



Diana C. Fox

## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 317**

125th General Assembly  
(As Introduced)

**Rep. DeBose**

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#### **BILL SUMMARY**

- Limits the issuance of statewide Amber Alerts to only those abducted children who are under the age of 13, instead of 18 as under current law, and whose abductions satisfy the criteria listed in the following dotpoint.
- Specifies that only two of the following activation criteria must be met before a statewide Amber Alert may be issued for an abducted child (instead of current law's requirement that all be met): (1) the local investigating law enforcement agency confirms that an abduction has occurred, (2) the abduction poses a credible threat of immediate danger of serious bodily harm or death to a child, (3) a law enforcement agency determines that the child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child, and (4) there is sufficient descriptive information about the child, the abductor, and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child.

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#### **CONTENT AND OPERATION**

##### **Statewide emergency alert program ("Amber Alert")**

###### **Current law**

Under current law, the statewide emergency alert program ("Amber Alert" program) exists to aid in the identification and location of children under the age of 18 who are abducted and whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or

death to a child. The program is 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 any other entities the Governor determines are necessary. (R.C. 5502.52(A).)<sup>1</sup>

Current law also specifies that a statewide alert may not be implemented unless all of the following activation criteria are met (R.C. 5502.52(B)):

(1) The local investigating law enforcement agency confirms that an abduction has occurred.

(2) An abducted child is under 18 years of age.

(3) The abduction poses a credible threat of immediate danger of serious bodily harm or death to a child.

(4) A law enforcement agency determines that the child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.

(5) There is sufficient descriptive information about the child, the abductor, and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child.

These five criteria do not prevent the activation of a local or regional emergency alert program that may have different criteria for the activation of a local or regional plan (R.C. 5502.52(C)).

### **Operation of the bill**

The bill modifies several components of the Amber Alert system. First, it specifies that the system may only be activated if the abducted child is under 13 years of age (instead of 18 as under current law). Second, it allows for activation if at least two of the activation criteria, discussed above in (1), (3), (4), or (5), are met (instead of the requirement that all of the criteria be met as under current law). Third, the bill specifies that the requirements of the statewide Amber Alert system

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<sup>1</sup> Continuing law, unaffected by the bill, specifies that "law enforcement agency" includes 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 township police district. (R.C. 5505.52(D).)

do not prevent the activation of a local or regional emergency alert program if the person who is abducted is 13 years of age or older but under 18 years of age. Finally, the bill defines "child" to mean a person under 13 years of age. (R.C. 5502.52(A), (B), (C), and (D)(2).)

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	10-28-03	p. 1149

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