



H.B. 551*

126th General Assembly

(As Reported by H. State Government)

Reps. Latta, Fende, Setzer, Wolpert, Law, J. McGregor, D. Evans, Seitz, Hughes, Bulp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, C. Evans, Oelslager, Reidelbach, Webster

BILL SUMMARY

- Prohibits a person from knowingly making a false report that results in the implementation of the statewide emergency alert program (the "AMBER Alert Program") or a local or regional emergency alert program.

CONTENT AND OPERATION

Background law

Current law creates the statewide emergency alert program--often referred to as the "AMBER Alert Program"--to aid in the identification and location of minors (children who are under 18 years of age) who are abducted and whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to a minor.¹ The program is required to be a coordinated effort among the Governor's office, the Department of Public Safety, the Attorney General, law enforcement agencies, the state's public

** This analysis was prepared before the report of the House State Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

¹ "Law enforcement agency" includes, but is not limited to, a county sheriff's office, the office of a village marshal, a police department of a municipal corporation, a police force of a regional transit authority, a police force of a metropolitan housing authority, the State Highway Patrol, a state university law enforcement agency, the office of a township police constable, and the police department of a township or joint township police district (R.C. 5502.52(F)(3)).

and commercial television and radio broadcasters, and others as deemed necessary by the Governor. (R.C. 5502.52(A).)

The statewide emergency alert program cannot be implemented unless five specified activation criteria are met, including a local investigating law enforcement agency confirms that an abduction has occurred and the abductee is a minor. This implementation rule does not prevent, however, the activation of a *local or regional* emergency alert program that may impose different criteria for the activation of the local or regional plan. (R.C. 5502.52(B) and (C).)

Changes proposed by the bill

The bill establishes a prohibition against a person knowingly making a false report (1) that a child has been abducted and (2) that leads to the implementation of the statewide emergency alert program or of a local or regional emergency alert program. A person who violates this prohibition is guilty of a felony of the fourth degree. (R.C. 5502.52(E).)²

HISTORY

ACTION	DATE
Introduced	3-28-06
Reported, H. State Gov't	---

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² A felony of the fourth degree generally is punishable by a fine of not more than \$5,000, or a definite prison term of 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months, or both (R.C. 2929.14(A)(4) and 2929.18(A)(3)(d)--neither in the bill).