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Am. H. B. No. 359

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Representatives Thomas, C., Gross

Cosponsors: Representatives Odioso, Lett, Deeter, Click, White, E., Brennan, Denson, Upchurch, Johnson, Russo, Synenberg, Salvo, Mohamed, Lorenz, Newman, Schmidt, Fischer, Lear, Brownlee, Bryant Bailey, Fowler Arthur, Abdullahi, Abrams, Baker, Barhorst, Bird, Brent, Brewer, Claggett, Creech, Daniels, Dovilla, Ghanbari, Glassburn, Grim, Hall, D., Hall, T., Hoops, Humphrey, Isaacsohn, Jarrells, John, King, Kishman, Klopfenstein, LaRe, Lawson-Rowe, Manning, Mathews, A., Mathews, T., Miller, J., Miller, M., Oelslager, Peterson, Piccolantonio, Plummer, Rader, Ray, Richardson, Robb Blasdel, Robinson, Rogers, Sigrist, Sims, Somani, Stephens, Swearingen, Sweeney, Teska, Thomas, D., Tims, Troy, White, A., Williams, Willis, Workman, Young

A BILL

To amend section 5502.522 of the Revised Code to	1
clarify the statewide emergency alert system in	2
cases of missing autistic or developmentally	3
disabled children and to name the alert the	4
Joshua Alert.	5

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

Section 1. That section 5502.522 of the Revised Code be 6
amended to read as follows: 7

Sec. 5502.522. (A) There is hereby created the statewide 8
emergency alert program to aid in the identification and 9
location of any individual who has a mental impairment, has 10
autism spectrum disorder or another developmental disability, or 11
is sixty-five years of age or older, who is or is believed to be 12

a temporary or permanent resident of this state, is at a 13
location that cannot be determined by an individual familiar 14
with the missing individual, and is incapable of returning to 15
the missing individual's residence without assistance, and whose 16
disappearance, as determined by a law enforcement agency, poses 17
a credible threat of immediate danger of serious bodily harm or 18
death to the missing individual. The program shall be a 19
coordinated effort among the governor's office, the department 20
of public safety, the attorney general, law enforcement 21
agencies, the state's public and commercial television and radio 22
broadcasters, and others as determined necessary by the 23
governor. No name shall be given to the program created under 24
this division that conflicts with any alert code standards that 25
are required by federal law and that govern the naming of 26
emergency alert programs. 27

(B) The statewide emergency alert program shall not be 28
implemented unless all of the following activation criteria are 29
met: 30

(1) The local investigating law enforcement agency 31
confirms that the individual is missing. 32

(2) The individual meets at least one of the following 33
criteria: 34

(a) Is sixty-five years of age or older; 35

(b) Has a mental impairment; 36

(c) Has either autism spectrum disorder or another 37
developmental disability. 38

(3)(3) (a) The disappearance of the individual poses a 39
credible threat of immediate danger of serious bodily harm or 40
death to the individual. 41

<u>(b) A credible threat of immediate danger includes</u>	42
<u>situations in which the missing individual is nonverbal, has</u>	43
<u>limited communication ability, or otherwise lacks the capacity</u>	44
<u>to seek help or ensure the missing individual's own safety.</u>	45
(4) There is sufficient descriptive information about the	46
individual and the circumstances surrounding the individual's	47
disappearance to indicate that activation of the alert will help	48
locate the individual.	49
(C) Nothing in division (B) of this section prevents the	50
activation of a local or regional emergency alert program that	51
may impose different criteria for the activation of a local or	52
regional plan.	53
(D) Any radio broadcast station, television broadcast	54
station, or cable system participating in the statewide	55
emergency alert program or in any local or regional emergency	56
alert program, and any director, officer, employee, or agent of	57
any station or system participating in either type of alert	58
program, shall not be liable to any person for damages for any	59
loss allegedly caused by or resulting from the station's or	60
system's broadcast or cablecast of, or failure to broadcast or	61
cablecast, any information pursuant to the statewide emergency	62
alert program or the local or regional emergency alert program.	63
(E) A <u>(E) (1) Subject to division (E) (2) of this section, a</u>	64
local investigating law enforcement agency shall not be required	65
to notify the statewide emergency alert program that the law	66
enforcement agency has received information that meets the	67
activation criteria set forth in division (B) of this section	68
during the first twenty-four hours after the law enforcement	69
agency receives the information.	70

<u>(2) If the missing individual under division (B) of this</u>	71
<u>section is under eighteen years of age and has either autism</u>	72
<u>spectrum disorder or another developmental disability, the local</u>	73
<u>investigating law enforcement agency shall notify the statewide</u>	74
<u>emergency alert program that the law enforcement agency has</u>	75
<u>received information that meets the activation criteria set</u>	76
<u>forth in that division as soon as that information has been</u>	77
<u>verified.</u>	78
(F) Nothing in this section shall be construed to	79
authorize the use of the federal emergency alert system unless	80
otherwise authorized by federal law.	81
(G) As used in this section:	82
(1) "Autism spectrum disorder" has the same meaning as in	83
section 1751.84 of the Revised Code.	84
(2) "Cable system" has the same meaning as in section	85
2913.04 of the Revised Code.	86
(3) "Developmental disability" has the same meaning as in	87
section 5123.01 of the Revised Code.	88
(4) "Law enforcement agency" includes, but is not limited	89
to, a county sheriff's office, the office of a village marshal,	90
a police department of a municipal corporation, a police force	91
of a regional transit authority, a police force of a	92
metropolitan housing authority, the state highway patrol, a	93
state university law enforcement agency, the office of a	94
township police constable, and the police department of a	95
township or joint police district.	96
(5) "Mental impairment" means a substantial disorder of	97
thought, mood, perception, orientation, or memory that grossly	98
impairs judgment, behavior, or ability to live independently or	99

provide self-care as certified by a licensed physician, 100
psychiatrist, or psychologist. 101

Section 2. That existing section 5502.522 of the Revised 102
Code is hereby repealed. 103

Section 3. An alert issued under division (E) (2) of 104
section 5502.522 of the Revised Code shall be known as a Joshua 105
Alert. 106