



Sub. S.B. 290

124th General Assembly
(As Passed by the General Assembly)

Sens. Coughlin, Wachtmann, Armbruster, Jacobson, Blessing, Mumper, Spada, Goodman, Harris, Austria, Randy Gardner, Robert Gardner, Nein, Amstutz, Brady, Carnes, Fingerhut, Hottinger, Jordan

Reps. Womer Benjamin, Latta, Flannery, Barrett, Allen, Hughes, Peterson, Grendell, DeWine, Clancy, Webster, Metzger, Evans, Faber, Wilson, Fedor, Jerse, D. Miller, Schmidt, Raga, Core, Hartnett, Widowfield, Calvert, Carmichael, Reidelbach, Hoops, Distel, Ogg, Sulzer, Redfern, Sferra, Cirelli, Lendrum, Niehaus, Seitz, Setzer, Schaffer, Williams, Hagan, Buehrer, Schneider, Manning, Gilb, McGregor, Flowers, Britton, Driehaus, Rhine, Bocchieri, Patton, Cates, DeBose, Key, Roman, Kilbane, Salerno, Collier, Jolivette, Wolpert, Latell, Brown, Coates, Mason, Perry, Otterman, Sullivan, Sykes, Strahorn, Woodard, Olman, White, Carey

Effective Date: *

ACT SUMMARY

- Creates the Statewide Emergency Alert Program to aid in the identification and location of abducted children.
- Requires the program to be a coordinated effort of the Governor's office, the Attorney General, the Department of Public Safety, law enforcement agencies, and television and radio broadcasters.
- Establishes criteria for law enforcement agencies to apply to determine if the program can be activated.
- Creates the AMBER Alert Advisory Committee to provide ongoing review and evaluation of the program's operation and effectiveness.

** The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Declares an emergency.

CONTENT AND OPERATION

Statewide emergency alert program

The act creates the Statewide Emergency Alert Program to aid in the identification and location of abducted children who are under 18 years of age and whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the child. The program is to be a coordinated effort among the Governor's office, the Department of Public Safety, law enforcement agencies, the Attorney General, the state's public and commercial television and radio broadcasters, and others as deemed necessary by the Governor.¹ (R.C. 5502.52(A).)

Criteria for activating the emergency alert program

The act provides that the Statewide Emergency Alert Program cannot be activated unless all of the following criteria are met:

- (1) The local investigating law enforcement agency confirms that an abduction has occurred;
- (2) The abducted child is under 18 years of age;
- (3) The abduction poses a credible threat of immediate danger of serious bodily harm or death to the child;
- (4) A law enforcement agency determines that the child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child; and
- (5) There is sufficient descriptive information about the child, the abductor, and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child. (R.C. 5502.52(B).)

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(D)(2)).

For the act's purposes, an "abducted child" is one for whom there is credible evidence to believe that the child has been abducted in violation of the law concerning kidnapping, abduction, unlawful restraint, or criminal child enticement (R.C. 5502.52(D)(1)).

Activating local emergency alert programs

The act specifies that nothing in the criteria it prescribes for activating the statewide alert program prevents the activation of a local or regional emergency alert program that may impose different criteria for activating the local or regional plan. (R.C. 5502.52(C).)

AMBER Alert Advisory Committee

The act creates the AMBER Alert Advisory Committee to provide advice concerning the Statewide Emergency Alert Program on an ongoing basis to the Governor, Attorney General, Department of Public Safety, and law enforcement agencies. The advisory committee is authorized to meet periodically to review and evaluate the operation and effectiveness of the program, develop recommendations for procedures to improve the program's efficiency and effectiveness, and work in a coordinated effort to make recommendations for needed legislative changes. (R.C. 5502.521.)

The committee's members are to be appointed by the Governor and are to include:

- The Governor's designee;
- Two representatives from the Department of Public Safety, one each from the Emergency Management Agency and the State Highway Patrol;
- A representative from the Missing Children Clearinghouse in the Attorney General's office;
- A representative from the State Emergency Communications Committee;
- A representative from the Federal Bureau of Investigation;
- A representative from the Buckeye State Sheriffs Association;
- A representative from the Ohio Association of Chiefs of Police;
- A designee of the broadcast industry;
- A victim or victim's advocate;

--A representative from a local or regional AMBER plan.

The Governor also can appoint a representative of any other agency or organization. The members' terms of office are for two years, and they can be reappointed at the end of a term. The Governor is to select a member to serve as chairperson, also for a two-year term. The initial appointments must be made within 30 days after the act takes effect. The act provides that the members serve without compensation.

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|--|----------|---------------|
| Introduced | 08-22-02 | p. 2015 |
| Reported, S. State & Local Gov't & Veterans Affairs | 11-21-02 | p. 2155 |
| Passed Senate (31-0) | 11-21-02 | pp. 2168-2169 |
| Reported, H. Finance & Appropriations | 12-04-02 | pp. 2202-2203 |
| Passed, House (95-0) | 12-05-02 | pp. 2272-2273 |
| Concurrence (31-0) | 12-10-02 | p. 2340 |

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