

As Introduced

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Representative Setzer

**Cosponsors: Representatives Stebelton, Evans, Healy, Combs, Yuko,
Harwood, Huffman, Collier, Webster, Brown**

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A B I L L

To amend sections 2901.30 and 3313.672 of the Revised 1
Code to require public and nonpublic schools to 2
mark the records of students identified as missing 3
children and to notify law enforcement of requests 4
for those records. 5

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

Section 1. That sections 2901.30 and 3313.672 of the Revised 6
Code be amended to read as follows: 7

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of 8
the Revised Code: 9

(1) "Information" means information that can be integrated 10
into the computer system and that relates to the physical or 11
mental description of a minor including, but not limited to, 12
height, weight, color of hair and eyes, use of eyeglasses or 13
contact lenses, skin coloring, physical or mental handicaps, 14
special medical conditions or needs, abnormalities, problems, 15
scars and marks, and distinguishing characteristics, and other 16
information that could assist in identifying a minor including, 17
but not limited to, full name and nickname, date and place of 18

birth, age, names and addresses of parents and other relatives, 19
fingerprints, dental records, photographs, social security number, 20
driver's license number, credit card numbers, bank account 21
numbers, and clothing. 22

(2) "Minor" means a person under eighteen years of age. 23

(3) "Missing children" or "missing child" means either of the 24
following: 25

(a) A minor who has run away from or who otherwise is missing 26
from the home of, or the care, custody, and control of, the 27
minor's parents, parent who is the residential parent and legal 28
custodian, guardian, legal custodian, or other person having 29
responsibility for the care of the minor; 30

(b) A minor who is missing and about whom there is reason to 31
believe the minor could be the victim of a violation of section 32
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 33
violation of section 2905.04 of the Revised Code as it existed 34
prior to ~~the effective date of this amendment~~ July 1, 1996. 35

(B) When a law enforcement agency in this state that has 36
jurisdiction in the matter is informed that a minor is or may be a 37
missing child and that the person providing the information wishes 38
to file a missing child report, the law enforcement agency shall 39
take that report. Upon taking the report, the law enforcement 40
agency shall take prompt action upon it, including, but not 41
limited to, concerted efforts to locate the missing child. No law 42
enforcement agency in this state shall have a rule or policy that 43
prohibits or discourages the filing of or the taking of action 44
upon a missing child report, within a specified period following 45
the discovery or formulation of a belief that a minor is or could 46
be a missing child. 47

(C) If a missing child report is made to a law enforcement 48
agency in this state that has jurisdiction in the matter, the law 49

enforcement agency shall gather readily available information 50
about the missing child and integrate it into the national crime 51
information center computer within twelve hours following the 52
making of the report. The law enforcement agency shall make 53
reasonable efforts to acquire additional information about the 54
missing child following the transmittal of the initially available 55
information, and promptly integrate any additional information 56
acquired into such computer systems. 57

Whenever a law enforcement agency integrates information 58
about a missing child into the national crime information center 59
computer, the law enforcement agency promptly shall notify the 60
missing child's parents, parent who is the residential parent and 61
legal custodian, guardian, or legal custodian, or any other person 62
responsible for the care of the missing child, that it has so 63
integrated the information. 64

The parents, parent who is the residential parent and legal 65
custodian, guardian, legal custodian, or other person responsible 66
for the care of the missing child shall provide available 67
information upon request, and may provide information voluntarily, 68
to the law enforcement agency during the information gathering 69
process. The law enforcement agency also may obtain available 70
information about the missing child from other persons, subject to 71
constitutional and statutory limitations. 72

(D) Upon the filing of a missing child report, the law 73
enforcement agency involved may notify the public or nonpublic 74
school in which the missing child is or was most recently 75
enrolled, as ascertained by the agency, that the child is the 76
subject of a missing child report and that the child's school 77
records are to be marked in accordance with section 3313.672 of 78
the Revised Code. 79

(E) Upon the filing of a missing child report, the law 80
enforcement agency involved promptly shall make a reasonable 81

attempt to notify other law enforcement agencies within its county 82
and, if the agency has jurisdiction in a municipal corporation or 83
township that borders another county, to notify the law 84
enforcement agency for the municipal corporation or township in 85
the other county with which it shares the border, that it has 86
taken a missing child report and may be requesting assistance or 87
cooperation in the case, and provide relevant information to the 88
other law enforcement agencies. The agency may notify additional 89
law enforcement agencies, or appropriate public children services 90
agencies, about the case, request their assistance or cooperation 91
in the case, and provide them with relevant information. 92

Upon request from a law enforcement agency, a public children 93
services agency shall grant the law enforcement agency access to 94
all information concerning a missing child that the agency 95
possesses that may be relevant to the law enforcement agency in 96
investigating a missing child report concerning that child. The 97
information obtained by the law enforcement agency shall be used 98
only to further the investigation to locate the missing child. 99

~~(E)~~(F) Upon request, law enforcement agencies in this state 100
shall provide assistance to, and cooperate with, other law 101
enforcement agencies in their investigation of missing child 102
cases. 103

The information in any missing child report made to a law 104
enforcement agency shall be made available, upon request, to law 105
enforcement personnel of this state, other states, and the federal 106
government when the law enforcement personnel indicate that the 107
request is to aid in identifying or locating a missing child or 108
the possible identification of a deceased minor who, upon 109
discovery, cannot be identified. 110

~~(F)~~(G) When a missing child has not been located within 111
thirty days after the date on which the missing child report 112
pertaining to the child was filed with a law enforcement agency, 113

that law enforcement agency shall request the missing child's 114
parents, parent who is the residential parent and legal custodian, 115
guardian, or legal custodian, or any other person responsible for 116
the care of the missing child, to provide written consent for the 117
law enforcement agency to contact the missing child's dentist and 118
request the missing child's dental records. Upon receipt of such 119
written consent, the dentist shall release a copy of the missing 120
child's dental records to the law enforcement agency and shall 121
provide and encode the records in such form as requested by the 122
law enforcement agency. The law enforcement agency then shall 123
integrate information in the records into the national crime 124
information center computer in order to compare the records to 125
those of unidentified deceased persons. This division does not 126
prevent a law enforcement agency from seeking consent to obtain 127
copies of a missing child's dental records, or prevent a missing 128
child's parents, parent who is the residential parent and legal 129
custodian, guardian, or legal custodian, or any other person 130
responsible for the care of the missing child, from granting 131
consent for the release of copies of the missing child's dental 132
records to a law enforcement agency, at any time. 133

~~(G)~~(H) A missing child's parents, parent who is the 134
residential parent and legal custodian, guardian, or legal 135
custodian, or any other persons responsible for the care of a 136
missing child, immediately shall notify the law enforcement agency 137
with which they filed the missing child report whenever the child 138
has returned to their home or to their care, custody, and control, 139
has been released if the missing child was the victim of an 140
offense listed in division (A)(3)(b) of this section, or otherwise 141
has been located. Upon such notification or upon otherwise 142
learning that a missing child has returned to the home of, or to 143
the care, custody, and control of the missing child's parents, 144
parent who is the residential parent and legal custodian, 145
guardian, legal custodian, or other person responsible for the 146

missing child's care, has been released if the missing child was 147
the victim of an offense listed in division (A)(3)(b) of this 148
section, or otherwise has been located, the law enforcement agency 149
involved promptly shall integrate the fact that the minor no 150
longer is a missing child into the national crime information 151
center computer and shall inform any school that was notified 152
under division (D) of this section that the minor is no longer a 153
missing child. 154

~~(H)~~(I) Nothing contained in this section shall be construed 155
to impair the confidentiality of services provided to runaway 156
minors by shelters for runaway minors pursuant to sections 5119.64 157
to 5119.68 of the Revised Code. 158

Sec. 3313.672. (A)(1) At the time of initial entry to a 159
public or nonpublic school, a pupil shall present to the person in 160
charge of admission any records given the pupil by the public or 161
nonpublic elementary or secondary school the pupil most recently 162
attended; a certified copy of an order or decree, or modification 163
of such an order or decree allocating parental rights and 164
responsibilities for the care of a child and designating a 165
residential parent and legal custodian of the child, as provided 166
in division (B) of this section, if that type of order or decree 167
has been issued; a copy of a power of attorney or caretaker 168
authorization affidavit, if either has been executed with respect 169
to the child pursuant to sections 3109.51 to 3109.80 of the 170
Revised Code; and a certification of birth issued pursuant to 171
Chapter 3705. of the Revised Code, a comparable certificate or 172
certification issued pursuant to the statutes of another state, 173
territory, possession, or nation, or a document in lieu of a 174
certificate or certification as described in divisions (A)(1)(a) 175
to (e) of this section. Any of the following shall be accepted in 176
lieu of a certificate or certification of birth by the person in 177
charge of admission: 178

(a) A passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child;	179 180 181
(b) An attested transcript of the certificate of birth;	182
(c) An attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child;	183 184 185
(d) An attested transcript of a hospital record showing the date and place of birth of the child;	186 187
(e) A birth affidavit.	188
(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.	189 190 191 192 193 194 195 196 197
(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	198 199 200 201 202 203 204 205 206 207 208 209

document specified in divisions (A)(1)(a) to ~~(d)~~(e) of this 210
section, the principal or chief administrative officer of the 211
school shall notify the law enforcement agency having jurisdiction 212
in the area where the pupil resides of this fact and of the 213
possibility that the pupil may be a missing child, as defined in 214
section 2901.30 of the Revised Code. 215

(B)(1) Whenever an order or decree allocating parental rights 216
and responsibilities for the care of a child and designating a 217
residential parent and legal custodian of the child, including a 218
temporary order, is issued resulting from an action of divorce, 219
alimony, annulment, or dissolution of marriage, and the order or 220
decree pertains to a child who is a pupil in a public or nonpublic 221
school, the residential parent of the child shall notify the 222
school of those allocations and designations by providing the 223
person in charge of admission at the pupil's school with a 224
certified copy of the order or decree that made the allocation and 225
designation. Whenever there is a modification of any order or 226
decree allocating parental rights and responsibilities for the 227
care of a child and designating a residential parent and legal 228
custodian of the child that has been submitted to a school, the 229
residential parent shall provide the person in charge of admission 230
at the pupil's school with a certified copy of the order or decree 231
that makes the modification. 232

(2) Whenever a power of attorney is executed under sections 233
3109.51 to 3109.62 of the Revised Code that pertains to a child 234
who is a pupil in a public or nonpublic school, the attorney in 235
fact shall notify the school of the power of attorney by providing 236
the person in charge of admission with a copy of the power of 237
attorney. Whenever a caretaker authorization affidavit is executed 238
under sections 3109.64 to 3109.73 of the Revised Code that 239
pertains to a child who is in a public or nonpublic school, the 240
grandparent who executed the affidavit shall notify the school of 241

the affidavit by providing the person in charge of admission with 242
a copy of the affidavit. 243

(C) If, at the time of a pupil's initial entry to a public or 244
nonpublic school, the pupil is under the care of a shelter for 245
victims of domestic violence, as defined in section 3113.33 of the 246
Revised Code, the pupil or the pupil's parent shall notify the 247
school of that fact. Upon being so informed, the school shall 248
inform the elementary or secondary school from which it requests 249
the pupil's records of that fact. 250

(D) Whenever a public or nonpublic school is notified by a 251
law enforcement agency pursuant to division (D) of section 2901.30 252
of the Revised Code that a missing child report has been filed 253
regarding a pupil who is currently or was previously enrolled in 254
the school, the person in charge of admission at the school shall 255
mark that pupil's records in such a manner that whenever a copy of 256
or information regarding the records is requested, any school 257
official responding to the request is alerted to the fact that the 258
records are those of a missing child. Upon any request for a copy 259
of or information regarding a pupil's records that have been so 260
marked, the person in charge of admission immediately shall report 261
the request to the law enforcement agency that notified the school 262
that the pupil is a missing child. Upon notification by a law 263
enforcement agency that a pupil is no longer a missing child, the 264
person in charge of admission shall remove the mark from the 265
pupil's records in such a way that if the records were forwarded 266
to another district, the receiving district would be unable to 267
discern that the records were ever marked. 268

Section 2. That existing sections 2901.30 and 3313.672 of the 269
Revised Code are hereby repealed. 270