

**As Reported by the Senate Judiciary--Criminal Justice Committee**

**126th General Assembly**

**Regular Session**

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**H. B. No. 571**

**Representatives Hughes, Collier, Evans, C., Evans, D., Widener, Latta, Gilb,  
Mason, Yuko, Key, Seitz, Allen, Barrett, Beatty, Book, Brown, Bupp, 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**

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**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  
body or remains of a deceased person and forward a DNA specimen  
from the body or remains to the bureau.

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(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:

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(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;

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

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

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(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.~~

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~~(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

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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