



Ohio Legislative Service Commission

Bill Analysis

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Proposed Sub. H.B. 301

129th General Assembly
(LSC 129 1556-5)

BILL SUMMARY

- Specifies that it is a violation of a duty of care, protection, or support with respect to the prohibition against creating a substantial risk to the health or safety of a child when the parent, guardian, custodian, or person having custody or control of a child fails to report to law enforcement authorities that the child is missing promptly after acquiring knowledge that the child is missing.
- Specifies that the amendments to R.C. 2919.22(A) enacted in the act that amended that division are to be known as the "Caylee Anthony Act."

CONTENT AND OPERATION

Continuing law prohibits a person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age or a mentally or physically handicapped child under 21 years of age, from creating a substantial risk to the health or safety of the child by *violating a duty of care, protection, or support*. Whoever violates this prohibition is guilty of "endangering children." Endangering children in violation of the above prohibition has a penalty of a first degree misdemeanor or a fourth or fifth degree felony depending upon the circumstances of the offense and the offender. There are several other ways in which a person can commit the offense of "endangering children"; however, they are not relevant to the bill and are not discussed in this analysis.¹

The bill specifies that it is a violation of a duty of care, protection, or support under the existing prohibition discussed above when the parent, guardian, custodian, or person having custody or control of a child fails to report to law enforcement authorities that the child is missing promptly after acquiring knowledge that the child is

¹ R.C. 2919.22(A) and (E)(1) and (2).

missing.² A person who so violates that duty of care, protection, or support is guilty of endangering children.³ Endangering children in violation of the above described prohibition is generally a first degree misdemeanor under the bill and existing law.⁴ If the offender previously has been convicted of endangering children or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, endangering children in violation of the above described prohibition is a fourth degree felony under the bill and existing law.⁵ If the violation results in serious physical harm to the child involved, endangering children in violation of the above described prohibition is a third degree felony under the bill and existing law.⁶

Additionally, under the bill and existing law, a court may require a person who pleads guilty to or is convicted of endangering children to perform not more than 200 hours of supervised community service work under the authority of an agency, subdivision, or charitable organization. The court may require a person whom it requires to perform supervised community service work under these circumstances to pay the court a reasonable fee to cover the costs of the offender's participation in the work, including the costs of procuring a policy or policies of liability insurance to cover the period during which the person will perform the work.⁷

The bill specifies that the amendments to R.C. 2919.22(A) enacted in the act that amended that division are to be known as the "Caylee Anthony Act."⁸

HISTORY

ACTION	DATE
Introduced	07-20-11

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² R.C. 2919.22(A).

³ R.C. 2919.22(E)(1).

⁴ R.C. 2919.22(E)(2)(a).

⁵ R.C. 2919.22(E)(2)(b).

⁶ R.C. 2919.22(E)(2)(c).

⁷ R.C. 2919.22(F).

⁸ R.C. 2919.22(J).

