As Reported by the Senate Armed Services, Veterans Affairs and Public Safety Committee

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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

Senators Schaffer, Johnson

A BILL

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

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

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

Sec. 5502.522. (A) There is hereby created the statewide emergency alert program to aid in the identification and location of any individual who has a mental impairment, has

autism spectrum disorder or another developmental disability, or is sixty-five years of age or older, who is or is believed to be a temporary or permanent resident of this state, is at a location that cannot be determined by an individual familiar with the missing individual, and is incapable of returning to the missing individual's residence without assistance, and whose disappearance, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the missing individual. The program shall be a coordinated effort among the governor's office, the department of public safety, the attorney general, law enforcement agencies, the state's public and commercial television and radio broadcasters, and others as determined necessary by the governor. No name shall be given to the program created under this division that conflicts with any alert code standards that are required by federal law and that govern the naming of emergency alert programs.

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

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

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

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

(b) Has a mental impairment;

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

~~(3)~~ (3)(a) The disappearance of the individual poses a

credible threat of immediate danger of serious bodily harm or death to the individual.

(b) A credible threat of immediate danger includes situations in which the missing individual is nonverbal, has limited communication ability, or otherwise lacks the capacity to seek help or ensure the missing individual's own safety.

(4) There is sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.

(C) Nothing in division (B) of this section prevents the activation of a local or regional emergency alert program that may impose different criteria for the activation of a local or regional plan.

(D) Any radio broadcast station, television broadcast station, or cable system participating in the statewide emergency alert program or in any local or regional emergency alert program, and any director, officer, employee, or agent of any station or system participating in either type of alert program, shall not be liable to any person for damages for any loss allegedly caused by or resulting from the station's or system's broadcast or cablecast of, or failure to broadcast or cablecast, any information pursuant to the statewide emergency alert program or the local or regional emergency alert program.

~~(E) A~~ (E)(1) Subject to division (E)(2) of this section, a local investigating law enforcement agency shall not be required to notify the statewide emergency alert program that the law enforcement agency has received information that meets the activation criteria set forth in division (B) of this section

during the first twenty-four hours after the law enforcement agency receives the information.

(2) If the missing individual under division (B) of this section is under eighteen years of age and has either autism spectrum disorder or another developmental disability, the local investigating law enforcement agency shall notify the statewide emergency alert program that the law enforcement agency has received information that meets the activation criteria set forth in that division as soon as that information has been verified.

(F) Nothing in this section shall be construed to authorize the use of the federal emergency alert system unless otherwise authorized by federal law.

(G) As used in this section:

(1) "Autism spectrum disorder" has the same meaning as in section 1751.84 of the Revised Code.

(2) "Cable system" has the same meaning as in section 2913.04 of the Revised Code.

(3) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(4) "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 police district.

(5) "Mental impairment" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as certified by a licensed physician, psychiatrist, or psychologist.

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

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