

As Re-Referred by the House Rules and Reference 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

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 That existing section 2919.23 of the Revised Code is hereby repealed.	193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