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Bill Analysis

Legislative Service Commission

Sub. S.B. 87

127th General Assembly
(As Passed by the Senate)

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

BILL SUMMARY

- Creates the Statewide Emergency Alert Program to aid in the identification and location of missing persons who have a mental impairment or are 65 years of age or older.
- Establishes activation criteria for the program.
- Grants immunity to broadcasters with regard to alerts.

CONTENT AND OPERATION

The bill creates the Statewide Emergency Alert Program to aid in the identification and location of missing persons with mental impairment or who are 65 years of age or older. The missing persons to be aided by the program must be temporary or permanent residents of Ohio or be believed to be temporary or permanent residents, must be at a location that cannot be determined by an individual familiar with the person, must be incapable of returning to their residences without assistance and their disappearance, as determined by a law enforcement agency, must pose a credible threat of immediate danger of serious bodily harm or death to the missing individual. The program must be a coordinated effort among the Governor's office, the Department of Public Safety, the Attorney General, law enforcement agencies, public and commercial television and radio broadcasters in Ohio, and others as determined necessary by the Governor. (R.C. 5502.522(A).)

The Statewide Emergency Alert Program is not to be implemented unless all of the following activation criteria are met: (1) the local investigating law enforcement agency confirms that the individual is missing, (2) the individual is 65 years of age or older or has a mental impairment, (3) the disappearance of the individual, in the determination of the local investigating law enforcement agency,

poses a credible threat of immediate danger of serious bodily harm or death to the individual, and (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. (R.C. 5502.522(B).) After a local investigating law enforcement agency receives information meeting the activation criteria, it is permitted to allow 24 hours to elapse before it notifies the statewide program (R.C. 5502.522(E)). The statewide program activation criteria do not prevent the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan. (R.C. 5502.522(C).)

"Law enforcement agency" is defined to include a sheriff's office, the office of a village marshal, a municipal police department, a regional transit authority police force, a metropolitan housing authority police force, the State Highway Patrol, a state university law enforcement agency, a township police constable's office, and the police department of a township or joint township police district. And "mental impairment" is defined as a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as certified by a licensed physician, psychiatrist, or psychologist. (R.C. 5502.522(G).)

The bill provides immunity from liability for radio stations, television stations, and cable systems participating in the statewide emergency alert program or in any local or regional emergency alert program. The immunity extends to any director, officer, employee, or agent of any such station or system participating in either type of alert program. These persons will 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 under either type of alert program. (R.C. 5502.522(D).)

The bill states that it cannot be construed to authorize the use of the federal emergency alert system unless federal law otherwise allows it. (R.C. 5502.522(F).)

HISTORY

ACTION	DATE
Introduced	03-01-07
Reported, S. State & Local Gov't & Veterans Affairs	10-23-07
Passed Senate (30-0)	11-14-07

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