

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 87**

**Senator Carey**

**Cosponsors: Senators Miller, D., Mumper, Padgett, Clancy, Bocchieri,  
Schaffer, Schuler, Mason, Cafaro**

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**A B I L L**

To enact section 5502.522 of the Revised Code to 1  
create the statewide emergency alert program to 2  
aid in the identification and location of missing 3  
individuals who have a mental impairment or are 4  
sixty-five years of age or older and to establish 5  
activation criteria for the implementation of the 6  
program. 7

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

**Section 1.** That section 5502.522 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 5502.522.** (A) There is hereby created the statewide 10  
emergency alert program to aid in the identification and location 11  
of any individual who has a mental impairment or is sixty-five 12  
years of age or older, who is or is believed to be a temporary or 13  
permanent resident of this state, is at a location that cannot be 14  
determined by an individual familiar with the missing individual, 15  
and is incapable of returning to the missing individual's 16  
residence without assistance, and whose disappearance, as 17  
determined by a law enforcement agency, poses a credible threat of 18  
immediate danger of serious bodily harm or death to the missing 19

individual. The program shall be a coordinated effort among the 20  
governor's office, the department of public safety, the attorney 21  
general, law enforcement agencies, the state's public and 22  
commercial television and radio broadcasters, and others as 23  
determined necessary by the governor. 24

(B) The statewide emergency alert program shall not be 25  
implemented unless all of the following activation criteria are 26  
met: 27

(1) The local investigating law enforcement agency confirms 28  
that the individual is missing. 29

(2) The individual is sixty-five years of age or older or has 30  
a mental impairment. 31

(3) The disappearance of the individual poses a credible 32  
threat of immediate danger of serious bodily harm or death to the 33  
individual. 34

(4) There is sufficient descriptive information about the 35  
individual and the circumstances surrounding the individual's 36  
disappearance to indicate that activation of the alert will help 37  
locate the individual. 38

(C) Nothing in division (B) of this section prevents the 39  
activation of a local or regional emergency alert program that may 40  
impose different criteria for the activation of a local or 41  
regional plan. 42

(D) Any radio broadcast station, television broadcast 43  
station, or cable system participating in the statewide emergency 44  
alert program or in any local or regional emergency alert program, 45  
and any director, officer, employee, or agent of any station or 46  
system participating in either type of alert program, shall not be 47  
liable to any person for damages for any loss allegedly caused by 48  
or resulting from the station's or system's broadcast or cablecast 49

of, or failure to broadcast or cablecast, any information pursuant 50  
to the statewide emergency alert program or the local or regional 51  
emergency alert program. 52

(E) A local investigating law enforcement agency shall not be 53  
required to notify the statewide emergency alert program that the 54  
law enforcement agency has received information that meets the 55  
activation criteria set forth in division (B) of this section 56  
during the first twenty-four hours after the law enforcement 57  
agency receives the information. 58

(F) As used in this section: 59

(1) "Cable system" has the same meaning as in section 2913.04 60  
of the Revised Code. 61

(2) "Law enforcement agency" includes, but is not limited to, 62  
a county sheriff's office, the office of a village marshal, a 63  
police department of a municipal corporation, a police force of a 64  
regional transit authority, a police force of a metropolitan 65  
housing authority, the state highway patrol, a state university 66  
law enforcement agency, the office of a township police constable, 67  
and the police department of a township or joint township police 68  
district. 69

(3) "Mental impairment" means a substantial disorder of 70  
thought, mood, perception, orientation, or memory that grossly 71  
impairs judgment, behavior, or ability to live independently or 72  
provide self-care as certified by a licensed physician, 73  
psychiatrist, or psychologist. 74