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Substitute Bill Comparative Synopsis

Sub. H.B. 217

136th General Assembly

House Public Safety

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_136_0545-4)
Name of the act	
Names the act the Finding and Identifying with NamUs Data (FIND) Act (<i>Section 3</i>).	Names the act Andy Chapman's Act (<i>Section 3</i>).
High-risk missing child	
No provision.	<p>Defines a "high-risk missing child" as a missing child who meets the following criteria (<i>R.C. 2901.30(A)(5)</i>):</p> <ul style="list-style-type: none">(1) The child is missing as a result of a confirmed abduction.(2) The child is missing under known dangerous circumstances.(3) The child is missing more than 30 days.(4) There is evidence the child is at risk because of any of the following factors:<ul style="list-style-type: none">(a) 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

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	<p>health if the needed care or medication is not received.</p> <p>(b) The missing child does not have a pattern of running away or disappearing.</p> <p>(c) The missing child may have been abducted by a noncustodial parent.</p> <p>(d) The missing child is mentally impaired or developmentally disabled.</p> <p>(e) The missing child has been the subject of past threats or acts of violence.</p> <p>(f) Any other factor that may indicate, in the judgment of the lead investigating law enforcement agency, that the missing child may be at risk.</p>
Determination of high-risk missing child designation	
No provision.	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 (<i>R.C. 2901.30(B)(1)</i>).
No provision.	If a law enforcement agency has reason to believe that a missing child is a high-risk missing child, requires the agency to contact the appropriate county prosecutor who must determine whether the child reported missing is a high-risk missing child (<i>R.C. 2901.30(B)(2)(a)</i>).
No provision.	If the prosecutor determines that the child is a high-risk missing child, specifies that there is a rebuttable presumption that the child is missing as a result of, or in association with, criminal activity, and permits the law enforcement agency to seek or obtain legal process to search 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 (<i>R.C. 2901.30(B)(2)(a)</i>).

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No provision.	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, requires the law enforcement agency to continue the investigation without disclosing the whereabouts of the child or the child's guardian to the person who reported the child missing (R.C. 2901.30(B)(2)(b)).
No provision.	Specifies the following (R.C. 2901.30(B)(2)(c) and (d)): <ul style="list-style-type: none"> ▪ 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 is not precluded. ▪ 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.
Release of records	
No provision.	Subject to Ohio's Public Records Law, allows a common pleas court to release any records that are obtained by the investigating law enforcement agency to a governmental entity upon showing of good cause by the governmental entity (R.C. 2901.30(B)(3)).
Timing of missing child entry into NamUs	
Requires a law enforcement agency to integrate information in a missing child report and other relevant information into NamUs when a missing	Requires a law enforcement agency to integrate information about a missing child into NamUs immediately following the receipt of a report of a

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<p>child has not been located within 30 days after the date the missing child report is filed with the law enforcement agency; the agency may choose to integrate the information after an existing law process occurs regarding the obtaining of dental records, unless the process becomes unduly burdensome or time consuming (<i>R.C. 2901.30(G)(2)</i>).</p>	<p>missing child by the agency or the receipt of additional records during the investigation (<i>R.C. 2901.30(C) and (G)</i>).</p>
Missing child removal from NamUs	
<p>Requires a law enforcement agency who receives a report that a missing child has returned to their home or to the care, custody, and control of their parent, guardian, or legal custodian, to promptly report to NamUs that the missing child has been found, if the missing child's information was integrated into NamUs (<i>R.C. 2901.30(H)(2)</i>).</p>	<p>Requires a law enforcement agency who receives a report that a missing child has returned to their home or to the care, custody, and control of their parent, guardian, or legal custodian, to promptly report to NamUs that the missing child has been found (<i>R.C. 2901.30(H)</i>).</p>
High-risk missing person	
<p>No provision.</p>	<p>Defines a “high-risk missing person” as an individual who is 18 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; specifies that the circumstances that indicate that an individual is a high-risk missing person must include but not be limited to (<i>R.C. 2901.41(A)(3), with cross-references in R.C. 2901.42(B)(1) and (2)</i>):</p> <ul style="list-style-type: none"> (1) The individual is missing as a result of a confirmed abduction. (2) The individual is missing under known dangerous circumstances. (3) The individual is missing more than 30 days. (4) There is evidence the person is at risk because of any of the following factors: <ul style="list-style-type: none"> (a) The missing individual is in need of medical attention or prescription medication, such that it will have a serious adverse effect on the

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	<p>individual's health if the needed care or medication is not received.</p> <p>(b) The missing individual does not have a pattern of running away or disappearing.</p> <p>(c) The missing individual is mentally impaired or developmentally disabled.</p> <p>(d) The missing individual has been the subject of past threats or acts of violence.</p> <p>(e) The missing individual is under 21 years of age and any of the factors listed above exist.</p> <p>(f) Any other factor that may indicate, in the judgment of the lead investigating law enforcement agency, that the missing individual may be at risk.</p>
Determination of high-risk missing person designation	
No provision.	If a law enforcement agency has reason to believe that an individual reported missing is a high-risk missing person, requires the agency to contact the appropriate county prosecutor who must determine whether the individual reported missing is a high-risk missing person (<i>R.C. 2901.41(E)(1)</i>).
No provision.	If the prosecutor determines that the individual is a high-risk missing person, specifies that there is a rebuttable presumption that the individual is missing as a result of, or in association with, criminal activity (<i>R.C. 2901.41(E)(1)</i>).
No provision.	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 the discovery of additional information that the missing individual is a high-risk missing person, is not precluded (<i>R.C. 2901.41(E)(1)</i>).
No provision.	Specifies that if the investigating law enforcement agency discovers evidence during the investigation that indicates that the missing person does not meet the definition of a high-risk

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	missing person, there is no rebuttable presumption that the person is missing as a result of, or in association with, criminal activity (<i>R.C. 2901.41(E)(2)</i>).
Release of records	
No provision.	Subject to Ohio's Public Records Law, allows a common pleas court to release any records that are obtained by the investigating law enforcement agency to a governmental entity upon showing of good cause by the governmental entity (<i>R.C. 2901.41(E)(3)</i>).
BCII electronic database	
No provision.	Requires the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) to establish and maintain an electronic database for reports of missing persons and children (<i>R.C. 109.5731</i>).
Electronic records retention	
No provision.	Requires all law enforcement agencies to retain all reports of missing children and missing persons in an electronic format prior to destruction of any paper reports and, upon conversion, to promptly submit those reports to the BCII database described above under "BCII electronic database" (<i>R.C. 2901.30(G) and 2901.42(D)</i>).
Attorney General's best practices protocol	
No provision.	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 (<i>R.C. 2901.41(B)</i>).
No provision.	Upon receipt of the best practices protocol, requires each law enforcement agency in the state to develop and adopt a written policy

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	establishing a procedure for retaining all reports of missing persons in an electronic format prior to the destruction of any paper reports and, upon conversion, for promptly submitting those electronic reports to the BCII database described above under “BCII electronic database” (<i>R.C. 2901.41(B)(2)</i>).