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Committee**

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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  
Representatives Daniels, Hite, Stewart, D., Brown, Carmichael, Collier,  
Domenick, Flowers, Lundy, Schneider, Sykes**

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**A B I L L**

To amend sections 2901.30 and 2901.42 and to enact 1  
section 5502.522 of the Revised Code to create the 2  
statewide emergency alert program to aid in the 3  
identification and location of missing individuals 4  
who have a mental impairment or are sixty-five 5  
years of age or older and to establish activation 6  
criteria for the implementation of the program and 7  
to make changes in the Missing Persons Law 8  
relating to missing persons between the ages of 18 9  
and 21 and missing children under age 18. 10

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

**Section 1.** That sections 2901.30 and 2901.42 be amended and 11  
section 5502.522 of the Revised Code be enacted to read as 12  
follows: 13

**Sec. 2901.30.** (A) As used in sections 2901.30 to 2901.32 of 14

the Revised Code: 15

(1) "Information" means information that can be integrated 16  
into the computer system and that relates to the physical or 17  
mental description of a minor including, but not limited to, 18  
height, weight, color of hair and eyes, use of eyeglasses or 19  
contact lenses, skin coloring, physical or mental handicaps, 20  
special medical conditions or needs, abnormalities, problems, 21  
scars and marks, and distinguishing characteristics, and other 22  
information that could assist in identifying a minor including, 23  
but not limited to, full name and nickname, date and place of 24  
birth, age, names and addresses of parents and other relatives, 25  
fingerprints, dental records, photographs, social security number, 26  
driver's license number, credit card numbers, bank account 27  
numbers, and clothing. 28

(2) "Minor" means a person under eighteen years of age. 29

(3) "Missing children" or "missing child" means either of the 30  
following: 31

(a) A minor who has run away from or who otherwise is missing 32  
from the home of, or the care, custody, and control of, the 33  
minor's parents, parent who is the residential parent and legal 34  
custodian, guardian, legal custodian, or other person having 35  
responsibility for the care of the minor; 36

(b) A minor who is missing and about whom there is reason to 37  
believe the minor could be the victim of a violation of section 38  
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 39  
violation of section 2905.04 of the Revised Code as it existed 40  
prior to ~~the effective date of this amendment~~ July 1, 1996. 41

(B) When a law enforcement agency in this state that has 42  
jurisdiction in the matter is informed that a minor is or may be a 43  
missing child and that the person providing the information wishes 44  
to file a missing child report, the law enforcement agency shall 45

take that report. Upon taking the report, the law enforcement 46  
agency shall take prompt action upon it, including, but not 47  
limited to, concerted efforts to locate the missing child. No law 48  
enforcement agency in this state shall have a rule or policy that 49  
prohibits or discourages the filing of or the taking of action 50  
upon a missing child report, within a specified period following 51  
the discovery or formulation of a belief that a minor is or could 52  
be a missing child. 53

(C) If a missing child report is made to a law enforcement 54  
agency in this state that has jurisdiction in the matter, the law 55  
enforcement agency shall gather readily available information 56  
about the missing child and integrate it into the national crime 57  
information center computer ~~within twelve hours~~ immediately 58  
following the making of the report. The law enforcement agency 59  
shall make reasonable efforts to acquire additional information 60  
about the missing child following the transmittal of the initially 61  
available information, and promptly integrate any additional 62  
information acquired into such computer systems. 63

Whenever a law enforcement agency integrates information 64  
about a missing child into the national crime information center 65  
computer, the law enforcement agency promptly shall notify the 66  
missing child's parents, parent who is the residential parent and 67  
legal custodian, guardian, or legal custodian, or any other person 68  
responsible for the care of the missing child, that it has so 69  
integrated the information. 70

The parents, parent who is the residential parent and legal 71  
custodian, guardian, legal custodian, or other person responsible 72  
for the care of the missing child shall provide available 73  
information upon request, and may provide information voluntarily, 74  
to the law enforcement agency during the information gathering 75  
process. The law enforcement agency also may obtain available 76  
information about the missing child from other persons, subject to 77

constitutional and statutory limitations. 78

(D) 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, 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) 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. 102

The information in any missing child report made to a law 103  
enforcement agency shall be made available, upon request, to law 104  
enforcement personnel of this state, other states, and the federal 105  
government when the law enforcement personnel indicate that the 106  
request is to aid in identifying or locating a missing child or 107  
the possible identification of a deceased minor who, upon 108  
discovery, cannot be identified. 109

(F) When a missing child has not been located within thirty 110  
days after the date on which the missing child report pertaining 111  
to the child was filed with a law enforcement agency, that law 112  
enforcement agency shall request the missing child's parents, 113  
parent who is the residential parent and legal custodian, 114  
guardian, or legal custodian, or any other person responsible for 115  
the care of the missing child, to provide written consent for the 116  
law enforcement agency to contact the missing child's dentist and 117  
request the missing child's dental records. Upon receipt of such 118  
written consent, the dentist shall release a copy of the missing 119  
child's dental records to the law enforcement agency and shall 120  
provide and encode the records in such form as requested by the 121  
law enforcement agency. The law enforcement agency then shall 122  
integrate information in the records into the national crime 123  
information center computer in order to compare the records to 124  
those of unidentified deceased persons. This division does not 125  
prevent a law enforcement agency from seeking consent to obtain 126  
copies of a missing child's dental records, or prevent a missing 127  
child's parents, parent who is the residential parent and legal 128  
custodian, guardian, or legal custodian, or any other person 129  
responsible for the care of the missing child, from granting 130  
consent for the release of copies of the missing child's dental 131  
records to a law enforcement agency, at any time. 132

(G) A missing child's parents, parent who is the residential 133  
parent and legal custodian, guardian, or legal custodian, or any 134  
other persons responsible for the care of a missing child, 135  
immediately shall notify the law enforcement agency with which 136  
they filed the missing child report whenever the child has 137  
returned to their home or to their care, custody, and control, has 138  
been released if the missing child was the victim of an offense 139  
listed in division (A)(3)(b) of this section, or otherwise has 140  
been located. Upon such notification or upon otherwise learning 141  
that a missing child has returned to the home of, or to the care, 142

custody, and control of the missing child's parents, parent who is 143  
the residential parent and legal custodian, guardian, legal 144  
custodian, or other person responsible for the missing child's 145  
care, has been released if the missing child was the victim of an 146  
offense listed in division (A)(3)(b) of this section, or otherwise 147  
has been located, the law enforcement agency involved promptly 148  
shall integrate the fact that the minor no longer is a missing 149  
child into the national crime information center computer. 150

(H) Nothing contained in this section shall be construed to 151  
impair the confidentiality of services provided to runaway minors 152  
by shelters for runaway minors pursuant to sections 5119.64 to 153  
5119.68 of the Revised Code. 154

**Sec. 2901.42.** (A) If a law enforcement agency receives a an 155  
initial report or receives additional information for the report 156  
that a person who is at least eighteen but less than twenty-one 157  
years of age is missing and if there is evidence that the person 158  
was a victim of foul play at the time the victim is reported 159  
missing, the law enforcement agency shall make available through 160  
the ~~law enforcement automated data system~~ national crime 161  
information center all information contained in the report ~~not~~ 162  
~~later than seven days~~ immediately after the law enforcement agency 163  
receives the report or additional information. ~~If there is no~~ 164  
~~evidence that the person was a victim of foul play, the law~~ 165  
~~enforcement agency shall make the information available in the law~~ 166  
~~enforcement automated data system not later than thirty days after~~ 167  
~~receiving the report that the person is missing.~~ 168

(B)(1) If a law enforcement agency receives a report that a 169  
person who is twenty-one years of age or older is missing and if 170  
there is evidence that the person was a victim of foul play at the 171  
time the victim is reported missing, the law enforcement agency 172  
shall make available through the national crime information center 173

all information contained in the report not later than seven days 174  
after the law enforcement agency receives the report. If there is 175  
no evidence that the person was a victim of foul play, and no 176  
evidence to the contrary is received, the law enforcement agency 177  
shall make the information available through the national crime 178  
information center not later than thirty days after receiving the 179  
report that the person is missing. 180

(2) If a law enforcement agency receives a report that a 181  
person who is twenty-one years of age or older is missing and 182  
there is no evidence of foul play at the time the agency receives 183  
the report and if the agency discovers after the law enforcement 184  
agency receives the report but before the end of the seven-day 185  
period under division ~~(A)~~(B)(1) of this section evidence that the 186  
person who is missing was a victim of foul play, the law 187  
enforcement agency shall make available through the ~~law~~ 188  
~~enforcement automated data system~~ national crime information 189  
center all information contained in the report by the end of that 190  
seven-day period. If a law enforcement agency receives a report 191  
that a person who is twenty-one years of age or older is missing 192  
and there is no evidence of foul play at the time the agency 193  
receives the report and if the agency discovers after the end of 194  
the seven-day period under division ~~(A)~~(B)(1) of this section 195  
evidence that the person who is missing was a victim of foul play, 196  
the law enforcement agency shall make available through the ~~law~~ 197  
~~enforcement automated data system~~ national crime information 198  
center all information contained in the report not later than 199  
forty-eight hours after discovering the evidence that the person 200  
was a victim of foul play. 201

(C) If a law enforcement agency pursuant to divisions (A) and 202  
(B) of this section made available through the ~~law enforcement~~ 203  
~~automated data system~~ national crime information center 204  
information contained in a report that a person is missing and the 205

missing person is found, the agency shall promptly remove that 206  
information from the law enforcement automated data system. 207

(D) As used in this section, indicators that a person was a 208  
victim of "foul play" include, but are not limited to, evidence 209  
that the person's home or car is in disarray, evidence of a 210  
struggle between the person and another person, or evidence a law 211  
enforcement agency determines to be foul play through the written 212  
policy the law enforcement agency develops and adopts pursuant to 213  
division (B) of section 2901.41 of the Revised Code. 214

Sec. 5502.522. (A) There is hereby created the statewide 215  
emergency alert program to aid in the identification and location 216  
of any individual who has a mental impairment or is sixty-five 217  
years of age or older, who is or is believed to be a temporary or 218  
permanent resident of this state, is at a location that cannot be 219  
determined by an individual familiar with the missing individual, 220  
and is incapable of returning to the missing individual's 221  
residence without assistance, and whose disappearance, as 222  
determined by a law enforcement agency, poses a credible threat of 223  
immediate danger of serious bodily harm or death to the missing 224  
individual. The program shall be a coordinated effort among the 225  
governor's office, the department of public safety, the attorney 226  
general, law enforcement agencies, the state's public and 227  
commercial television and radio broadcasters, and others as 228  
determined necessary by the governor. No name shall be given to 229  
the program created under this division that conflicts with any 230  
alert code standards that are required by federal law and that 231  
govern the naming of emergency alert programs. 232

(B) The statewide emergency alert program shall not be 233  
implemented unless all of the following activation criteria are 234  
met: 235

(1) The local investigating law enforcement agency confirms 236



<u>that the individual is missing.</u>	237
<u>(2) The individual is sixty-five years of age or older or has a mental impairment.</u>	238
<u>(3) The disappearance of the individual poses a credible threat of immediate danger of serious bodily harm or death to the individual.</u>	239
<u>(4) There is sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.</u>	240
<u>(C) Nothing in division (B) of this section prevents the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan.</u>	241
<u>(D) Any radio broadcast station, television broadcast station, or cable system participating in the statewide emergency alert program or in any local or regional emergency alert program, and any director, officer, employee, or agent of any station or system participating in either type of alert program, shall not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information pursuant to the statewide emergency alert program or the local or regional emergency alert program.</u>	242
<u>(E) A local investigating law enforcement agency shall not be required to notify the statewide emergency alert program that the law enforcement agency has received information that meets the activation criteria set forth in division (B) of this section during the first twenty-four hours after the law enforcement agency receives the information.</u>	243
<u>(F) Nothing in this section shall be construed to authorize</u>	244
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the use of the federal emergency alert system unless otherwise 268  
authorized by federal law. 269

(G) As used in this section: 270

(1) "Cable system" has the same meaning as in section 2913.04 271  
of the Revised Code. 272

(2) "Law enforcement agency" includes, but is not limited to, 273  
a county sheriff's office, the office of a village marshal, a 274  
police department of a municipal corporation, a police force of a 275  
regional transit authority, a police force of a metropolitan 276  
housing authority, the state highway patrol, a state university 277  
law enforcement agency, the office of a township police constable, 278  
and the police department of a township or joint township police 279  
district. 280

(3) "Mental impairment" means a substantial disorder of 281  
thought, mood, perception, orientation, or memory that grossly 282  
impairs judgment, behavior, or ability to live independently or 283  
provide self-care as certified by a licensed physician, 284  
psychiatrist, or psychologist. 285

**Section 2.** That existing sections 2901.30 and 2901.42 of the 286  
Revised Code are hereby repealed. 287