

As Passed by the Senate

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Sub. S. B. No. 87

Senator Carey

Cosponsors: Senators Miller, D., Mumper, Padgett, Clancy, Bocchieri,
Schaffer, Schuler, Mason, Cafaro, Austria, Fedor, Gardner, Goodman,
Grendell, Harris, Niehaus, Roberts, Sawyer, Spada, Stivers

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A B I L L

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

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

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

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

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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) Nothing in this section shall be construed to authorize 59
the use of the federal emergency alert system unless otherwise 60
authorized by federal law. 61

(G) As used in this section: 62

(1) "Cable system" has the same meaning as in section 2913.04 63
of the Revised Code. 64

(2) "Law enforcement agency" includes, but is not limited to, 65
a county sheriff's office, the office of a village marshal, a 66
police department of a municipal corporation, a police force of a 67
regional transit authority, a police force of a metropolitan 68
housing authority, the state highway patrol, a state university 69
law enforcement agency, the office of a township police constable, 70
and the police department of a township or joint township police 71
district. 72

(3) "Mental impairment" means a substantial disorder of 73
thought, mood, perception, orientation, or memory that grossly 74
impairs judgment, behavior, or ability to live independently or 75
provide self-care as certified by a licensed physician, 76
psychiatrist, or psychologist. 77