

As Reported by the Committee of Conference

127th General Assembly

Regular Session

2007-2008

Am. H. B. No. 181

Representative Setzer

Cosponsors: Representatives Stebelton, Evans, Healy, Combs, Yuko, Harwood, Huffman, Collier, Webster, Brown, Patton, Williams, B., Lundy, Dyer, Heard, Barrett, Boyd, Budish, Chandler, DeBose, Distel, Domenick, Driehaus, Fende, Flowers, Foley, Garrison, Gibbs, Hagan, J., Hagan, R., Hite, Letson, Luckie, Mallory, Miller, Oelslager, Okey, Otterman, Schindel, Schlichter, Schneider, Strahorn, Szollosi, Uecker, Wagoner, Williams, S., Zehringer

Senators Grendell, Cates, Harris, Mumper, Niehaus, Padgett, Seitz, Spada, Stivers, Fedor, Sawyer, Jacobson

—

A B I L L

To amend sections 2901.30 and 3313.672 of the Revised Code with respect to law enforcement cooperation and schools' record keeping duties in missing children investigations. 1
2
3
4

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

Section 1. That sections 2901.30 and 3313.672 of the Revised Code be amended to read as follows: 5
6

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of the Revised Code: 7
8

(1) "Information" means information that can be integrated into the computer system and that relates to the physical or 9
10

mental description of a minor including, but not limited to, 11
height, weight, color of hair and eyes, use of eyeglasses or 12
contact lenses, skin coloring, physical or mental handicaps, 13
special medical conditions or needs, abnormalities, problems, 14
scars and marks, and distinguishing characteristics, and other 15
information that could assist in identifying a minor including, 16
but not limited to, full name and nickname, date and place of 17
birth, age, names and addresses of parents and other relatives, 18
fingerprints, dental records, photographs, social security number, 19
driver's license number, credit card numbers, bank account 20
numbers, and clothing. 21

(2) "Minor" means a person under eighteen years of age. 22

(3) "Missing children" or "missing child" means either of the 23
following: 24

(a) A minor who has run away from or who otherwise is missing 25
from the home of, or the care, custody, and control of, the 26
minor's parents, parent who is the residential parent and legal 27
custodian, guardian, legal custodian, or other person having 28
responsibility for the care of the minor; 29

(b) A minor who is missing and about whom there is reason to 30
believe the minor could be the victim of a violation of section 31
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 32
violation of section 2905.04 of the Revised Code as it existed 33
prior to ~~the effective date of this amendment~~ July 1, 1996. 34

(B) When a law enforcement agency in this state that has 35
jurisdiction in the matter is informed that a minor is or may be a 36
missing child and that the person providing the information wishes 37
to file a missing child report, the law enforcement agency shall 38
take that report. Upon taking the report, the law enforcement 39
agency shall take prompt action upon it, including, but not 40
limited to, concerted efforts to locate the missing child. No law 41

enforcement agency in this state shall have a rule or policy that 42
prohibits or discourages the filing of or the taking of action 43
upon a missing child report, within a specified period following 44
the discovery or formulation of a belief that a minor is or could 45
be a missing child. 46

(C) If a missing child report is made to a law enforcement 47
agency in this state that has jurisdiction in the matter, the law 48
enforcement agency shall gather readily available information 49
about the missing child and integrate it into the national crime 50
information center computer within twelve hours following the 51
making of the report. The law enforcement agency shall make 52
reasonable efforts to acquire additional information about the 53
missing child following the transmittal of the initially available 54
information, and promptly integrate any additional information 55
acquired into such computer systems. 56

Whenever a law enforcement agency integrates information 57
about a missing child into the national crime information center 58
computer, the law enforcement agency promptly shall notify the 59
missing child's parents, parent who is the residential parent and 60
legal custodian, guardian, or legal custodian, or any other person 61
responsible for the care of the missing child, that it has so 62
integrated the information. 63

The parents, parent who is the residential parent and legal 64
custodian, guardian, legal custodian, or other person responsible 65
for the care of the missing child shall provide available 66
information upon request, and may provide information voluntarily, 67
to the law enforcement agency during the information gathering 68
process. The law enforcement agency also may obtain available 69
information about the missing child from other persons, subject to 70
constitutional and statutory limitations. 71

(D) Upon the filing of a missing child report, the law 72
enforcement agency involved may notify the public or nonpublic 73

school in which the missing child is or was most recently 74
enrolled, as ascertained by the agency, that the child is the 75
subject of a missing child report and that the child's school 76
records are to be marked in accordance with section 3313.672 of 77
the Revised Code. 78

(E) Upon the filing of a missing child report, the law 79
enforcement agency involved promptly shall make a reasonable 80
attempt to notify other law enforcement agencies within its county 81
and, if the agency has jurisdiction in a municipal corporation or 82
township that borders another county, to notify the law 83
enforcement agency for the municipal corporation or township in 84
the other county with which it shares the border, that it has 85
taken a missing child report and may be requesting assistance or 86
cooperation in the case, and provide relevant information to the 87
other law enforcement agencies. The agency may notify additional 88
law enforcement agencies, or appropriate public children services 89
agencies, about the case, request their assistance or cooperation 90
in the case, and provide them with relevant information. 91

Upon request from a law enforcement agency, a public children 92
services agency shall grant the law enforcement agency access to 93
all information concerning a missing child that the agency 94
possesses that may be relevant to the law enforcement agency in 95
investigating a missing child report concerning that child. The 96
information obtained by the law enforcement agency shall be used 97
only to further the investigation to locate the missing child. 98

~~(E)~~(F) Upon request, law enforcement agencies in this state 99
shall provide assistance to, and cooperate with, other law 100
enforcement agencies in their investigation of missing child 101
cases. The assistance and cooperation under this paragraph shall 102
be pursuant to any terms agreed upon by the law enforcement 103
agencies, which may include the provision of law enforcement 104
services or the use of law enforcement equipment or the 105

interchange of services and equipment among the cooperating law 106
enforcement agencies. Chapter 2744. of the Revised Code, insofar 107
as it applies to the operation of law enforcement agencies, shall 108
apply to the cooperating political subdivisions and to the law 109
enforcement agency employees when they are rendering services 110
pursuant to this paragraph outside the territory of the political 111
subdivision by which they are employed. Law enforcement agency 112
employees rendering services outside the territory of the 113
political subdivision in which they are employed, pursuant to this 114
paragraph, shall be entitled to participate in any indemnity fund 115
established by their employer to the same extent as if they were 116
rendering service within the territory of their employing 117
political subdivision. Those law enforcement agency employees also 118
shall be entitled to all the rights and benefits of Chapter 4123. 119
of the Revised Code to the same extent as if rendering services 120
within the territory of their employing political subdivision. 121

The information in any missing child report made to a law 122
enforcement agency shall be made available, upon request, to law 123
enforcement personnel of this state, other states, and the federal 124
government when the law enforcement personnel indicate that the 125
request is to aid in identifying or locating a missing child or 126
the possible identification of a deceased minor who, upon 127
discovery, cannot be identified. 128

~~(F)~~(G) When a missing child has not been located within 129
thirty days after the date on which the missing child report 130
pertaining to the child was filed with a law enforcement agency, 131
that law enforcement agency shall request the missing child's 132
parents, parent who is the residential parent and legal custodian, 133
guardian, or legal custodian, or any other person responsible for 134
the care of the missing child, to provide written consent for the 135
law enforcement agency to contact the missing child's dentist and 136
request the missing child's dental records. Upon receipt of such 137

written consent, the dentist shall release a copy of the missing 138
child's dental records to the law enforcement agency and shall 139
provide and encode the records in such form as requested by the 140
law enforcement agency. The law enforcement agency then shall 141
integrate information in the records into the national crime 142
information center computer in order to compare the records to 143
those of unidentified deceased persons. This division does not 144
prevent a law enforcement agency from seeking consent to obtain 145
copies of a missing child's dental records, or prevent a missing 146
child's parents, parent who is the residential parent and legal 147
custodian, guardian, or legal custodian, or any other person 148
responsible for the care of the missing child, from granting 149
consent for the release of copies of the missing child's dental 150
records to a law enforcement agency, at any time. 151

~~(G)~~(H) A missing child's parents, parent who is the 152
residential parent and legal custodian, guardian, or legal 153
custodian, or any other persons responsible for the care of a 154
missing child, immediately shall notify the law enforcement agency 155
with which they filed the missing child report whenever the child 156
has returned to their home or to their care, custody, and control, 157
has been released if the missing child was the victim of an 158
offense listed in division (A)(3)(b) of this section, or otherwise 159
has been located. Upon such notification or upon otherwise 160
learning that a missing child has returned to the home of, or to 161
the care, custody, and control of the missing child's parents, 162
parent who is the residential parent and legal custodian, 163
guardian, legal custodian, or other person responsible for the 164
missing child's care, has been released if the missing child was 165
the victim of an offense listed in division (A)(3)(b) of this 166
section, or otherwise has been located, the law enforcement agency 167
involved promptly shall integrate the fact that the minor no 168
longer is a missing child into the national crime information 169
center computer and shall inform any school that was notified 170

under division (D) of this section that the minor is no longer a 171
missing child. 172

~~(H)~~(I) Nothing contained in this section shall be construed 173
to impair the confidentiality of services provided to runaway 174
minors by shelters for runaway minors pursuant to sections 5119.64 175
to 5119.68 of the Revised Code. 176

Sec. 3313.672. (A)(1) At the time of initial entry to a 177
public or nonpublic school, a pupil shall present to the person in 178
charge of admission any records given the pupil by the public or 179
nonpublic elementary or secondary school the pupil most recently 180
attended; a certified copy of an order or decree, or modification 181
of such an order or decree allocating parental rights and 182
responsibilities for the care of a child and designating a 183
residential parent and legal custodian of the child, as provided 184
in division (B) of this section, if that type of order or decree 185
has been issued; a copy of a power of attorney or caretaker 186
authorization affidavit, if either has been executed with respect 187
to the child pursuant to sections 3109.51 to 3109.80 of the 188
Revised Code; and a certification of birth issued pursuant to 189
Chapter 3705. of the Revised Code, a comparable certificate or 190
certification issued pursuant to the statutes of another state, 191
territory, possession, or nation, or a document in lieu of a 192
certificate or certification as described in divisions (A)(1)(a) 193
to (e) of this section. Any of the following shall be accepted in 194
lieu of a certificate or certification of birth by the person in 195
charge of admission: 196

(a) A passport or attested transcript of a passport filed 197
with a registrar of passports at a point of entry of the United 198
States showing the date and place of birth of the child; 199

(b) An attested transcript of the certificate of birth; 200

(c) An attested transcript of the certificate of baptism or 201

other religious record showing the date and place of birth of the child; 202
203

(d) An attested transcript of a hospital record showing the date and place of birth of the child; 204
205

(e) A birth affidavit. 206

(2) If a pupil requesting admission to a school of the school district in which the pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code has been discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code just prior to requesting admission to the school, no school official shall admit that pupil until the records described in divisions (D)(4)(a) to (d) of section 2152.18 of the Revised Code have been received by the superintendent of the school district. 207
208
209
210
211
212
213
214
215

(3) Except as otherwise provided in division (A)(2) of this section, within twenty-four hours of the entry into the school of a pupil described in division (A)(1) of this section, a school official shall request the pupil's official records from the public or nonpublic elementary or secondary school the pupil most recently attended. If the public or nonpublic school the pupil claims to have most recently attended indicates that it has no record of the pupil's attendance or the records are not received within fourteen days of the date of request, or if the pupil does not present a certification of birth described in division (A)(1) of this section, a comparable certificate or certification from another state, territory, possession, or nation, or another document specified in divisions (A)(1)(a) to ~~(d)~~(e) of this section, the principal or chief administrative officer of the school shall notify the law enforcement agency having jurisdiction in the area where the pupil resides of this fact and of the possibility that the pupil may be a missing child, as defined in section 2901.30 of the Revised Code. 216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233

(B)(1) Whenever an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child, including a temporary order, is issued resulting from an action of divorce, alimony, annulment, or dissolution of marriage, and the order or decree pertains to a child who is a pupil in a public or nonpublic school, the residential parent of the child shall notify the school of those allocations and designations by providing the person in charge of admission at the pupil's school with a certified copy of the order or decree that made the allocation and designation. Whenever there is a modification of any order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child that has been submitted to a school, the residential parent shall provide the person in charge of admission at the pupil's school with a certified copy of the order or decree that makes the modification.

(2) Whenever a power of attorney is executed under sections 3109.51 to 3109.62 of the Revised Code that pertains to a child who is a pupil in a public or nonpublic school, the attorney in fact shall notify the school of the power of attorney by providing the person in charge of admission with a copy of the power of attorney. Whenever a caretaker authorization affidavit is executed under sections 3109.64 to 3109.73 of the Revised Code that pertains to a child who is in a public or nonpublic school, the grandparent who executed the affidavit shall notify the school of the affidavit by providing the person in charge of admission with a copy of the affidavit.

(C) If, at the time of a pupil's initial entry to a public or nonpublic school, the pupil is under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, the pupil or the pupil's parent shall notify the

school of that fact. Upon being so informed, the school shall 266
inform the elementary or secondary school from which it requests 267
the pupil's records of that fact. 268

(D) Whenever a public or nonpublic school is notified by a 269
law enforcement agency pursuant to division (D) of section 2901.30 270
of the Revised Code that a missing child report has been filed 271
regarding a pupil who is currently or was previously enrolled in 272
the school, the person in charge of admission at the school shall 273
mark that pupil's records in such a manner that whenever a copy of 274
or information regarding the records is requested, any school 275
official responding to the request is alerted to the fact that the 276
records are those of a missing child. Upon any request for a copy 277
of or information regarding a pupil's records that have been so 278
marked, the person in charge of admission immediately shall report 279
the request to the law enforcement agency that notified the school 280
that the pupil is a missing child. When forwarding a copy of or 281
information from the pupil's records in response to a request, the 282
person in charge of admission shall do so in such a way that the 283
receiving district or school would be unable to discern that the 284
pupil's records are marked pursuant to this division but shall 285
retain the mark in the pupil's records until notified that the 286
pupil is no longer a missing child. Upon notification by a law 287
enforcement agency that a pupil is no longer a missing child, the 288
person in charge of admission shall remove the mark from the 289
pupil's records in such a way that if the records were forwarded 290
to another district or school, the receiving district or school 291
would be unable to discern that the records were ever marked. 292

Section 2. That existing sections 2901.30 and 3313.672 of the 293
Revised Code are hereby repealed. 294