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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 (I_136_0545-4)	Latest Version (I_136_0545-6)
BCII digitalized records	
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>).	Requires the Superintendent to establish and maintain digitalized records of missing persons and children reports (<i>R.C. 109.5731</i>).
Requires a law enforcement agency to retain all reports of missing children in an electronic format prior to destruction of any paper reports and, upon conversion, to promptly submit those reports to the database maintained by BCII (<i>R.C. 2901.30(G)</i>).	Same provision but requires law enforcement to submit the reports directly to BCII instead of a database maintained by BCII (<i>R.C. 2901.30(G)</i>).
Requires a law enforcement agency to retain every report of a missing person in an electronic format prior to destruction of any paper reports and, upon conversion, to promptly submit each report to the database maintained by BCII (<i>R.C. 2901.42(D)</i>).	Same provision but requires law enforcement to submit the report directly to BCII instead of a database maintained by BCII (<i>R.C. 2901.42(D)</i>).

Previous Version (I_136_0545-4)	Latest Version (I_136_0545-6)
Attorney General best practices protocol	
Requires the Attorney General to publish best practices protocol for addressing reports of missing persons and requires law enforcement agencies to adopt a written policy 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 database maintained by BCII (<i>R.C. 2901.41(B)(2)</i>).	Same provision, but specifies that the electronic reports be submitted directly to BCII instead of a database maintained by BCII (<i>R.C. 2901.41(B)(2)</i>).
Determination of high-risk missing child designation	
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 for 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>).	Same provision but allows the law enforcement agency to obtain a search warrant instead of seeking or obtaining legal process (<i>R.C. 2901.30(B)(2)(a)</i>).
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 (<i>R.C. 2901.30(B)(2)(b)</i>).	Same provision but specifies that the investigation is a criminal investigation and adds that if the source of a report is a public children services agency, then the law enforcement agency may disclose the whereabouts of the child or the child's guardian to the person who reported the child missing (<i>R.C. 2901.30(B)(2)(b)</i>).
Release of records	
Subject to Ohio's Public Records Law, allows a common pleas court to release any records related to a missing child or a missing person that	No provision.

Previous Version (I_136_0545-4)	Latest Version (I_136_0545-6)
are obtained by the investigating law enforcement agency to a governmental entity upon showing of good cause by the governmental entity (<i>R.C. 2901.30(B)(3) and 2901.41(E)(3)</i>).	
Determination of high-risk missing person designation	
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>).	Same provision but adds that the rebuttable presumption constitutes probable cause for the issuance of a search warrant during any resulting investigation (<i>R.C. 2901.41(E)(1)</i>).
Timing of missing child entry into NamUs	
Requires a law enforcement agency to gather readily available information about a missing child and integrate it into NamUs immediately following the receipt of a report of the missing child by the agency (<i>R.C. 2901.30(C)</i>).	Same provision but requires a law enforcement agency to integrate the information if the missing child is not located within 30 days (<i>R.C. 2901.30(C)</i>).