



Am. H.B. 181
127th General Assembly
(As Passed by the General Assembly)

Reps. Setzer, Stebelton, Evans, Healy, Combs, Yuko, Harwood, Huffman, Collier, Webster, Brown, Patton, B. Williams, Lundy, Dyer, Heard, Barrett, Boyd, Budish, Chandler, DeBose, Distel, Domenick, Driehaus, Fende, Flowers, Foley, Garrison, Gibbs, J. Hagan, R. Hagan, Hite, Letson, Luckie, Mallory, Miller, Oelslager, Okey, Otterman, Schindel, Schlichter, Schneider, Strahorn, Szollosi, Uecker, Wagoner, S. Williams, Zehringer

Sens. Grendell, Cates, Harris, Mumper, Niehaus, Padgett, Seitz, Spada, Stivers, Fedor, Sawyer, Jacobson

Effective date: *

ACT SUMMARY

- Requires each public and nonpublic school (1) to mark the records of a student when the school receives notice from a law enforcement agency that the student has been reported to be a missing child and (2) to notify that law enforcement agency whenever it receives a request for the records.
- Specifies that cooperation among law enforcement agencies in missing children cases will be in accordance with agreements the law enforcement agencies have with each other.
- Specifies that employees of law enforcement agencies assisting other agencies in missing children cases outside of their employing political subdivisions are covered under the Sovereign Immunity Law, any indemnity fund established by their employer, and the Workers' Compensation Law.

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

CONTENT AND OPERATION

Marking student records

(R.C. 2901.30(D) and (H) and 3313.672)

Each law enforcement agency is required under continuing law to take a missing child report for any minor who the agency is informed may be a missing child and to make concerted efforts to locate the child.¹ To facilitate this responsibility, the act specifically allows, but does not require, the law enforcement agency that takes a missing child report to notify the public or nonpublic school in which the missing child is or was most recently enrolled, as ascertained by the agency.

If this notification is made, the act then requires the school to mark the student's records so that whenever a copy of or information regarding the records is requested, any school official responding to the request is alerted that the records are those of a reported missing child. In addition, when a request for the records or information is received, the person in charge of admission must immediately report the request to the law enforcement agency that notified the school that the student might be a missing child.

The act also specifies that, when forwarding a copy of or information from the student's records in response to a request, the school sending the records or information must do so in such a way that the receiving school is not able to discern that the student's records are marked. But, the school sending the records or information must retain the mark in the records until notified that the student is no longer a missing child.

Finally, upon notification by a law enforcement agency that the student is no longer a missing child, the act requires the school to remove the mark from the student's record in such a way that it would be impossible to tell the records were ever marked.

¹ Continuing law defines a "missing child" as a minor (person under 18 years old) who either (1) has run away from or otherwise is missing from the home of, or the care, custody, and control of, the minor's parent or other person responsible for care of the minor or (2) is missing and there is reason to believe the minor is a victim of kidnapping, abduction, unlawful restraint, interference with custody, or the former offense of child stealing (R.C. 2901.30(A)).

Background

Under law not changed by the act, each public or nonpublic school, within 24 hours of a student's first enrollment in the school, must request the student's official record from the student's former school. The school must notify the appropriate law enforcement agency that the newly enrolled student may be a missing child if (1) the school does not receive the record within 14 days, (2) the school to which the request was made indicates that it does not have a record for that student, or (3) the student does not provide the school with a birth certificate or other legitimate proof of birthdate and birthplace.

Cooperation among law enforcement agencies

(R.C. 2901.30(F))

Continuing law requires law enforcement agencies to cooperate with and assist each other in the investigation of missing child cases. The act specifies that the scope of this assistance must be in accordance with the terms of any agreements the law enforcement agencies have with each other, including terms regarding which services and equipment may be shared. It also specifies that when exchanging assistance, any of an agency's employees doing so outside of their employing political subdivision will be covered by the state Sovereign Immunity Law, any indemnity fund established by their employer, and the state Workers' Compensation Law to the same extent as if rendering services within the territory of their employing political subdivision.

HISTORY

ACTION	DATE
Introduced	04-24-07
Reported, H. Education	06-20-07
Passed House (95-0)	09-11-07
Reported, S. Judiciary – Criminal Justice	12-06-07
Passed Senate (32-0)	12-11-07
House refused to concur in Senate amendments (40-54)	03-11-08
Senate requested conference committee	03-11-08
House acceded to request for conference committee	04-29-08
House agreed to conference committee report (95-0)	05-29-08
Senate agreed to conference committee report (32-0)	05-29-08

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