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136th General Assembly
Regular Session
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Sub. H. B. No. 217

To amend sections 2901.30, 2901.41, and 2901.42 and
to enact section 109.5731 of the Revised Code to
enact Andy Chapman's Act to require law
enforcement agencies to enter information
relating to a report of a missing person in the
national missing and unidentified persons system
(NamUs).

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

Section 1. That sections 2901.30, 2901.41, and 2901.42 be
amended and section 109.5731 of the Revised Code be enacted to
read as follows:

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Sec. 109.5731. The superintendent of the bureau of
criminal identification and investigation shall establish and
maintain an electronic database for reports of missing persons
and children.

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Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32
of the Revised Code:

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(1) "Information" means information that can be integrated
into the computer system and that relates to the physical or

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mental description of a minor including, but not limited to, 19
height, weight, color of hair and eyes, use of eyeglasses or 20
contact lenses, skin coloring, physical or mental disabilities, 21
special medical conditions or needs, abnormalities, problems, 22
scars and marks, and distinguishing characteristics, and other 23
information that could assist in identifying a minor including, 24
but not limited to, full name and nickname, date and place of 25
birth, age, names and addresses of parents and other relatives, 26
fingerprints, dental records, photographs, social security 27
number, driver's license number, credit card numbers, bank 28
account numbers, and clothing. 29

(2) "Minor" means a person under eighteen years of age. 30

(3) "Missing children" or "missing child" means either of 31
the following: 32

(a) A minor who has run away from or who otherwise is 33
missing from the home of, or the care, custody, and control of, 34
the minor's parents, parent who is the residential parent and 35
legal custodian, guardian, legal custodian, or other person 36
having responsibility for the care of the minor; 37

(b) A minor who is missing and about whom there is reason 38
to believe the minor could be the victim of a violation of 39
section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised 40
Code or of a violation of section 2905.04 of the Revised Code as 41
it existed prior to July 1, 1996. 42

(4) "NamUs" means the national missing and unidentified 43
persons system created by the United States department of 44
justice. 45

~~(B)~~ (5) "High-risk missing child" means a missing child who 46
meets any of the following criteria: 47

<u>(a) The child is missing as a result of a confirmed</u>	48
<u>abduction.</u>	49
<u>(b) The child is missing under known dangerous</u>	50
<u>circumstances.</u>	51
<u>(c) The child is missing more than thirty days.</u>	52
<u>(d) There is evidence the child is at risk because of any</u>	53
<u>of the following factors:</u>	54
<u>(i) The missing child is in need of medical attention or</u>	55
<u>prescription medication, such that it will have a serious</u>	56
<u>adverse effect on the child's health if the needed care or</u>	57
<u>medication is not received.</u>	58
<u>(ii) The missing child does not have a pattern of running</u>	59
<u>away or disappearing.</u>	60
<u>(iii) The missing child may have been abducted by a</u>	61
<u>noncustodial parent.</u>	62
<u>(iv) The missing child is mentally impaired or</u>	63
<u>developmentally disabled.</u>	64
<u>(v) The missing child has been the subject of past threats</u>	65
<u>or acts of violence.</u>	66
<u>(vi) Any other factor that may indicate, in the judgment</u>	67
<u>of the lead investigating law enforcement agency, that the</u>	68
<u>missing child may be at risk.</u>	69
<u>(B) (1) When a law enforcement agency in this state that</u>	70
<u>has jurisdiction in the matter is informed that a minor is or</u>	71
<u>may be a missing child and that the person providing the</u>	72
<u>information wishes to file a missing child report, the law</u>	73
<u>enforcement agency shall take that report. Upon taking the</u>	74

report, the law enforcement agency shall take prompt action upon 75
it, including, but not limited to, assessing if the missing 76
child may be a high-risk missing child and concerted efforts to 77
locate the missing child. No law enforcement agency in this 78
state shall have a rule or policy that prohibits or discourages 79
the filing of or the taking of action upon a missing child 80
report, within a specified period following the discovery or 81
formulation of a belief that a minor is or could be a missing 82
child. 83

(2) (a) If a law enforcement agency has reason to believe 84
that a missing child is a high-risk missing child, the agency 85
shall contact the appropriate county prosecutor who shall 86
determine whether the child reported missing is a high-risk 87
missing child. If the prosecutor determines that the child is a 88
high-risk missing child, there is a rebuttable presumption that 89
the child is missing as a result of, or in association with, 90
criminal activity, and the law enforcement agency may seek or 91
obtain legal process to search relevant records or data for the 92
purposes of determining who has legal custody of the child, and 93
for any record that may disclose an allegation of child abuse 94
perpetrated against the child, or an allegation of domestic 95
violence perpetrated against a member of the child's family. 96

(b) If a search reveals that a child reported missing is 97
in the custody of the child's legal guardian or if substantiated 98
allegations of child abuse against the child or any order 99
protecting a family member from domestic violence exists, the 100
law enforcement agency shall continue the investigation without 101
disclosing the whereabouts of the child or the child's guardian 102
to the person who reported the child missing. 103

(c) If the initial determination of a child reported 104

missing does not warrant designation of that child as a high- 105
risk missing child, it shall not preclude a later determination, 106
based on further investigation or the discovery of additional 107
information that the missing child is a high-risk missing child. 108

(d) If the investigating law enforcement agency discovers 109
evidence during the investigation that indicates that the 110
missing child does not meet the definition of a high-risk 111
missing child, there is no rebuttable presumption that the child 112
is missing as a result of, or in association with, criminal 113
activity. 114

(3) Subject to section 149.43 of the Revised Code, the 115
court of common pleas may release any records that are obtained 116
by the investigating law enforcement agency to a governmental 117
entity upon showing of good cause by the governmental entity. 118

(C) If a missing child report is made to a law enforcement 119
agency in this state that has jurisdiction in the matter, the 120
law enforcement agency shall gather readily available 121
information about the missing child and integrate it into the 122
national crime information center computer and NamUs immediately 123
following the making of the report. The law enforcement agency 124
shall make reasonable efforts to acquire additional information 125
about the missing child following the transmittal of the 126
initially available information, and promptly integrate any 127
additional information acquired into such computer systems. 128

Whenever a law enforcement agency integrates information 129
about a missing child into the national crime information center 130
computer and NamUs, the law enforcement agency promptly shall 131
notify the missing child's parents, parent who is the 132
residential parent and legal custodian, guardian, or legal 133
custodian, or any other person responsible for the care of the 134

missing child, that it has so integrated the information. 135

The parents, parent who is the residential parent and 136
legal custodian, guardian, legal custodian, or other person 137
responsible for the care of the missing child shall provide 138
available information upon request, and may provide information 139
voluntarily, to the law enforcement agency during the 140
information gathering process. The law enforcement agency also 141
may obtain available information about the missing child from 142
other persons, subject to constitutional and statutory 143
limitations. 144

(D) Upon the filing of a missing child report, the law 145
enforcement agency involved may notify the public or nonpublic 146
school in which the missing child is or was most recently 147
enrolled, as ascertained by the agency, that the child is the 148
subject of a missing child report and that the child's school 149
records are to be marked in accordance with section 3313.672 of 150
the Revised Code. 151

(E) Upon the filing of a missing child report, the law 152
enforcement agency involved promptly shall make a reasonable 153
attempt to notify other law enforcement agencies within its 154
county and, if the agency has jurisdiction in a municipal 155
corporation or township that borders another county, to notify 156
the law enforcement agency for the municipal corporation or 157
township in the other county with which it shares the border, 158
that it has taken a missing child report and may be requesting 159
assistance or cooperation in the case, and provide relevant 160
information to the other law enforcement agencies. The agency 161
may notify additional law enforcement agencies, or appropriate 162
public children services agencies, about the case, request their 163
assistance or cooperation in the case, and provide them with 164

relevant information. 165

Upon request from a law enforcement agency, a public 166
children services agency shall grant the law enforcement agency 167
access to all information concerning a missing child that the 168
agency possesses that may be relevant to the law enforcement 169
agency in investigating a missing child report concerning that 170
child. The information obtained by the law enforcement agency 171
shall be used only to further the investigation to locate the 172
missing child. 173

(F) Upon request, law enforcement agencies in this state 174
shall provide assistance to, and cooperate with, other law 175
enforcement agencies in their investigation of missing child 176
cases. The assistance and cooperation under this paragraph shall 177
be pursuant to any terms agreed upon by the law enforcement 178
agencies, which may include the provision of law enforcement 179
services or the use of law enforcement equipment or the 180
interchange of services and equipment among the cooperating law 181
enforcement agencies. Chapter 2744. of the Revised Code, insofar 182
as it applies to the operation of law enforcement agencies, 183
shall apply to the cooperating political subdivisions and to the 184
law enforcement agency employees when they are rendering 185
services pursuant to this paragraph outside the territory of the 186
political subdivision by which they are employed. Law 187
enforcement agency employees rendering services outside the 188
territory of the political subdivision in which they are 189
employed, pursuant to this paragraph, shall be entitled to 190
participate in any indemnity fund established by their employer 191
to the same extent as if they were rendering service within the 192
territory of their employing political subdivision. Those law 193
enforcement agency employees also shall be entitled to all the 194
rights and benefits of Chapter 4123. of the Revised Code to the 195

same extent as if rendering services within the territory of 196
their employing political subdivision. 197

The information in any missing child report made to a law 198
enforcement agency shall be made available, upon request, to law 199
enforcement personnel of this state, other states, and the 200
federal government when the law enforcement personnel indicate 201
that the request is to aid in identifying or locating a missing 202
child or the possible identification of a deceased minor who, 203
upon discovery, cannot be identified. 204

(G) When a missing child has not been located within 205
thirty days after the date on which the missing child report 206
pertaining to the child was filed with a law enforcement agency, 207
that law enforcement agency shall request the missing child's 208
parents, parent who is the residential parent and legal 209
custodian, guardian, or legal custodian, or any other person 210
responsible for the care of the missing child, to provide 211
written consent for the law enforcement agency to contact the 212
missing child's dentist and request the missing child's dental 213
records. Upon receipt of such written consent, the dentist shall 214
release a copy of the missing child's dental records to the law 215
enforcement agency and shall provide and encode the records in 216
such form as requested by the law enforcement agency. The law 217
enforcement agency then shall integrate information in the 218
records into the national crime information center computer and 219
NamUs —in order to compare the records to those of unidentified 220
deceased persons. This division does not prevent a law 221
enforcement agency from seeking consent to obtain copies of a 222
missing child's dental records, or prevent a missing child's 223
parents, parent who is the residential parent and legal 224
custodian, guardian, or legal custodian, or any other person 225
responsible for the care of the missing child, from granting 226

consent for the release of copies of the missing child's dental 227
records to a law enforcement agency, at any time. A law 228
enforcement agency shall retain all reports of missing children 229
in an electronic format prior to destruction of any paper 230
reports and, upon conversion, shall promptly submit those 231
reports to the database maintained by the bureau of criminal 232
identification and investigation under section 109.5731 of the 233
Revised Code. 234

(H) A missing child's parents, parent who is the 235
residential parent and legal custodian, guardian, or legal 236
custodian, or any other persons responsible for the care of a 237
missing child, immediately shall notify the law enforcement 238
agency with which they filed the missing child report whenever 239
the child has returned to their home or to their care, custody, 240
and control, has been released if the missing child was the 241
victim of an offense listed in division (A) (3) (b) of this 242
section, or otherwise has been located. Upon such notification 243
or upon otherwise learning that a missing child has returned to 244
the home of, or to the care, custody, and control of the missing 245
child's parents, parent who is the residential parent and legal 246
custodian, guardian, legal custodian, or other person 247
responsible for the missing child's care, has been released if 248
the missing child was the victim of an offense listed in 249
division (A) (3) (b) of this section, or otherwise has been 250
located, the law enforcement agency involved promptly shall 251
integrate the fact that the minor no longer is a missing child 252
into the national crime information center computer and into 253
NamUs and shall inform any school that was notified under 254
division (D) of this section that the minor is no longer a 255
missing child. 256

Sec. 2901.41. (A) As used in this section and section 257

2901.42 of the Revised Code, ~~"missing":~~ 258

(1) "Missing person" means an individual who is eighteen 259
years of age or older, whose temporary or permanent residence is 260
in Ohio, and who meets one of the following characteristics: 261

~~(1)~~ (a) The individual has a physical or mental disability. 262

~~(2)~~ (b) The individual is missing under circumstances 263
indicating that the individual's safety may be in danger. 264

~~(3)~~ (c) The individual is missing under circumstances 265
indicating that the individual's disappearance was not 266
voluntary. 267

(2) "NamUs" means the national missing and unidentified 268
persons system created by the United States department of 269
justice. 270

(3) "High-risk missing person" means an individual who is 271
eighteen years of age or older whose whereabouts are not 272
currently known and the circumstances of the individual's 273
disappearance suggest that the person may be at imminent or 274
likely risk of injury or death. The circumstances that indicate 275
that an individual is a high-risk missing person shall include 276
but not be limited to: 277

(a) The individual is missing as a result of a confirmed 278
abduction. 279

(b) The individual is missing under known dangerous 280
circumstances. 281

(c) The individual is missing more than thirty days. 282

(d) There is evidence the person is at risk because of any 283
of the following factors: 284

(i) The missing individual is in need of medical attention 285
or prescription medication, such that it will have a serious 286
adverse effect on the individual's health if the needed care or 287
medication is not received. 288

(ii) The missing individual does not have a pattern of 289
running away or disappearing. 290

(iii) The missing individual is mentally impaired or 291
developmentally disabled. 292

(iv) The missing individual has been the subject of past 293
threats or acts of violence. 294

(v) The missing individual is under twenty-one years of 295
age and any of the factors listed in division (A) (3) (d) (i) to 296
(iv) of this section exist. 297

(vi) Any other factor that may indicate, in the judgment 298
of the lead investigating law enforcement agency, that the 299
missing individual may be at risk. 300

(B) The attorney general shall publish and distribute to 301
all law enforcement agencies in this state a best practices 302
protocol for addressing reports of missing persons, including 303
practices for making assessments of whether a missing person is 304
a high-risk missing person. Each best practices protocol shall 305
require all law enforcement agencies to enter information 306
relating to a report of a missing person into NamUs if a missing 307
person is not located within thirty days following the making of 308
the report. Upon receipt of the best practices protocol from the 309
attorney general, each law enforcement agency in this state 310
shall develop and adopt a written policy establishing ~~reasonable~~ 311
both of the following: 312

(1) Reasonable procedures to be followed by the law 313

enforcement agency when the agency is informed that a person is 314
or may be a missing person; 315

(2) A procedure for retaining all reports of missing 316
persons in an electronic format prior to the destruction of any 317
paper reports and, upon conversion, for promptly submitting 318
those electronic reports to the database maintained by the 319
bureau of criminal identification and investigation under 320
section 109.5731 of the Revised Code. 321

(C) After a law enforcement agency adopts a written policy 322
as required by division (B) of this section, the peace officers 323
that are employed by that agency shall make a good faith effort 324
to follow the procedures contained in the policy. 325

(D) The requirements of this section do not create a 326
private cause of action for damages against the state or any law 327
enforcement agency, political subdivision, peace officer, or 328
other person who fails to comply with the requirements of this 329
section. 330

(E) (1) If a law enforcement agency has reason to believe 331
that an individual reported missing is a high-risk missing 332
person, the agency shall contact the appropriate county 333
prosecutor who shall determine whether the individual reported 334
missing is a high-risk missing person. If the prosecutor 335
determines that the individual is a high-risk missing person, 336
there is a rebuttable presumption that the individual is missing 337
as a result of, or in association with, criminal activity. If 338
the initial determination of an individual reported missing does 339
not warrant designation of that individual as a high-risk 340
missing person, it shall not preclude a later determination, 341
based on further investigation or the discovery of additional 342
information that the missing individual is a high-risk missing 343

person. 344

(2) If the investigating law enforcement agency discovers 345
evidence during the investigation that indicates that the 346
missing person does not meet the definition of a high-risk 347
missing person, there is no rebuttable presumption that the 348
person is missing as a result of, or in association with, 349
criminal activity. 350

(3) Subject to section 149.43 of the Revised Code, the 351
court of common pleas may release any records that are obtained 352
by the investigating law enforcement agency to a governmental 353
entity upon showing of good cause by the governmental entity. 354

Sec. 2901.42. (A) If a law enforcement agency receives an 355
initial report or receives additional information for the report 356
that a person who is at least eighteen but less than twenty-one 357
years of age is missing, the law enforcement agency shall ~~make~~ 358
do both of the following: 359

(1) Make available through the national crime information 360
center all information contained in the report immediately after 361
the law enforcement agency receives the report or additional 362
information—; 363

(2) Make available through NamUs information contained in 364
the report if a missing person is not located within thirty days 365
after the law enforcement agency receives the report or 366
additional information. 367

(B) (1) If a law enforcement agency receives a report that 368
a person who is twenty-one years of age or older is missing and 369
if there is evidence that the person was a victim of foul play 370
at the time the victim is reported missing, or is otherwise a 371
high-risk missing person, the law enforcement agency shall make 372

available through the national crime information center all 373
information contained in the report not later than seven days 374
after the law enforcement agency receives the report. If there 375
is no evidence that the person was a victim of foul play, the 376
missing person is not a high-risk missing person, and no 377
evidence to the contrary is received, the law enforcement agency 378
shall make the information available through the national crime 379
information center not later than thirty days after receiving 380
the report that the person is missing. 381

(2) If a law enforcement agency receives a report that a 382
person who is twenty-one years of age or older is missing and 383
there is no evidence of foul play at the time the agency 384
receives the report and if the agency discovers after the law 385
enforcement agency receives the report but before the end of the 386
seven-day period under division (B)(1) of this section evidence 387
that the person who is missing was a victim of foul play, or the 388
person who is missing is later determined to be a high-risk 389
missing person, the law enforcement agency shall make available 390
through the national crime information center all information 391
contained in the report by the end of that seven-day period. If 392
a law enforcement agency receives a report that a person who is 393
twenty-one years of age or older is missing and there is no 394
evidence of foul play at the time the agency receives the report 395
and if the agency discovers after the end of the seven-day 396
period under division (B)(1) of this section evidence that the 397
person who is missing was a victim of foul play, or the person 398
who is missing is later determined to be a high-risk missing 399
person, the law enforcement agency shall make available through 400
the national crime information center—all information contained 401
in the report not later than forty-eight hours after discovering 402
the evidence that the person was a victim of foul play, or the 403

person is determined to be a high-risk missing person.

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(3) If a law enforcement agency receives a report that a
person who is twenty-one years of age or older is missing, the
law enforcement agency shall make available through NamUs
information contained in the report if the missing person is not
located within thirty days after the law enforcement agency
receives the report or additional information.

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(C) If a law enforcement agency pursuant to divisions (A)
and (B) of this section made available through the national
crime information center and NamUs information contained in a
report that a person is missing and the missing person is found,
the agency shall promptly remove that information from the law
enforcement automated data system and report to NamUs that the
person has been found.

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(D) A law enforcement agency shall retain every report of
a missing person in an electronic format prior to destruction of
any paper reports and, upon conversion, shall promptly submit
each report to the database maintained by the bureau of criminal
identification and investigation under section 109.5731 of the
Revised Code.

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

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Section 2. That existing sections 2901.30, 2901.41, and
2901.42 of the Revised Code are hereby repealed.

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Section 3. This act shall be known as Andy Chapman's Act.

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