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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 217  
136<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Cockley and Ritter

Ashley F. Dean, Attorney

### SUMMARY

- Names the act Andy Chapman's Act.
- Requires law enforcement who takes a report of a missing child to assess if the child may be a high-risk missing child.
- Requires law enforcement, who has reason to believe a child or person is a high-risk missing child or person, to contact the appropriate county prosecutor who is required to determine if the child or person is a high-risk missing child or person.
- Specifies that there is a rebuttable presumption that a child or person is missing as a result of criminal activity if the prosecutor determines the child or person to be a high-risk missing child or person.
- Requires law enforcement to continue an investigation without disclosing the whereabouts of a missing child in the custody of the child's legal guardian or situations of domestic violence, unless the report comes from a public children services agency.
- Requires law enforcement to enter information from a missing child report into the NamUs database if a missing child is not located within 30 days after receiving the report and to update NamUs when a missing child is found.
- Requires all law enforcement agencies to have a best practices protocol that requires agencies to enter information relating to a report of a missing person into NamUs if the person is not located within 30 days and to retain all reports of missing children and persons in an electronic format and promptly submit the reports to Bureau of Criminal Investigation.
- Requires law enforcement to make available through NamUs information from a missing person report if a missing person who is 21 or older is not located within 30 days after receiving the report or additional information.
- Defines the terms "NamUs," "high-risk missing child," and "high-risk missing person."

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## DETAILED ANALYSIS

### Andy Chapman's Act

The bill names the act Andy Chapman's Act.<sup>1</sup>

### Missing children

#### Determination of high-risk missing child designation

The bill requires a law enforcement agency who takes a report of a missing child to promptly assess if the missing child may be a high-risk missing child.<sup>2</sup> The bill also requires the agency to contact the appropriate county prosecutor, who must determine whether the child reported missing is a high-risk missing child, if a law enforcement agency has reason to believe that a missing child is a high-risk missing child.<sup>3</sup> If the prosecutor determines that the child is a high-risk missing child, there is a rebuttable presumption that the child is missing as a result of, or in association with, criminal activity, and a law enforcement agency may seek to obtain a search warrant for relevant records or data for the purposes of determining who has legal custody of the child, and for any record that may disclose an allegation of child abuse perpetrated against the child, or an allegation of domestic violence perpetrated against a member of the child's family.<sup>4</sup> If a search reveals that a child reported missing is in the custody of the child's legal guardian or if substantiated allegations of child abuse against the child or any order protecting a family member from domestic violence exists, the law enforcement agency must continue the criminal investigation without disclosing the whereabouts of the child or the child's guardian to the person who reported the child missing, unless the source of the report is a public children services agency.<sup>5</sup>

The bill specifies that if the initial determination of a child reported missing does not warrant designation of that child as a high-risk missing child, a later determination, based on further investigation or the discovery of additional information that the missing child is a high-risk missing child, cannot be precluded.<sup>6</sup> If the investigating law enforcement agency discovers evidence during the investigation that indicates that the missing child does not meet the definition of a high-risk missing child, there is no rebuttable presumption that the child is missing as a result of, or in association with, criminal activity.<sup>7</sup>

#### Entering missing children's information into NamUs

Under existing law, if a missing child report is made to a law enforcement agency in this state that has jurisdiction in the matter, the agency must gather readily available information

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<sup>1</sup> Section 3.

<sup>2</sup> R.C. 2901.30(B)(1).

<sup>3</sup> R.C. 2901.30(B)(2)(a).

<sup>4</sup> R.C. 2901.30(B)(2)(a).

<sup>5</sup> R.C. 2901.30(B)(2)(b).

<sup>6</sup> R.C. 2901.30(B)(2)(c).

<sup>7</sup> R.C. 2901.30(B)(2)(d).

about the missing child and integrate it into the National Crime Information Center (NCIC) computer immediately following the making of the report. The bill requires the law enforcement agency to also integrate the information into NamUs and to integrate the information into both systems within 30 days following the making of the report, rather than immediately following the making of the report under existing law.<sup>8</sup> If a missing child has not been located within 30 days after a missing child report is filed, the law enforcement agency must request the missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other person responsible for the care of the missing child, to provide written consent for the missing child's dental records. Upon receipt of that written consent, the dentist must release a copy of the missing child's dental records to the law enforcement agency. The law enforcement agency then must integrate information in the records into NCIC in order to compare the records to those of unidentified deceased persons. The bill requires that information be integrated in the records in NamUs.<sup>9</sup> The bill also requires law enforcement who receives a report that a missing child has returned to the missing child's home or to the care, custody, and control of the missing child's parent, guardian, or legal custodian, to promptly report to NamUs that a missing child, whose information was integrated into NamUs, is no longer a missing child.<sup>10</sup>

## **Missing persons**

### **Best practices protocol for addressing reports of missing persons**

The bill requires that the best practices protocol that is published and distributed by the Attorney General require all law enforcement agencies to enter information relating to a report of a missing person into NamUs if a missing person is not located within 30 days after the report is made.<sup>11</sup> The bill specifies that the existing law best practices protocol for addressing reports of missing persons that the Attorney General is required to publish and distribute to all law enforcement agencies in the state must include practices for making assessments of whether a missing person is a high-risk missing person.<sup>12</sup>

### **Determination of high-risk missing person designation**

If a law enforcement agency has reason to believe that an individual reported missing is a high-risk missing person, the bill requires the agency to contact the appropriate county prosecutor who must determine whether the individual reported missing is a high-risk missing person. If the prosecutor determines that the individual is a high-risk missing person, the bill specifies that there is a rebuttable presumption that the individual is missing as a result of, or in association with, criminal activity. The rebuttable presumption constitutes probable cause for the issuance of a search warrant during any resulting investigation. The bill also specifies that if the initial determination of an individual reported missing does not warrant designation of that individual as a high-risk missing person, a later determination, based on further investigation or

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<sup>8</sup> R.C. 2901.30(C).

<sup>9</sup> R.C. 2901.30(G).

<sup>10</sup> R.C. 2901.30(H).

<sup>11</sup> R.C. 2901.41(B).

<sup>12</sup> R.C. 2901.41(B).

the discovery of additional information that the missing individual is a high-risk missing person, is not precluded.<sup>13</sup>

The bill specifies that if an investigating law enforcement agency discovers evidence during the investigation that indicates that the missing person does not meet the definition of a high-risk missing person, there is no rebuttable presumption that the person is missing as a result of, or in association with, criminal activity.<sup>14</sup>

### **Entering missing person's information into NamUs**

Under current law, if a law enforcement agency receives an initial report or receives additional information for the report that a person who is at least 18 but less than 21 years of age is missing, the law enforcement agency must make available through the NCIC all information contained in the report immediately after the law enforcement agency receives the report or additional information. The bill requires that the law enforcement agency also make available through NamUs information contained in the report if a missing person is not located within 30 days after the law enforcement agency receives the report or additional information.<sup>15</sup>

Under current law, if a law enforcement agency receives a report that a person who is 21 years of age or older is missing and if there is evidence that the person was a victim of foul play at the time the victim is reported missing, the law enforcement agency is required to make available through NCIC all information contained in the report not later than seven days after the law enforcement agency receives the report. The bill requires the law enforcement agency to also make available through NCIC all information contained in a report for a person who is 21 years of age or older and is a high-risk missing person. The bill adds to current law that if a person is not a high-risk missing person, the law enforcement agency is required to make that information available through NCIC not later than 30 days after receiving the report.<sup>16</sup>

Currently, if a law enforcement agency receives a report that a person who is 21 years of age or older is missing, there is no evidence of foul play at the time the agency receives the report, and the agency discovers after receiving the report but before the end of the seven-day period above, evidence that the person who is missing was a victim of foul play; the law enforcement agency is required to make available through NCIC all information contained in the report by the end of the seven-day period.<sup>17</sup> The bill adds to current law that if a person who is missing is later determined to be a high-risk missing person, the law enforcement agency is also required to make available through NCIC all information contained in the high-risk missing person's report by the end of the seven-day period.<sup>18</sup>

Current law also provides that if a law enforcement agency receives a report that a person who is 21 years of age or older is missing and there is no evidence of foul play at the time of

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<sup>13</sup> R.C. 2901.41(E)(1).

<sup>14</sup> R.C. 2901.41(E)(2).

<sup>15</sup> R.C. 2901.42(A)(2).

<sup>16</sup> R.C. 2901.42(B)(1).

<sup>17</sup> R.C. 2901.42(B)(2).

<sup>18</sup> R.C. 2901.42(B)(2).

receiving the report but the agency discovers, after the end of the seven-day period described previously, evidence that the person who is missing was a victim of foul play; the law enforcement agency is required to make available through NCIC all information contained in the report not later than 48 hours after discovering the evidence that the person was a victim of foul play. The bill adds that law enforcement agencies are also required to make available through NCIC information contained in a report for a person who is missing, and is later determined to be a high-risk missing person, after discovering evidence that the person is a high-risk missing person.<sup>19</sup>

Under the bill, if a law enforcement agency receives a report that a person who is 21 years of age or older is missing, the law enforcement agency must make available through NamUs information contained in the report if the missing person is not located within 30 days after the law enforcement agency receives the report or additional information.<sup>20</sup> Current law requires a law enforcement agency that made available through NCIC information contained in a report that a person is missing, and the missing person is found, to promptly remove that information from the Law Enforcement Automated Data System. The bill requires the law enforcement agency to also report to NamUs that the person, whose information was integrated into NamUs, has been found.<sup>21</sup>

## **Electronic format of missing child and missing person reports**

The bill requires a law enforcement agency to retain every report of a missing child or a missing person in an electronic format prior to destruction of any paper reports and, upon conversion, promptly submit each report to the Bureau of Criminal Investigation (BCI) as required by law.<sup>22</sup> The Superintendent of BCI must establish and maintain digitalized records of missing persons and children reports.<sup>23</sup>

## **Definitions**

The bill defines the following terms for purposes of the provisions described above:

**“NamUs”** means the National Missing and Unidentified Persons System created by the U.S. Department of Justice. NamUs is a national centralized repository and resource center for missing, unidentified, and unclaimed person cases across the U.S. NamUs helps investigators match long-term missing persons with unidentified remains to resolve cases and bring resolution to families and also offers professionals free forensic services.<sup>24</sup>

**“High-risk missing child”** means a missing child who meets any of the following criteria:<sup>25</sup>

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<sup>19</sup> R.C. 2901.42(B)(2).

<sup>20</sup> R.C. 2901.42(B)(3).

<sup>21</sup> R.C. 2901.42(C).

<sup>22</sup> R.C. 2901.30(G), 2901.41(B)(2), and 2901.42(D).

<sup>23</sup> R.C. 109.5731.

<sup>24</sup> R.C. 2901.30(A)(4) and 2901.41(A)(2), ([NamUs \(National Missing and Unidentified Persons System\)](#)).

<sup>25</sup> R.C. 2901.30(A)(5).

- The child is missing as a result of a confirmed abduction;
- The child is missing under known dangerous circumstances;
- The child is missing more than 30 days;
- There is evidence the child is at risk because of any of the following factors:
  - The missing child is in need of medical attention or prescription medication, such that it will have a serious adverse effect on the child's health if the needed care or medication is not received;
  - The missing child does not have a pattern of running away or disappearing;
  - The missing child may have been abducted by a noncustodial parent;
  - The missing child is mentally impaired or developmentally disabled;
  - The missing child has been the subject of past threats or acts of violence;
  - Any other factor that may indicate, in the judgment of the lead investigating law enforcement agency, that the missing child may be at risk.

**“High-risk missing person”** means an individual who is 18 years of age or older whose whereabouts are not currently known and the circumstances of the individual's disappearance suggest that the person may be at imminent or likely risk of injury or death. The circumstances that indicate that an individual is a high-risk missing person must include but not be limited to:<sup>26</sup>

- The individual is missing as a result of a confirmed abduction;
- The individual is missing under known dangerous circumstances;
- The individual is missing more than 30 days;
- There is evidence the person is at risk because of any of the following factors:
  - The missing individual is in need of medical attention or prescription medication, such that it will have a serious adverse effect on the individual's health if the needed care or medication is not received;
  - The missing individual does not have a pattern of running away or disappearing;
  - The missing individual is mentally impaired or developmentally disabled;
  - The missing individual has been the subject of past threats or acts of violence;
  - The missing individual is under 21 years of age and any of the above factors listed;
  - Any other factor that may indicate, in the judgment of the lead investigating law enforcement agency, that the missing individual may be at risk.

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<sup>26</sup> R.C. 2901.41(A)(3).

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## HISTORY

| Action                     | Date     |
|----------------------------|----------|
| Introduced                 | 04-01-25 |
| Reported, H. Public Safety | 03-17-26 |
| Passed House (96-0)        | 03-25-26 |

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