

**As Reported by the House Public Safety Committee**

**136th General Assembly**

**Regular Session**

**Sub. H. B. No. 677**

**2025-2026**

**Representatives Synenberg, Abrams**

**Cosponsors: Representatives Thomas, C., Willis**



To amend section 2919.23 and to enact sections 1  
2929.45, 4927.25, 4927.26, 4927.27, 4927.28, 2  
4927.29, and 5502.55 of the Revised Code to 3  
enact the Kelsey Smith Act to modify the law 4  
governing interference with custody, to require 5  
wireless service providers to provide call 6  
location information to law enforcement in 7  
certain emergency situations, and to create an 8  
endangered missing child alert. 9

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

**Section 1.** That section 2919.23 be amended and sections 10  
2929.45, 4927.25, 4927.26, 4927.27, 4927.28, 4927.29, and 11  
5502.55 of the Revised Code be enacted to read as follows: 12

**Sec. 2919.23.** (A) No person, knowing the person is without 13  
privilege to do so or being reckless in that regard, shall 14  
entice, take, keep, or harbor a person identified in division 15  
(A) (1), (2), or (3) of this section from the parent, guardian, 16  
or custodian of the person identified in division (A) (1), (2), 17  
or (3) of this section: 18

(1) A child under the age of eighteen, or a child with a 19

mental or physical disability under the age of twenty-one; 20

(2) A person committed by law to an institution for 21  
delinquent, unruly, neglected, abused, or dependent children; 22

(3) A person committed by law to an institution for 23  
persons with mental illnesses or an institution for persons with 24  
intellectual disabilities. 25

(B) No person shall aid, abet, induce, cause, or encourage 26  
a child or a ward of the juvenile court who has been committed 27  
to the custody of any person, department, or public or private 28  
institution to leave the custody of that person, department, or 29  
institution without legal consent. 30

(C) It is an affirmative defense to a charge of enticing 31  
or taking under division (A) (1) of this section, that the actor 32  
reasonably believed that the actor's conduct was necessary to 33  
preserve the child's health or safety. It is an affirmative 34  
defense to a charge of keeping or harboring under division (A) 35  
of this section, that the actor in good faith gave notice to law 36  
enforcement or judicial authorities within a reasonable time 37  
after the child or committed person came under the actor's 38  
shelter, protection, or influence. 39

(D) (1) Whoever violates this section is guilty of 40  
interference with custody. 41

~~(2)~~ (2) (a) Except as otherwise provided in ~~this division~~ 42  
(D) (2) (b) or (c) of this section, a violation of division (A) (1) 43  
of this section is a misdemeanor of the first degree. ~~If~~ 44

(b) If the child who is the subject of a violation of 45  
division (A) (1) of this section is removed from the state or if 46  
the offender previously has been convicted of an offense under 47  
this section, ~~a violation of division (A) (1) of this section is~~ 48

~~a felony of the fifth degree. If the child who is the subject of~~ 49  
~~a violation of division (A) (1) of this section suffers physical~~ 50  
~~harm as a result of the violation,~~ a violation of division (A) 51  
(1) of this section is a felony of the fourth degree. 52

(c) If the child who is the subject of a violation of 53  
division (A) (1) of this section is removed from the United 54  
States, a violation of division (A) (1) of this section is a 55  
felony of the third degree. 56

(3) A violation of division (A) (2) or (3) of this section 57  
is a misdemeanor of the third degree. 58

(4) A violation of division (B) of this section is a 59  
misdemeanor of the first degree. Each day of violation of 60  
division (B) of this section is a separate offense. 61

**Sec. 2929.45.** (A) As used in this section, "local law 62  
enforcement agency" means the police department of a municipal 63  
corporation in which an offense occurred or, if the offense did 64  
not occur in a municipal corporation, the sheriff of the county 65  
in which the offense occurred. 66

(B) If the court issues a warrant for the arrest of a 67  
person for a violation of section 2919.23 of the Revised Code, 68  
the court shall notify the local law enforcement agency of the 69  
warrant. The local law enforcement agency shall enter the 70  
warrant into the national crime information center computer and 71  
the law enforcement automated data system with a national pickup 72  
radius. 73

**Sec. 4927.25.** As used in sections 4927.25 to 4927.29 of 74  
the Revised Code: 75

(A) "Call location information" means real-time, precision 76  
location requests from a wireless service device, commonly 77

referred to as "pings," and will typically reflect a latitude 78  
and longitude along with a certainty factor. 79

(B) "Emergency" means an occurrence or event that poses an 80  
imminent threat to the health or life of a human. 81

(C) "Law enforcement agency" means an organization or unit 82  
made up of law enforcement officers, as such officers are 83  
defined in section 2901.01 of the Revised Code. 84

(D) "Peace officer" has the same meaning as in section 85  
2921.51 of the Revised Code. 86

(E) "Public safety answering point" has the same meaning 87  
as in section 128.01 of the Revised Code. 88

**Sec. 4927.26.** On request, a wireless service provider 89  
shall provide call location information to a law enforcement 90  
agency, a peace officer, or a public safety answering point on 91  
behalf of a law enforcement agency, concerning a user of a 92  
wireless service device in the following circumstances: 93

(A) In an emergency situation to enable the peace officer 94  
or law enforcement agency to respond to a call for emergency 95  
service by a subscriber, customer, or user of wireless service; 96  
or 97

(B) In an emergency situation that involves danger of 98  
death or serious physical injury to any person, where disclosure 99  
of communications relating to the emergency is required without 100  
delay; provided that, in either circumstance, the wireless 101  
service provider believes, in good faith, that an emergency 102  
situation exists requiring disclosure without delay of 103  
communications relating to the emergency. 104

**Sec. 4927.27.** Notwithstanding any other provision of law, 105

a wireless service provider may establish protocols for the 106  
voluntary disclosure of call location information. 107

**Sec. 4927.28.** (A) The bureau of criminal investigation 108  
shall obtain contact information from all wireless service 109  
providers authorized to do business in the state to facilitate a 110  
request from a law enforcement agency, a peace officer, or a 111  
public safety answering point on behalf of a law enforcement 112  
agency, for call location information pursuant to section 113  
4927.26 of the Revised Code. 114

(B) The bureau shall disseminate the contact information 115  
described in division (A) of this section to each public safety 116  
answering point in the state. 117

**Sec. 4927.29.** No cause of action shall arise in any court 118  
of this state against a wireless service provider, or its 119  
officers, employees, agents, or other persons, for providing any 120  
information, facilities, or assistance to a law enforcement 121  
agency, a peace officer, or a public safety answering point on 122  
behalf of a law enforcement agency, in accordance with sections 123  
4927.25 to 4927.28 of the Revised Code. 124

**Sec. 5502.55.** (A) As used in this section: 125

(1) "Cable system" has the same meaning as in section 126  
2913.04 of the Revised Code. 127

(2) "Law enforcement agency" includes, but is not limited 128  
to, a county sheriff's office, the office of a village marshal, 129  
a police department of a municipal corporation, a police force 130  
of a regional transit authority, a police force of a 131  
metropolitan housing authority, the state highway patrol, a 132  
state university law enforcement agency, the office of a 133  
township police constable, and the police department of a 134

<u>township or joint police district.</u>	135
<u>(B) (1) The statewide endangered missing child emergency</u>	136
<u>alert program is created to aid in the identification and</u>	137
<u>location of endangered missing children who are under eighteen</u>	138
<u>years of age and who, as determined by a law enforcement agency,</u>	139
<u>are at a high risk for serious bodily harm or death.</u>	140
<u>(2) The program shall be a coordinated effort among the</u>	141
<u>governor's office, the department of public safety, the attorney</u>	142
<u>general, law enforcement agencies, the state's public and</u>	143
<u>commercial television and radio broadcasters, and others as</u>	144
<u>deemed necessary by the governor.</u>	145
<u>(3) The state highway patrol and the bureau of criminal</u>	146
<u>identification and investigation may cooperate to ensure that</u>	147
<u>both of the following occur:</u>	148
<u>(a) An endangered missing child that meets the activation</u>	149
<u>criteria in division (C) of this section is entered into the law</u>	150
<u>enforcement automated data system as a missing person.</u>	151
<u>(b) Upon entering the endangered missing child into the</u>	152
<u>law enforcement automated data system, the law enforcement</u>	153
<u>automated data system shall automatically notify law enforcement</u>	154
<u>agencies and the bureau of criminal identification and</u>	155
<u>investigation that the endangered missing child is a missing</u>	156
<u>person.</u>	157
<u>(C) The statewide endangered missing child emergency alert</u>	158
<u>program shall not be implemented unless all of the following</u>	159
<u>activation criteria are met:</u>	160
<u>(1) The local investigating law enforcement agency</u>	161
<u>confirms that the disappearance of the endangered missing child</u>	162
<u>has occurred.</u>	163

(2) The local investigating law enforcement agency 164  
determines that the endangered missing child is under eighteen 165  
years of age. 166

(3) The local investigating law enforcement agency 167  
determines that the disappearance poses a high risk for serious 168  
bodily harm or death to the endangered missing child. 169

(4) There is sufficient descriptive information about the 170  
endangered missing child and the circumstances surrounding the 171  
disappearance to indicate that activation of the alert will help 172  
locate the endangered missing child. 173

(D) Nothing in division (C) of this section prevents the 174  
activation of a local or regional emergency alert program that 175  
may impose different criteria for the activation of a local or 176  
regional plan. 177

(E) Any radio broadcast station, television broadcast 178  
station, or cable system participating in the statewide 179  
endangered missing child emergency alert program, and a 180  
director, officer, employee, or agent of a station or system 181  
participating in the program, is immune from liability for 182  
damages for any loss allegedly caused by or resulting from the 183  
station's or system's broadcast or cablecast of, or failure to 184  
broadcast or cablecast, any information pursuant to the 185  
statewide endangered missing child emergency alert program. 186

(F) No person shall knowingly make a false report that a 187  
child is missing and that leads to the implementation of the 188  
statewide endangered missing child emergency alert program 189  
created under this section or that leads to the implementation 190  
of a local or regional emergency alert program. Whoever violates 191  
this division is guilty of a felony of the fourth degree. 192

<b>Section 2.</b> That existing section 2919.23 of the Revised	193
Code is hereby repealed.	194
<b>Section 3.</b> This act shall be known as the Kelsey Smith	195
Act.	196