with Chapter 119. or pursuant to section 109.74 of the Revised 8
Code, rules governing the training of peace officers in the 9
handling of missing children, missing persons, and child abuse and 10
neglect cases. The rules shall specify the amount of that training 11
necessary for the satisfactory completion of basic training 12
programs at approved peace officer training schools, other than 13

the Ohio peace officer training academy and the time within which
a peace officer is required to receive that training, if ~~he~~
~~receives his appointment~~ the peace officer is appointed as a peace
officer before receiving that training.

Sec. 313.08. (A) In counties in which a county morgue is
maintained, the coroner shall be the official custodian of the
morgue.

In all cases of the finding of the body or remains of a
deceased person within a county in which a county morgue is
maintained, when the identity of the deceased person is unknown,
or the deceased person's relatives or other persons entitled to
the custody of the body or remains of the deceased person are
unknown or not present, the body or remains shall be removed to
the county morgue, where it shall be held for identification and
disposal.

(B) The coroner shall make a reasonable attempt to promptly
identify the body or remains of a deceased person. The coroner may
use any means available in attempting to identify the body or
remains.

(C) If the coroner is unable to identify the body or remains
of a deceased person within thirty days after the body or remains
of the deceased person are delivered to the coroner, the coroner
shall notify the bureau of criminal identification and
investigation that the body or remains are located in the county
morgue or are in the custody of the coroner and forward a DNA
specimen from the body or remains of the deceased person to the
bureau.

(D) If a body or remains are discovered and delivered to the
coroner and the coroner is unable to determine whether or not the
body or remains that are discovered are the body or remains of a
deceased person, the coroner shall notify the bureau of criminal

identification and investigation of the existence of a possible
body or remains of a deceased person and forward a DNA specimen
from the body or remains to the bureau.

45
46
47

(E) If the body or remains of a deceased person are not
identified, in addition to providing the notice required under
division (C) of this section, a coroner shall do all of the
following prior to disposing of the body or remains:

48
49
50
51

(1) Take the fingerprints of the body or remains of the
deceased person, or cause the same to be taken, according to the
fingerprint system of identification on the forms furnished by the
superintendent of the bureau of criminal identification and
investigation;

52
53
54
55
56

(2) Take or cause to be taken one or more photographs of the
body or remains of the deceased person;

57
58

(3) Collect in a medically approved manner a DNA specimen
from the body or remains of the deceased person;

59
60

(4) Promptly cause the fingerprints, the photographs, and the
DNA specimen to be forwarded to the bureau of criminal
identification and investigation for inclusion in the unidentified
person database in accordance with procedures established by the
superintendent of the bureau under division (H) of section 109.573
of the Revised Code. ~~The bureau shall provide the fingerprint
forms, specimen vials, mailing tubes, labels, postage, and
instruction needed for the collection and forwarding to the bureau
of the fingerprints and the DNA specimen and for the forwarding to
the bureau of the photographs.~~

61
62
63
64
65
66
67
68
69
70

~~(C)~~(F) The bureau of criminal identification and
investigation shall cause the fingerprints, the photographs, and
the DNA specimen forwarded by the coroner to the bureau pursuant
to division (E)(4) of this section to be forwarded to the national
crime information center and the national DNA index system within

71
72
73
74
75

ten days after the bureau completes the DNA analysis of the 76
forwarded DNA specimen. 77

(G) The bureau shall provide the fingerprint forms, specimen 78
vials, mailing tubes, labels, postage, and instruction needed for 79
the collection and forwarding to the bureau pursuant to division 80
(E)(4) of this section of the fingerprints and the DNA specimen 81
and for the forwarding pursuant to division (E)(4) of this section 82
to the bureau of the photographs. 83

(H) Upon the request of a coroner who has the duty to take, 84
or cause the taking of, fingerprints and photographs under 85
divisions ~~(D)~~(E)(1) and (2) of this section, the bureau of 86
criminal identification and investigation shall take, or assist in 87
the taking of, the required fingerprints and photographs. 88

~~(D)~~(I) As used in this section, "DNA analysis," "DNA 89
specimen," and "unidentified person database" have the same 90
meanings as in section 109.573 of the Revised Code. 91

Sec. 2901.41. (A) As used in this section and section 2901.42 92
of the Revised Code, "missing person" means an individual who is 93
eighteen years of age or older, whose temporary or permanent 94
residence is in Ohio, and who meets one of the following 95
characteristics: 96

(1) The individual has a physical or mental disability. 97

(2) The individual is missing under circumstances indicating 98
that the individual's safety may be in danger. 99

(3) The individual is missing under circumstances indicating 100
that the individual's disappearance was not voluntary. 101

(B) The attorney general shall publish and distribute to all 102
law enforcement agencies in this state a best practices protocol 103
for addressing reports of missing persons. Upon receipt of the 104
best practices protocol from the attorney general, each law 105

enforcement agency in this state shall develop and adopt a written
policy establishing reasonable procedures to be followed by the
law enforcement agency when the agency is informed that a person
is or may be a missing person.

106
107
108
109

(C) After a law enforcement agency adopts a written policy as
required by division (B) of this section, the peace officers that
are employed by that agency shall make a good faith effort to
follow the procedures contained in the policy.

110
111
112
113

(D) The requirements of this section do not create a private
cause of action for damages against the state or any law
enforcement agency, political subdivision, peace officer, or other
person who fails to comply with the requirements of this section.

114
115
116
117

Sec. 2901.42. (A) If a law enforcement agency receives a
report that a person is missing and if there is evidence that the
person was a victim of foul play at the time the victim is
reported missing, the law enforcement agency shall make available
through the law enforcement automated data system all information
contained in the report not later than seven days after the law
enforcement agency receives the report. If there is no evidence
that the person was a victim of foul play, the law enforcement
agency shall make the information available in the law enforcement
automated data system not later than thirty days after receiving
the report that the person is missing.

118
119
120
121
122
123
124
125
126
127
128

(B) If a law enforcement agency receives a report that a
person is missing and there is no evidence of foul play at the
time the agency receives the report and if the agency discovers
after the law enforcement agency receives the report but before
the end of the seven-day period under division (A) of this section
evidence that the person who is missing was a victim of foul play,
the law enforcement agency shall make available through the law
enforcement automated data system all information contained in the

129
130
131
132
133
134
135
136

report by the end of that seven-day period. If a law enforcement
agency receives a report that a person is missing and there is no
evidence of foul play at the time the agency receives the report
and if the agency discovers after the end of the seven-day period
under division (A) of this section evidence that the person who is
missing was a victim of foul play, the law enforcement agency
shall make available through the law enforcement automated data
system all information contained in the report not later than
forty-eight hours after discovering the evidence that the person
was a victim of foul play.

137
138
139
140
141
142
143
144
145
146

(C) If a law enforcement agency pursuant to divisions (A) and
(B) of this section made available through the law enforcement
automated data system information contained in a report that a
person is missing and the missing person is found, the agency
shall promptly remove that information from the law enforcement
automated data system.

147
148
149
150
151
152

(D) As used in this section, indicators that a person was a
victim of "foul play" include, but are not limited to, evidence
that the person's home or car is in disarray, evidence of a
struggle between the person and another person, or evidence a law
enforcement agency determines to be foul play through the written
policy the law enforcement agency develops and adopts pursuant to
division (B) of section 2901.41 of the Revised Code.

153
154
155
156
157
158
159

Section 2. That existing sections 109.741 and 313.08 of the
Revised Code are hereby repealed.

160
161