

**As Introduced**

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**H. B. No. 217**

**Representatives Cockley, Ritter**

**Cosponsors: Representatives Grim, Denson, Sigrist, Gross, Abdullahi, Miller, J.,  
Brennan, Isaacsohn, Newman, Workman, White, E., Daniels, Odioso, Jarrells,  
Brewer, Synenberg, Rader**

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To amend sections 2901.30, 2901.41, and 2901.42 of	1
the Revised Code to enact the Finding and	2
Identifying with NamUs Data (FIND) Act to	3
require law enforcement agencies to enter	4
information relating to a report of a missing	5
person in the national missing and unidentified	6
persons system (NamUs).	7

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

<b>Section 1.</b> That sections 2901.30, 2901.41, and 2901.42 of	8
the Revised Code be amended to read as follows:	9

<b>Sec. 2901.30.</b> (A) As used in sections 2901.30 to 2901.32	10
of the Revised Code:	11

(1) "Information" means information that can be integrated	12
into the computer system and that relates to the physical or	13
mental description of a minor including, but not limited to,	14
height, weight, color of hair and eyes, use of eyeglasses or	15
contact lenses, skin coloring, physical or mental disabilities,	16
special medical conditions or needs, abnormalities, problems,	17
scars and marks, and distinguishing characteristics, and other	18

information that could assist in identifying a minor including, 19  
but not limited to, full name and nickname, date and place of 20  
birth, age, names and addresses of parents and other relatives, 21  
fingerprints, dental records, photographs, social security 22  
number, driver's license number, credit card numbers, bank 23  
account numbers, and clothing. 24

(2) "Minor" means a person under eighteen years of age. 25

(3) "Missing children" or "missing child" means either of 26  
the following: 27

(a) A minor who has run away from or who otherwise is 28  
missing from the home of, or the care, custody, and control of, 29  
the minor's parents, parent who is the residential parent and 30  
legal custodian, guardian, legal custodian, or other person 31  
having responsibility for the care of the minor; 32

(b) A minor who is missing and about whom there is reason 33  
to believe the minor could be the victim of a violation of 34  
section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised 35  
Code or of a violation of section 2905.04 of the Revised Code as 36  
it existed prior to July 1, 1996. 37

(4) "NamUs" means the national missing and unidentified 38  
persons system created by the United States department of 39  
justice. 40

(B) When a law enforcement agency in this state that has 41  
jurisdiction in the matter is informed that a minor is or may be 42  
a missing child and that the person providing the information 43  
wishes to file a missing child report, the law enforcement 44  
agency shall take that report. Upon taking the report, the law 45  
enforcement agency shall take prompt action upon it, including, 46  
but not limited to, concerted efforts to locate the missing 47

child. No law enforcement agency in this state shall have a rule 48  
or policy that prohibits or discourages the filing of or the 49  
taking of action upon a missing child report, within a specified 50  
period following the discovery or formulation of a belief that a 51  
minor is or could be a missing child. 52

(C) If a missing child report is made to a law enforcement 53  
agency in this state that has jurisdiction in the matter, the 54  
law enforcement agency shall gather readily available 55  
information about the missing child and integrate it into the 56  
national crime information center computer immediately following 57  
the making of the report. The law enforcement agency shall make 58  
reasonable efforts to acquire additional information about the 59  
missing child following the transmittal of the initially 60  
available information, and promptly integrate any additional 61  
information acquired into such computer systems. 62

Whenever a law enforcement agency integrates information 63  
about a missing child into the national crime information center 64  
computer, the law enforcement agency promptly shall notify the 65  
missing child's parents, parent who is the residential parent 66  
and legal custodian, guardian, or legal custodian, or any other 67  
person responsible for the care of the missing child, that it 68  
has so integrated the information. 69

The parents, parent who is the residential parent and 70  
legal custodian, guardian, legal custodian, or other person 71  
responsible for the care of the missing child shall provide 72  
available information upon request, and may provide information 73  
voluntarily, to the law enforcement agency during the 74  
information gathering process. The law enforcement agency also 75  
may obtain available information about the missing child from 76  
other persons, subject to constitutional and statutory 77

limitations. 78

(D) Upon the filing of a missing child report, the law 79  
enforcement agency involved may notify the public or nonpublic 80  
school in which the missing child is or was most recently 81  
enrolled, as ascertained by the agency, that the child is the 82  
subject of a missing child report and that the child's school 83  
records are to be marked in accordance with section 3313.672 of 84  
the Revised Code. 85

(E) Upon the filing of a missing child report, the law 86  
enforcement agency involved promptly shall make a reasonable 87  
attempt to notify other law enforcement agencies within its 88  
county and, if the agency has jurisdiction in a municipal 89  
corporation or township that borders another county, to notify 90  
the law enforcement agency for the municipal corporation or 91  
township in the other county with which it shares the border, 92  
that it has taken a missing child report and may be requesting 93  
assistance or cooperation in the case, and provide relevant 94  
information to the other law enforcement agencies. The agency 95  
may notify additional law enforcement agencies, or appropriate 96  
public children services agencies, about the case, request their 97  
assistance or cooperation in the case, and provide them with 98  
relevant information. 99

Upon request from a law enforcement agency, a public 100  
children services agency shall grant the law enforcement agency 101  
access to all information concerning a missing child that the 102  
agency possesses that may be relevant to the law enforcement 103  
agency in investigating a missing child report concerning that 104  
child. The information obtained by the law enforcement agency 105  
shall be used only to further the investigation to locate the 106  
missing child. 107

(F) Upon request, law enforcement agencies in this state 108  
shall provide assistance to, and cooperate with, other law 109  
enforcement agencies in their investigation of missing child 110  
cases. The assistance and cooperation under this paragraph shall 111  
be pursuant to any terms agreed upon by the law enforcement 112  
agencies, which may include the provision of law enforcement 113  
services or the use of law enforcement equipment or the 114  
interchange of services and equipment among the cooperating law 115  
enforcement agencies. Chapter 2744. of the Revised Code, insofar 116  
as it applies to the operation of law enforcement agencies, 117  
shall apply to the cooperating political subdivisions and to the 118  
law enforcement agency employees when they are rendering 119  
services pursuant to this paragraph outside the territory of the 120  
political subdivision by which they are employed. Law 121  
enforcement agency employees rendering services outside the 122  
territory of the political subdivision in which they are 123  
employed, pursuant to this paragraph, shall be entitled to 124  
participate in any indemnity fund established by their employer 125  
to the same extent as if they were rendering service within the 126  
territory of their employing political subdivision. Those law 127  
enforcement agency employees also shall be entitled to all the 128  
rights and benefits of Chapter 4123. of the Revised Code to the 129  
same extent as if rendering services within the territory of 130  
their employing political subdivision. 131

The information in any missing child report made to a law 132  
enforcement agency shall be made available, upon request, to law 133  
enforcement personnel of this state, other states, and the 134  
federal government when the law enforcement personnel indicate 135  
that the request is to aid in identifying or locating a missing 136  
child or the possible identification of a deceased minor who, 137  
upon discovery, cannot be identified. 138

~~(G)~~ (G) (1) When a missing child has not been located within 139  
thirty days after the date on which the missing child report 140  
pertaining to the child was filed with a law enforcement agency, 141  
that law enforcement agency shall request the missing child's 142  
parents, parent who is the residential parent and legal 143  
custodian, guardian, or legal custodian, or any other person 144  
responsible for the care of the missing child, to provide 145  
written consent for the law enforcement agency to contact the 146  
missing child's dentist and request the missing child's dental 147  
records. Upon receipt of such written consent, the dentist shall 148  
release a copy of the missing child's dental records to the law 149  
enforcement agency and shall provide and encode the records in 150  
such form as requested by the law enforcement agency. The law 151  
enforcement agency then shall integrate information in the 152  
records into the national crime information center computer-in 153  
order to compare the records to those of unidentified deceased 154  
persons. This division does not prevent a law enforcement agency 155  
from seeking consent to obtain copies of a missing child's 156  
dental records, or prevent a missing child's parents, parent who 157  
is the residential parent and legal custodian, guardian, or 158  
legal custodian, or any other person responsible for the care of 159  
the missing child, from granting consent for the release of 160  
copies of the missing child's dental records to a law 161  
enforcement agency, at any time. 162

(2) When a missing child is not located within thirty days 163  
after the date on which the missing child report pertaining to 164  
the child is filed with a law enforcement agency, that law 165  
enforcement agency shall integrate the information in the report 166  
and other relevant information into NamUs. The law enforcement 167  
agency may choose to integrate the information after the process 168  
described in division (G) (1) of this section is completed, 169

unless the process becomes unduly burdensome or time consuming. 170

(H) A missing child's parents, parent who is the 171  
residential parent and legal custodian, guardian, or legal 172  
custodian, or any other persons responsible for the care of a 173  
missing child, immediately shall notify the law enforcement 174  
agency with which they filed the missing child report whenever 175  
the child has returned to their home or to their care, custody, 176  
and control, has been released if the missing child was the 177  
victim of an offense listed in division (A) (3) (b) of this 178  
section, or otherwise has been located. Upon such notification 179  
or upon otherwise learning that a missing child has returned to 180  
the home of, or to the care, custody, and control of the missing 181  
child's parents, parent who is the residential parent and legal 182  
custodian, guardian, legal custodian, or other person 183  
responsible for the missing child's care, has been released if 184  
the missing child was the victim of an offense listed in 185  
division (A) (3) (b) of this section, or otherwise has been 186  
located, the law enforcement agency involved promptly shall 187  
~~integrate~~ do the following: 188

(1) Integrate the fact that the minor no longer is a 189  
missing child into the national crime information center 190  
computer; 191

(2) If the missing child's information was integrated into 192  
NamUs, report to NamUs that the missing child has been found ~~and~~ 193  
~~shall inform;~~ 194

(3) Inform any school that was notified under division (D) 195  
of this section that the minor is no longer a missing child. 196

**Sec. 2901.41.** (A) As used in this section and section 197  
2901.42 of the Revised Code, ~~"missing-"~~ 198

(1) "Missing person" means an individual who is eighteen 199  
years of age or older, whose temporary or permanent residence is 200  
in Ohio, and who meets one of the following characteristics: 201

~~(1)~~(a) The individual has a physical or mental disability. 202

~~(2)~~(b) The individual is missing under circumstances 203  
indicating that the individual's safety may be in danger. 204

~~(3)~~(c) The individual is missing under circumstances 205  
indicating that the individual's disappearance was not 206  
voluntary. 207

(2) "NamUs" means the national missing and unidentified 208  
persons system created by the United States department of 209  
justice. 210

(B) The attorney general shall publish and distribute to 211  
all law enforcement agencies in this state a best practices 212  
protocol for addressing reports of missing persons. Each best 213  
practices protocol shall require all law enforcement agencies to 214  
enter information relating to a report of a missing person into 215  
NamUs if a missing child is not located within thirty days 216  
following the making of the report. Upon receipt of the best 217  
practices protocol from the attorney general, each law 218  
enforcement agency in this state shall develop and adopt a 219  
written policy establishing reasonable procedures to be followed 220  
by the law enforcement agency when the agency is informed that a 221  
person is or may be a missing person. 222

(C) After a law enforcement agency adopts a written policy 223  
as required by division (B) of this section, the peace officers 224  
that are employed by that agency shall make a good faith effort 225  
to follow the procedures contained in the policy. 226

(D) The requirements of this section do not create a 227



private cause of action for damages against the state or any law 228  
enforcement agency, political subdivision, peace officer, or 229  
other person who fails to comply with the requirements of this 230  
section. 231

**Sec. 2901.42.** (A) If a law enforcement agency receives an 232  
initial report or receives additional information for the report 233  
that a person who is at least eighteen but less than twenty-one 234  
years of age is missing, the law enforcement agency shall ~~make~~ 235  
do both of the following: 236

(1) Make available through the national crime information 237  
center all information contained in the report immediately after 238  
the law enforcement agency receives the report or additional 239  
information. ~~;~~ 240

(2) Make available through NamUs information contained in 241  
the report if a missing person is not located within thirty days 242  
after the law enforcement agency receives the report or 243  
additional information. 244

(B) (1) If a law enforcement agency receives a report that 245  
a person who is twenty-one years of age or older is missing and 246  
if there is evidence that the person was a victim of foul play 247  
at the time the victim is reported missing, the law enforcement 248  
agency shall make available through the national crime 249  
information center all information contained in the report not 250  
later than seven days after the law enforcement agency receives 251  
the report. If there is no evidence that the person was a victim 252  
of foul play, and no evidence to the contrary is received, the 253  
law enforcement agency shall make the information available 254  
through the national crime information center not later than 255  
thirty days after receiving the report that the person is 256  
missing. 257

(2) If a law enforcement agency receives a report that a person who is twenty-one years of age or older is missing and there is no evidence of foul play at the time the agency receives the report and if the agency discovers after the law enforcement agency receives the report but before the end of the seven-day period under division (B)(1) of this section evidence that the person who is missing was a victim of foul play, the law enforcement agency shall make available through the national crime information center all information contained in the report by the end of that seven-day period. If a law enforcement agency receives a report that a person who is twenty-one years of age or older is missing and there is no evidence of foul play at the time the agency receives the report and if the agency discovers after the end of the seven-day period under division (B)(1) of this section evidence that the person who is missing was a victim of foul play, the law enforcement agency shall make available through the national crime information center—all information contained in the report not later than forty-eight hours after discovering the evidence that the person was a victim of foul play.

(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.

(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 289  
person has been found. 290

(D) As used in this section, indicators that a person was 291  
a victim of "foul play" include, but are not limited to, 292  
evidence that the person's home or car is in disarray, evidence 293  
of a struggle between the person and another person, or evidence 294  
a law enforcement agency determines to be foul play through the 295  
written policy the law enforcement agency develops and adopts 296  
pursuant to division (B) of section 2901.41 of the Revised Code. 297

**Section 2.** That existing sections 2901.30, 2901.41, and 298  
2901.42 of the Revised Code are hereby repealed. 299

**Section 3.** This act shall be known as the Finding and 300  
Identifying with NamUs Data (FIND) Act. 301