

As Reported by the House Criminal Justice Committee

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**

—

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 14
a peace officer is required to receive that training, if ~~he~~ 15
~~receives his appointment~~ the peace officer is appointed as a peace 16
officer before receiving that training. 17

Sec. 313.08. (A) In counties in which a county morgue is 18

maintained, the coroner shall be the official custodian of the 19
morgue. 20

In all cases of the finding of the body or remains of a 21
deceased person within a county in which a county morgue is 22
maintained, when the identity of the deceased person is unknown, 23
or the deceased person's relatives or other persons entitled to 24
the custody of the body or remains of the deceased person are 25
unknown or not present, the body or remains shall be removed to 26
the county morgue, where it shall be held for identification and 27
disposal. 28

(B) The coroner shall make a reasonable attempt to promptly 29
identify the body or remains of a deceased person. The coroner may 30
use any means available in attempting to identify the body or 31
remains. 32

(C) If the coroner is unable to identify the body or remains 33
of a deceased person within thirty days after the body or remains 34
of the deceased person are delivered to the coroner, the coroner 35
shall notify the bureau of criminal identification and 36
investigation that the body or remains are located in the county 37
morgue or are in the custody of the coroner and forward a DNA 38
specimen from the body or remains of the deceased person to the 39
bureau. 40

(D) If a body or remains are discovered and delivered to the 41
coroner and the coroner is unable to determine whether or not the 42
body or remains that are discovered are the body or remains of a 43
deceased person, the coroner shall notify the bureau of criminal 44
identification and investigation of the existence of a possible 45
body or remains of a deceased person and forward a DNA specimen 46
from the body or remains to the bureau. 47

(E) If the body or remains of a deceased person are not 48
identified, in addition to providing the notice required under 49

division (C) of this section, a coroner shall do all of the 50
following prior to disposing of the body or remains: 51

(1) Take the fingerprints of the body or remains of the 52
deceased person, or cause the same to be taken, according to the 53
fingerprint system of identification on the forms furnished by the 54
superintendent of the bureau of criminal identification and 55
investigation; 56

(2) Take or cause to be taken one or more photographs of the 57
body or remains of the deceased person; 58

(3) Collect in a medically approved manner a DNA specimen 59
from the body or remains of the deceased person; 60

(4) Promptly cause the fingerprints, the photographs, and the 61
DNA specimen to be forwarded to the bureau of criminal 62
identification and investigation for inclusion in the unidentified 63
person database in accordance with procedures established by the 64
superintendent of the bureau under division (H) of section 109.573 65
of the Revised Code. ~~The bureau shall provide the fingerprint 66
forms, specimen vials, mailing tubes, labels, postage, and 67
instruction needed for the collection and forwarding to the bureau 68
of the fingerprints and the DNA specimen and for the forwarding to 69
the bureau of the photographs.~~ 70

~~(C)~~(F) The bureau of criminal identification and 71
investigation shall cause the fingerprints, the photographs, and 72
the DNA specimen forwarded by the coroner to the bureau pursuant 73
to division (E)(4) of this section to be forwarded to the national 74
crime information center and the national DNA index system within 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 ~~(B)~~(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 106
policy establishing reasonable procedures to be followed by the 107
law enforcement agency when the agency is informed that a person 108
is or may be a missing person. 109

(C) After a law enforcement agency adopts a written policy as 110

required by division (B) of this section, the peace officers that 111
are employed by that agency shall make a good faith effort to 112
follow the procedures contained in the policy. 113

(D) The requirements of this section do not create a private 114
cause of action for damages against the state or any law 115
enforcement agency, political subdivision, peace officer, or other 116
person who fails to comply with the requirements of this section. 117

Sec. 2901.42. (A) If a law enforcement agency receives a 118
report that a person is missing and if there is evidence that the 119
person was a victim of foul play at the time the victim is 120
reported missing, the law enforcement agency shall make available 121
through the law enforcement automated data system all information 122
contained in the report not later than seven days after the law 123
enforcement agency receives the report. If there is no evidence 124
that the person was a victim of foul play, the law enforcement 125
agency shall make the information available in the law enforcement 126
automated data system not later than thirty days after receiving 127
the report that the person is missing. 128

(B) If a law enforcement agency receives a report that a 129
person is missing and there is no evidence of foul play at the 130
time the agency receives the report and if the agency discovers 131
after the law enforcement agency receives the report but before 132
the end of the seven-day period under division (A) of this section 133
evidence that the person who is missing was a victim of foul play, 134
the law enforcement agency shall make available through the law 135
enforcement automated data system all information contained in the 136
report by the end of that seven-day period. If a law enforcement 137
agency receives a report that a person is missing and there is no 138
evidence of foul play at the time the agency receives the report 139
and if the agency discovers after the end of the seven-day period 140
under division (A) of this section evidence that the person who is 141

missing was a victim of foul play, the law enforcement agency 142
shall make available through the law enforcement automated data 143
system all information contained in the report not later than 144
forty-eight hours after discovering the evidence that the person 145
was a victim of foul play. 146

(C) If a law enforcement agency pursuant to divisions (A) and 147
(B) of this section made available through the law enforcement 148
automated data system information contained in a report that a 149
person is missing and the missing person is found, the agency 150
shall promptly remove that information from the law enforcement 151
automated data system. 152

(D) As used in this section, indicators that a person was a 153
victim of "foul play" include, but are not limited to, evidence 154
that the person's home or car is in disarray, evidence of a 155
struggle between the person and another person, or evidence a law 156
enforcement agency determines to be foul play through the written 157
policy the law enforcement agency develops and adopts pursuant to 158
division (B) of section 2901.41 of the Revised Code. 159

Section 2. That existing sections 109.741 and 313.08 of the 160
Revised Code are hereby repealed. 161