

As Passed by the Senate

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 545

REPRESENTATIVES Setzer, Husted, White, Schneider, Hughes, Perry,

Schmidt

SENATORS Roberts, Jacobson

A B I L L

To amend sections 109.71, 109.75, 109.77, 109.801, 1
2901.01, 2935.01, and 2935.03 of the Revised Code 2
to require certain special police officers of 3
certain airports to receive peace officer training 4
and certification and annual firearms 5
requalification, to designate those special police 6
officers as peace officers and law enforcement 7
officers for certain purposes, to exempt certain 8
certification examinations from the Public Records 9
Law, to require the Executive Director of the Peace 10
Officer Training Commission to cause a criminal 11
records check of any person seeking peace officer 12
basic training certification before the person's 13
completion of an approved program, and to authorize 14
the conveyance of state-owned land in Madison 15
County to the Kirkwood Cemetery Association. 16
17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.71, 109.75, 109.77, 109.801, 18
2901.01, 2935.01, and 2935.03 of the Revised Code be amended to 19

read as follows:

Sec. 109.71. There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state; and one member from the department of education, trade and industrial education services, law enforcement training.

As used in sections 109.71 to 109.77 of the Revised Code:

(A) "Peace officer" means:

(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

(2) A police officer who is employed by a railroad company

and appointed and commissioned by the governor pursuant to 50
sections 4973.17 to 4973.22 of the Revised Code; 51

(3) Employees of the department of taxation engaged in the 52
enforcement of Chapter 5743. of the Revised Code and designated by 53
the tax commissioner for peace officer training for purposes of 54
the delegation of investigation powers under section 5743.45 of 55
the Revised Code; 56

(4) An undercover drug agent; 57

(5) Enforcement agents of the department of public safety 58
whom the director of public safety designates under section 59
5502.14 of the Revised Code; 60

(6) An employee of the department of natural resources who is 61
a natural resources law enforcement staff officer designated 62
pursuant to section 1501.013, a park officer designated pursuant 63
to section 1541.10, a forest officer designated pursuant to 64
section 1503.29, a preserve officer designated pursuant to section 65
1517.10, a wildlife officer designated pursuant to section 66
1531.13, or a state watercraft officer designated pursuant to 67
section 1547.521 of the Revised Code; 68

(7) An employee of a park district who is designated pursuant 69
to section 511.232 or 1545.13 of the Revised Code; 70

(8) An employee of a conservancy district who is designated 71
pursuant to section 6101.75 of the Revised Code; 72

(9) A police officer who is employed by a hospital that 73
employs and maintains its own proprietary police department or 74
security department, and who is appointed and commissioned by the 75
governor pursuant to sections 4973.17 to 4973.22 of the Revised 76
Code; 77

(10) Ohio veterans' home police officers designated under 78
section 5907.02 of the Revised Code; 79

(11) A police officer who is employed by a qualified 80
nonprofit corporation police department pursuant to section 81
1702.80 of the Revised Code; 82

(12) A state university law enforcement officer appointed 83
under section 3345.04 of the Revised Code or a person serving as a 84
state university law enforcement officer on a permanent basis on 85
June 19, 1978, who has been awarded a certificate by the executive 86
director of the Ohio peace officer training ~~council~~ commission 87
attesting to the person's satisfactory completion of an approved 88
state, county, municipal, or department of natural resources peace 89
officer basic training program; 90

(13) A special police officer employed by the department of 91
mental health pursuant to section 5119.14 of the Revised Code or 92
the department of mental retardation and developmental 93
disabilities pursuant to section 5123.13 of the Revised Code; 94

(14) A member of a campus police department appointed under 95
section 1713.50 of the Revised Code; 96

(15) A member of a police force employed by a regional 97
transit authority under division (Y) of section 306.35 of the 98
Revised Code; 99

(16) Investigators appointed by the auditor of state pursuant 100
to section 117.091 of the Revised Code and engaged in the 101
enforcement of Chapter 117. of the Revised Code; 102

(17) A special police officer designated by the 103
superintendent of the state highway patrol pursuant to section 104
5503.09 of the Revised Code or a person who was serving as a 105
special police officer pursuant to that section on a permanent 106
basis on October 21, 1997, and who has been awarded a certificate 107
by the executive director of the Ohio peace officer training 108
commission attesting to the person's satisfactory completion of an 109
approved state, county, municipal, or department of natural 110

resources peace officer basic training program;

~~(19)~~(18) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on ~~the effective date of this amendment~~ May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training ~~council~~ commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after the effective date of this amendment at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

Sec. 109.75. The executive director of the Ohio peace officer training commission, on behalf of the commission, shall have the following powers and duties, which shall be exercised with the general advice of the commission and only in accordance with section 109.751 of the Revised Code and the rules adopted pursuant to that section, and with the rules adopted by the attorney general pursuant to sections 109.74, 109.741, 109.742, and 109.743 of the Revised Code:

(A) To approve peace officer training schools and firearms requalification programs administered by the state, counties, municipal corporations, and the department of natural resources, to issue certificates of approval to approved schools, and to revoke an approval or certificate;

(B) To certify, as qualified, instructors at approved peace officer training schools, to issue appropriate certificates to these instructors, and to revoke for good cause shown certificates of these instructors;

(C) To certify, as qualified, commanders at approved peace officer training schools, to issue appropriate certificates to these commanders, and to revoke for good cause shown certificates of these commanders. As used in this division, "commander" means the director or other head of an approved peace officer training school.

(D) To certify peace officers and sheriffs who have satisfactorily completed basic training programs and to issue appropriate certificates to these peace officers and sheriffs;

(E) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(F) To consult and cooperate with state, county, and

municipal peace officer training schools for the development of 172
advanced in-service training programs for peace officers; 173

(G) To consult and cooperate with universities, colleges, and 174
institutes for the development of specialized courses of study in 175
the state for peace officers in police science and police 176
administration; 177

(H) To consult and cooperate with other departments and 178
agencies of the state and federal government concerned with peace 179
officer training; 180

(I) To perform any other acts that may be necessary or 181
appropriate to carry out the executive director's powers and 182
duties as set forth in sections 109.71 to 109.77 of the Revised 183
Code; 184

(J) To report to the commission at each regular meeting of 185
the commission and at any other times that the ~~council~~ commission 186
may require; 187

(K) To certify persons who have satisfactorily completed 188
approved training programs for correction officers in full-service 189
jails, five-day facilities, or eight-hour holding facilities or 190
approved training programs for others who provide correction 191
services in those jails or facilities and to issue appropriate 192
certificates to those persons; 193

(L) To maintain any records associated with the powers and 194
duties set forth in this section. Certification examinations, 195
either before or after completion, are not public records for 196
purposes of section 149.43 of the Revised Code, but the results of 197
such examinations are public records under that section. 198

Sec. 109.77. (A) As used in this section, "felony" has the 199
same meaning as in section 109.511 of the Revised Code. 200

(B)(1) Notwithstanding any general, special, or local law or 201

charter to the contrary, and except as otherwise provided in this
section, no person shall receive an original appointment on a
permanent basis as any of the following unless the person
previously has been awarded a certificate by the executive
director of the Ohio peace officer training commission attesting
to the person's satisfactory completion of an approved state,
county, municipal, or department of natural resources peace
officer basic training program:

(a) A peace officer of any county, township, municipal
corporation, regional transit authority, or metropolitan housing
authority;

(b) A natural resources law enforcement staff officer, park
officer, forest officer, preserve officer, wildlife officer, or
state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or
1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated
pursuant to section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of
mental health pursuant to section 5119.14 of the Revised Code or
the department of mental retardation and developmental
disabilities pursuant to section 5123.13 of the Revised Code;

(g) An enforcement agent of the department of public safety
whom the director of public safety designates under section
5502.14 of the Revised Code;

(h) A special police officer employed by a port authority
under section 4582.04 or 4582.28 of the Revised Code;

(i) A special police officer employed by a municipal
corporation at a municipal airport, or other municipal air

navigation facility, that has scheduled operations, as defined in 232
section 119.3 of Title 14 of the Code of Federal Regulations, 14 233
C.F.R. 119.3, as amended, and that is required to be under a 234
security program and is governed by aviation security rules of the 235
transportation security administration of the United States 236
department of transportation as provided in Parts 1542. and 1544. 237
of Title 49 of the Code of Federal Regulations, as amended. 238

(2) Every person who is appointed on a temporary basis or for 239
a probationary term or on other than a permanent basis as any of 240
the following shall forfeit the appointed position unless the 241
person previously has completed satisfactorily or, within the time 242
prescribed by rules adopted by the attorney general pursuant to 243
section 109.74 of the Revised Code, satisfactorily completes a 244
state, county, municipal, or department of natural resources peace 245
officer basic training program for temporary or probationary 246
officers and is awarded a certificate by the director attesting to 247
the satisfactory completion of the program: 248

(a) A peace officer of any county, township, municipal 249
corporation, regional transit authority, or metropolitan housing 250
authority; 251

(b) A natural resources law enforcement staff officer, park 252
officer, forest officer, preserve officer, wildlife officer, or 253
state watercraft officer of the department of natural resources; 254

(c) An employee of a park district under section 511.232 or 255
1545.13 of the Revised Code; 256

(d) An employee of a conservancy district who is designated 257
pursuant to section 6101.75 of the Revised Code; 258

(e) A special police officer employed by the department of 259
mental health pursuant to section 5119.14 of the Revised Code or 260
the department of mental retardation and developmental 261
disabilities pursuant to section 5123.13 of the Revised Code; 262

(f) An enforcement agent of the department of public safety 263
whom the director of public safety designates under section 264
5502.14 of the Revised Code; 265

(g) A special police officer employed by a port authority 266
under section 4582.04 or 4582.28 of the Revised Code; 267

(h) A special police officer employed by a municipal 268
corporation at a municipal airport, or other municipal air 269
navigation facility, that has scheduled operations, as defined in 270
section 119.3 of Title 14 of the Code of Federal Regulations, 14 271
C.F.R. 119.3, as amended, and that is required to be under a 272
security program and is governed by aviation security rules of the 273
transportation security administration of the United States 274
department of transportation as provided in Parts 1542. and 1544. 275
of Title 49 of the Code of Federal Regulations, as amended. 276

(3) For purposes of division (B) of this section, a state, 277
county, municipal, or department of natural resources peace 278
officer basic training program, regardless of whether the program 279
is to be completed by peace officers appointed on a permanent or 280
temporary, probationary, or other nonpermanent basis, shall 281
include at least fifteen hours of training in the handling of the 282
offense of domestic violence, other types of domestic 283
violence-related offenses and incidents, and protection orders and 284
consent agreements issued or approved under section 2919.26 or 285
3113.31 of the Revised Code and at least six hours of crisis 286
intervention training. The requirement to complete fifteen hours 287
of training in the handling of the offense of domestic violence, 288
other types of domestic violence-related offenses and incidents, 289
and protection orders and consent agreements issued or approved 290
under section 2919.26 or 3113.31 of the Revised Code does not 291
apply to any person serving as a peace officer on March 27, 1979, 292
and the requirement to complete six hours of training in crisis 293
intervention does not apply to any person serving as a peace 294

officer on April 4, 1985. Any person who is serving as a peace
officer on April 4, 1985, who terminates that employment after
that date, and who subsequently is hired as a peace officer by the
same or another law enforcement agency shall complete the six
hours of training in crisis intervention within the time
prescribed by rules adopted by the attorney general pursuant to
section 109.742 of the Revised Code. No peace officer shall have
employment as a peace officer terminated and then be reinstated
with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person
serving on a permanent basis on March 28, 1985, as a park officer,
forest officer, preserve officer, wildlife officer, or state
watercraft officer of the department of natural resources or as an
employee of a park district under section 511.232 or 1545.13 of
the Revised Code, to any person serving on a permanent basis on
March 6, 1986, as an employee of a conservancy district designated
pursuant to section 6101.75 of the Revised Code, to any person
serving on a permanent basis on January 10, 1991, as a preserve
officer of the department of natural resources, to any person
employed on a permanent basis on July 2, 1992, as a special police
officer by the department of mental health pursuant to section
5119.14 of the Revised Code or by the department of mental
retardation and developmental disabilities pursuant to section
5123.13 of the Revised Code, to any person serving on a permanent
basis on ~~the effective date of this amendment~~ May 17, 2000, as a
special police officer employed by a port authority under section
4582.04 or 4582.28 of the Revised Code, to any person serving on a
permanent basis on the effective date of this amendment as a
special police officer employed by a municipal corporation at a
municipal airport or other municipal air navigation facility
described in division (A)(19) of section 109.71 of the Revised
Code, to any person serving on a permanent basis on June 19, 1978,

as a state university law enforcement officer pursuant to section 327
3345.04 of the Revised Code and who, immediately prior to June 19, 328
1978, was serving as a special police officer designated under 329
authority of that section, or to any person serving on a permanent 330
basis on September 20, 1984, as a liquor control investigator, 331
known after June 30, 1999, as an enforcement agent of the 332
department of public safety, engaged in the enforcement of 333
Chapters 4301. and 4303. of the Revised Code. 334

(5) Division (B) of this section does not apply to any person 335
who is appointed as a regional transit authority police officer 336
pursuant to division (Y) of section 306.35 of the Revised Code if, 337
on or before July 1, 1996, the person has completed satisfactorily 338
an approved state, county, municipal, or department of natural 339
resources peace officer basic training program and has been 340
awarded a certificate by the executive director of the Ohio peace 341
officer training commission attesting to the person's satisfactory 342
completion of such an approved program and if, on July 1, 1996, 343
the person is performing peace officer functions for a regional 344
transit authority. 345

(C) No person, after September 20, 1984, shall receive an 346
original appointment on a permanent basis as an Ohio veterans' 347
home police officer designated under section 5907.02 of the 348
Revised Code unless the person previously has been awarded a 349
certificate by the executive director of the Ohio peace officer 350
training commission attesting to the person's satisfactory 351
completion of an approved police officer basic training program. 352
Every person who is appointed on a temporary basis or for a 353
probationary term or on other than a permanent basis as an Ohio 354
veterans' home police officer designated under section 5907.02 of 355
the Revised Code shall forfeit that position unless the person 356
previously has completed satisfactorily or, within one year from 357
the time of appointment, satisfactorily completes an approved 358

police officer basic training program. 359

(D) No bailiff or deputy bailiff of a court of record of this 360
state and no criminal investigator who is employed by the state 361
public defender shall carry a firearm, as defined in section 362
2923.11 of the Revised Code, while on duty unless the bailiff, 363
deputy bailiff, or criminal investigator has done or received one 364
of the following: 365

(1) Has been awarded a certificate by the executive director 366
of the Ohio peace officer training commission, which certificate 367
attests to satisfactory completion of an approved state, county, 368
or municipal basic training program for bailiffs and deputy 369
bailiffs of courts of record and for criminal investigators 370
employed by the state public defender that has been recommended by 371
the Ohio peace officer training commission; 372

(2) Has successfully completed a firearms training program 373
approved by the Ohio peace officer training commission prior to 374
employment as a bailiff, deputy bailiff, or criminal investigator; 375

(3) Prior to June 6, 1986, was authorized to carry a firearm 376
by the court that employed the bailiff or deputy bailiff or, in 377
the case of a criminal investigator, by the state public defender 378
and has received training in the use of firearms that the Ohio 379
peace officer training commission determines is equivalent to the 380
training that otherwise is required by division (D) of this 381
section. 382

(E)(1) ~~Prior to awarding any~~ Before a person seeking a 383
~~certificate prescribed in this section completes an approved peace~~ 384
~~officer basic training program,~~ the executive director of the Ohio 385
peace officer training commission shall request the person to whom 386
~~the certificate is to be awarded~~ to disclose, and the person shall 387
disclose, any previous criminal conviction of or plea of guilty of 388
that person to a felony. 389

(2) ~~Prior to the award by the executive director of the~~ 390
~~commission of any~~ Before a person seeking a certificate prescribed 391
~~in this section completes an approved peace officer basic training~~ 392
~~program,~~ the ~~prospective employer of the person to whom the~~ 393
~~certificate is to be awarded or the commander of the peace officer~~ 394
~~training school attended by that person~~ executive director shall 395
request ~~the bureau of criminal identification and investigation to~~ 396
~~conduct~~ a criminal history records check on the person. ~~Upon~~ The 397
executive director shall submit the person's fingerprints to the 398
bureau of criminal identification and investigation, which shall 399
submit the fingerprints to the federal bureau of investigation for 400
a national criminal history records check. 401

Upon receipt of the executive director's request, the bureau 402
~~promptly of criminal identification and investigation and the~~ 403
federal bureau of investigation shall conduct a criminal history 404
records check on the person and, upon completion of the check, 405
~~promptly~~ shall provide a copy of the criminal history records 406
check to the ~~prospective employer or peace officer training school~~ 407
~~commander that made the request. Upon receipt of the copy of the~~ 408
~~criminal history records check from the bureau, the prospective~~ 409
~~employer or peace officer training school commander that made the~~ 410
~~request shall submit the copy to the executive director of the~~ 411
~~Ohio peace officer training commission~~ executive director. The 412
executive director shall not award any certificate prescribed in 413
this section unless the executive director has received a copy of 414
the criminal history records check on the person to whom the 415
certificate is to be awarded. 416

(3) The executive director of the commission shall not award 417
a certificate prescribed in this section to a person who has been 418
convicted of or has pleaded guilty to a felony or who fails to 419
disclose any previous criminal conviction of or plea of guilty to 420
a felony as required under division (E)(1) of this section. 421

(4) The executive director of the commission shall revoke the
certificate awarded to a person as prescribed in this section, and
that person shall forfeit all of the benefits derived from being
certified as a peace officer under this section, if the person,
~~prior to the award of the certificate before completion of an~~
approved peace officer basic training program, failed to disclose
any previous criminal conviction of or plea of guilty to a felony
as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the
certificate or has been classified as a peace officer prior to,
on, or after October 16, 1996, the executive director of the Ohio
peace officer training commission shall revoke any certificate
that has been awarded to a person as prescribed in this section if
the person does either of the following:

(a) Pleads guilty to a felony committed on or after January
1, 1997;
~~;~~

(b) Pleads guilty to a misdemeanor committed on or after
January 1, 1997, pursuant to a negotiated plea agreement as
provided in division (D) of section 2929.29 of the Revised Code in
which the person agrees to surrender the certificate awarded to
the person under this section.

(2) The executive director of the commission shall suspend
any certificate that has been awarded to a person as prescribed in
this section if the person is convicted, after trial, of a felony
committed on or after January 1, 1997. The executive director
shall suspend the certificate pursuant to division (F)(2) of this
section pending the outcome of an appeal by the person from that
conviction to the highest court to which the appeal is taken or
until the expiration of the period in which an appeal is required
to be filed. If the person files an appeal that results in that
person's acquittal of the felony or conviction of a misdemeanor,
or in the dismissal of the felony charge against that person, the

executive director shall reinstate the certificate awarded to the
person under this section. If the person files an appeal from that
person's conviction of the felony and the conviction is upheld by
the highest court to which the appeal is taken or if the person
does not file a timely appeal, the executive director shall revoke
the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this
section and the certificate is revoked pursuant to division (E)(4)
or (F) of this section, the person shall not be eligible to
receive, at any time, a certificate attesting to the person's
satisfactory completion of a peace officer basic training program.

(2) The revocation or suspension of a certificate under
division (E)(4) or (F) of this section shall be in accordance with
Chapter 119. of the Revised Code.

(H)(1) A person who was employed as a peace officer of a
county, township, or municipal corporation of the state on January
1, 1966, and who has completed at least sixteen years of full-time
active service as such a peace officer may receive an original
appointment on a permanent basis and serve as a peace officer of a
county, township, or municipal corporation, or as a state
university law enforcement officer, without complying with the
requirements of division (B) of this section.

(2) Any person who held an appointment as a state highway
trooper on January 1, 1966, may receive an original appointment on
a permanent basis and serve as a peace officer of a county,
township, or municipal corporation, or as a state university law
enforcement officer, without complying with the requirements of
division (B) of this section.

(I) No person who is appointed as a peace officer of a
county, township, or municipal corporation on or after April 9,
1985, shall serve as a peace officer of that county, township, or

municipal corporation unless the person has received training in 485
the handling of missing children and child abuse and neglect cases 486
from an approved state, county, township, or municipal police 487
officer basic training program or receives the training within the 488
time prescribed by rules adopted by the attorney general pursuant 489
to section 109.741 of the Revised Code. 490

(J) No part of any approved state, county, or municipal basic 491
training program for bailiffs and deputy bailiffs of courts of 492
record and no part of any approved state, county, or municipal 493
basic training program for criminal investigators employed by the 494
state public defender shall be used as credit toward the 495
completion by a peace officer of any part of the approved state, 496
county, or municipal peace officer basic training program that the 497
peace officer is required by this section to complete 498
satisfactorily. 499

(K) This section does not apply to any member of the police 500
department of a municipal corporation in an adjoining state 501
serving in this state under a contract pursuant to section 737.04 502
of the Revised Code. 503

Sec. 109.801. (A)(1) Each year the following persons shall 504
complete successfully a firearms requalification program approved 505
by the executive director of the Ohio peace officer training 506
commission in accordance with rules adopted by the attorney 507
general pursuant to section 109.743 of the Revised Code: any 508
sheriff, deputy sheriff, marshal, deputy marshal, township 509
constable, chief of police or member of an organized police 510
department of a municipal corporation or township, chief of police 511
or member of a township police district police force, 512
superintendent of the state highway patrol, state highway patrol 513
trooper, or chief of police of a university or college police 514
department or state university law enforcement officer appointed 515

under section 3345.04 of the Revised Code; any parole or probation 516
officer who carries a firearm in the course of official duties; 517
any employee of the department of natural resources who is a 518
natural resources law enforcement staff officer, park officer, 519
forest officer, preserve officer, wildlife officer, or state 520
watercraft officer who carries a firearm in the course of official 521
duties; the house sergeant at arms if the house sergeant at arms 522
has arrest authority pursuant to division (E)(1) of section 523
101.311 of the Revised Code; any assistant house sergeant at arms; 524
~~or~~ any employee of the department of youth services who is 525
designated pursuant to division (A)(2) of section 5139.53 of the 526
Revised Code as being authorized to carry a firearm while on duty 527
as described in that division; or a special police officer 528
employed by a municipal corporation at a municipal airport or 529
other municipal air navigation facility described in division 530
(A)(19) of section 109.71 of the Revised Code. 531

(2) No person listed in division (A)(1) of this section shall 532
carry a firearm during the course of official duties if the person 533
does not comply with division (A)(1) of this section. 534

(B) The hours that a sheriff spends attending a firearms 535
requalification program required by division (A) of this section 536
are in addition to the sixteen hours of continuing education that 537
are required by division (E) of section 311.01 of the Revised 538
Code. 539

(C) As used in this section, "firearm" has the same meaning 540
as in section 2923.11 of the Revised Code. 541

Sec. 2901.01. (A) As used in the Revised Code: 542

(1) "Force" means any violence, compulsion, or constraint 543
physically exerted by any means upon or against a person or thing. 544

(2) "Deadly force" means any force that carries a substantial 545
risk that it will proximately result in the death of any person. 546

547
(3) "Physical harm to persons" means any injury, illness, or 548
other physiological impairment, regardless of its gravity or 549
duration. 550

(4) "Physical harm to property" means any tangible or 551
intangible damage to property that, in any degree, results in loss 552
to its value or interferes with its use or enjoyment. "Physical 553
harm to property" does not include wear and tear occasioned by 554
normal use. 555

(5) "Serious physical harm to persons" means any of the 556
following: 557

(a) Any mental illness or condition of such gravity as would 558
normally require hospitalization or prolonged psychiatric 559
treatment; 560

(b) Any physical harm that carries a substantial risk of 561
death; 562

(c) Any physical harm that involves some permanent 563
incapacity, whether partial or total, or that involves some 564
temporary, substantial incapacity; 565

(d) Any physical harm that involves some permanent 566
disfigurement or that involves some temporary, serious 567
disfigurement; 568

(e) Any physical harm that involves acute pain of such 569
duration as to result in substantial suffering or that involves 570
any degree of prolonged or intractable pain. 571

(6) "Serious physical harm to property" means any physical 572
harm to property that does either of the following: 573

(a) Results in substantial loss to the value of the property 574
or requires a substantial amount of time, effort, or money to 575
repair or replace; 576

(b) Temporarily prevents the use or enjoyment of the property 577
or substantially interferes with its use or enjoyment for an 578
extended period of time. 579

(7) "Risk" means a significant possibility, as contrasted 580
with a remote possibility, that a certain result may occur or that 581
certain circumstances may exist. 582

(8) "Substantial risk" means a strong possibility, as 583
contrasted with a remote or significant possibility, that a 584
certain result may occur or that certain circumstances may exist. 585

(9) "Offense of violence" means any of the following: 586

(a) A violation of section 2903.01, 2903.02, 2903.03, 587
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 588
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 589
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 590
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 591
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 592
of division (B)(1), (2), (3), or (4) of section 2919.22 of the 593
Revised Code or felonious sexual penetration in violation of 594
former section 2907.12 of the Revised Code; 595

(b) A violation of an existing or former municipal ordinance 596
or law of this or any other state or the United States, 597
substantially equivalent to any section, division, or offense 598
listed in division (A)(9)(a) of this section; 599

(c) An offense, other than a traffic offense, under an 600
existing or former municipal ordinance or law of this or any other 601
state or the United States, committed purposely or knowingly, and 602
involving physical harm to persons or a risk of serious physical 603
harm to persons; 604

(d) A conspiracy or attempt to commit, or complicity in 605
committing, any offense under division (A)(9)(a), (b), or (c) of 606
this section. 607

(10)(a) "Property" means any property, real or personal, 608
tangible or intangible, and any interest or license in that 609
property. "Property" includes, but is not limited to, cable 610
television service, other telecommunications service, 611
telecommunications devices, information service, computers, data, 612
computer software, financial instruments associated with 613
computers, other documents associated with computers, or copies of 614
the documents, whether in machine or human readable form, trade 615
secrets, trademarks, copyrights, patents, and property protected 616
by a trademark, copyright, or patent. "Financial instruments 617
associated with computers" include, but are not limited to, 618
checks, drafts, warrants, money orders, notes of indebtedness, 619
certificates of deposit, letters of credit, bills of credit or 620
debit cards, financial transaction authorization mechanisms, 621
marketable securities, or any computer system representations of 622
any of them. 623

(b) As used in division (A)(10) of this section, "trade 624
secret" has the same meaning as in section 1333.61 of the Revised 625
Code, and "telecommunications service" and "information service" 626
have the same meanings as in section 2913.01 of the Revised Code. 627

(c) As used in divisions (A)(10) and (13) of this section, 628
"cable television service," "computer," "computer software," 629
"computer system," "computer network," "data," and 630
"telecommunications device" have the same meanings as in section 631
2913.01 of the Revised Code. 632

(11) "Law enforcement officer" means any of the following: 633

(a) A sheriff, deputy sheriff, constable, police officer of a 634
township or joint township police district, marshal, deputy 635
marshal, municipal police officer, member of a police force 636
employed by a metropolitan housing authority under division (D) of 637
section 3735.31 of the Revised Code, or state highway patrol 638
trooper; 639

(b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) An Ohio veterans' home police officer appointed under section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

(k) A special police officer employed by a port authority

under section 4582.04 or 4582.28 of the Revised Code;

(1) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms;

(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.

(13) "Contraband" means any property described in the following categories:

(a) Property that in and of itself is unlawful for a person to acquire or possess;

(b) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this state, in accordance with law, to be contraband because of its use in an unlawful activity or manner, of its nature, or of the circumstances of the person who acquires or possesses it, including, but not limited to, goods and personal property described in division (D) of section 2913.34 of the Revised Code;

(c) Property that is specifically stated to be contraband by

a section of the Revised Code or by an ordinance, regulation, or
resolution;

(d) Property that is forfeitable pursuant to a section of the
Revised Code, or an ordinance, regulation, or resolution,
including, but not limited to, forfeitable firearms, dangerous
ordnance, obscene materials, and goods and personal property
described in division (D) of section 2913.34 of the Revised Code;

(e) Any controlled substance, as defined in section 3719.01
of the Revised Code, or any device, paraphernalia, money as
defined in section 1301.01 of the Revised Code, or other means of
exchange that has been, is being, or is intended to be used in an
attempt or conspiracy to violate, or in a violation of, Chapter
2925. or 3719. of the Revised Code;

(f) Any gambling device, paraphernalia, money as defined in
section 1301.01 of the Revised Code, or other means of exchange
that has been, is being, or is intended to be used in an attempt
or conspiracy to violate, or in the violation of, Chapter 2915. of
the Revised Code;

(g) Any equipment, machine, device, apparatus, vehicle,
vessel, container, liquid, or substance that has been, is being,
or is intended to be used in an attempt or conspiracy to violate,
or in the violation of, any law of this state relating to alcohol
or tobacco;

(h) Any personal property that has been, is being, or is
intended to be used in an attempt or conspiracy to commit, or in
the commission of, any offense or in the transportation of the
fruits of any offense;

(i) Any property that is acquired through the sale or other
transfer of contraband or through the proceeds of contraband,
other than by a court or a law enforcement agency acting within
the scope of its duties;

(j) Any computer, computer system, computer network, computer software, or other telecommunications device that is used in a conspiracy to commit, an attempt to commit, or the commission of any offense, if the owner of the computer, computer system, computer network, computer software, or other telecommunications device is convicted of or pleads guilty to the offense in which it is used;

(k) Any property that is material support or resources and that has been, is being, or is intended to be used in an attempt or conspiracy to violate, or in the violation of, section 2909.22, 2909.23, or 2909.24 of the Revised Code or of section 2921.32 of the Revised Code when the offense or act committed by the person aided or to be aided as described in that section is an act of terrorism. As used in division (A)(13)(k) of this section, "material support or resources" and "act of terrorism" have the same meanings as in section 2909.21 of the Revised Code.

(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:

(i) An individual, corporation, business trust, estate, trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person"

includes an individual, corporation, business trust, estate,
trust, partnership, and association.

(c) As used in division (B)(1)(a) of this section:

(i) "Unborn human" means an individual organism of the
species *Homo sapiens* from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus
at which there is a realistic possibility of maintaining and
nourishing of a life outside the womb with or without temporary
artificial life-sustaining support.

(2) Notwithstanding division (B)(1)(a) of this section, in no
case shall the portion of the definition of the term "person" that
is set forth in division (B)(1)(a)(ii) of this section be applied
or construed in any section contained in Title XXIX of the Revised
Code that sets forth a criminal offense in any of the following
manners:

(a) Except as otherwise provided in division (B)(2)(a) of
this section, in a manner so that the offense prohibits or is
construed as prohibiting any pregnant woman or her physician from
performing an abortion with the consent of the pregnant woman,
with the consent of the pregnant woman implied by law in a medical
emergency, or with the approval of one otherwise authorized by law
to consent to medical treatment on behalf of the pregnant woman.
An abortion that violates the conditions described in the
immediately preceding sentence may be punished as a violation of
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06,
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22
of the Revised Code, as applicable. An abortion that does not
violate the conditions described in the second immediately
preceding sentence, but that does violate section 2919.12,
division (B) of section 2919.13, or section 2919.151, 2919.17, or
2919.18 of the Revised Code, may be punished as a violation of

section 2919.12, division (B) of section 2919.13, or section 794
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 795
Consent is sufficient under this division if it is of the type 796
otherwise adequate to permit medical treatment to the pregnant 797
woman, even if it does not comply with section 2919.12 of the 798
Revised Code. 799

(b) In a manner so that the offense is applied or is 800
construed as applying to a woman based on an act or omission of 801
the woman that occurs while she is or was pregnant and that 802
results in any of the following: 803

(i) Her delivery of a stillborn baby; 804

(ii) Her causing, in any other manner, the death in utero of 805
a viable, unborn human that she is carrying; 806

(iii) Her causing the death of her child who is born alive 807
but who dies from one or more injuries that are sustained while 808
the child is a viable, unborn human; 809

(iv) Her causing her child who is born alive to sustain one 810
or more injuries while the child is a viable, unborn human; 811

(v) Her causing, threatening to cause, or attempting to 812
cause, in any other manner, an injury, illness, or other 813
physiological impairment, regardless of its duration or gravity, 814
or a mental illness or condition, regardless of its duration or 815
gravity, to a viable, unborn human that she is carrying. 816

(C) As used in Title XXIX of the Revised Code: 817

(1) "School safety zone" consists of a school, school 818
building, school premises, school activity, and school bus. 819

(2) "School," "school building," and "school premises" have 820
the same meanings as in section 2925.01 of the Revised Code. 821

(3) "School activity" means any activity held under the 822
auspices of a board of education of a city, local, exempted 823

village, joint vocational, or cooperative education school 824
district, a governing board of an educational service center, or 825
the governing body of a school for which the state board of 826
education prescribes minimum standards under section 3301.07 of 827
the Revised Code. 828

(4) "School bus" has the same meaning as in section 4511.01 829
of the Revised Code. 830

Sec. 2935.01. As used in this chapter: 831

(A) "Magistrate" has the same meaning as in section 2931.01 832
of the Revised Code. 833

(B) "Peace officer" includes, except as provided in section 834
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 835
deputy marshal; member of the organized police department of any 836
municipal corporation, including a member of the organized police 837
department of a municipal corporation in an adjoining state 838
serving in Ohio under a contract pursuant to section 737.04 of the 839
Revised Code; member of a police force employed by a metropolitan 840
housing authority under division (D) of section 3735.31 of the 841
Revised Code; member of a police force employed by a regional 842
transit authority under division (Y) of section 306.05 of the 843
Revised Code; state university law enforcement officer appointed 844
under section 3345.04 of the Revised Code; enforcement agent of 845
the department of public safety designated under section 5502.14 846
of the Revised Code; employee of the department of taxation to 847
whom investigation powers have been delegated under section 848
5743.45 of the Revised Code; employee of the department of natural 849
resources who is a natural resources law enforcement staff officer 850
designated pursuant to section 1501.013 of the Revised Code, a 851
forest officer designated pursuant to section 1503.29 of the 852
Revised Code, a preserve officer designated pursuant to section 853
1517.10 of the Revised Code, a wildlife officer designated 854

pursuant to section 1531.13 of the Revised Code, a park officer
designated pursuant to section 1541.10 of the Revised Code, or a
state watercraft officer designated pursuant to section 1547.521
of the Revised Code; individual designated to perform law
enforcement duties under section 511.232, 1545.13, or 6101.75 of
the Revised Code; Ohio veterans' home police officer appointed
under section 5907.02 of the Revised Code; special police officer
employed by a port authority under section 4582.04 or 4582.28 of
the Revised Code; police constable of any township; police officer
of a township or joint township police district; a special police
officer employed by a municipal corporation at a municipal
airport, or other municipal air navigation facility, that has
scheduled operations, as defined in section 119.3 of Title 14 of
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and
that is required to be under a security program and is governed by
aviation security rules of the transportation security
administration of the United States department of transportation
as provided in Parts 1542. and 1544. of Title 49 of the Code of
Federal Regulations, as amended; the house sergeant at arms if the
house sergeant at arms has arrest authority pursuant to division
(E)(1) of section 101.311 of the Revised Code; and an assistant
house sergeant at arms; officer or employee of the bureau of
criminal identification and investigation established pursuant to
section 109.51 of the Revised Code who has been awarded a
certificate by the executive director of the Ohio peace officer
training commission attesting to the officer's or employee's
satisfactory completion of an approved state, county, municipal,
or department of natural resources peace officer basic training
program and who is providing assistance upon request to a law
enforcement officer or emergency assistance to a peace officer
pursuant to section 109.54 or 109.541 of the Revised Code; and,
for the purpose of arrests within those areas, ~~and~~ for the
purposes of Chapter 5503. of the Revised Code, and the filing of

855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887

and service of process relating to those offenses witnessed or 888
investigated by them, ~~includes~~ the superintendent and troopers of 889
the state highway patrol. 890

(C) "Prosecutor" includes the county prosecuting attorney and 891
any assistant prosecutor designated to assist the county 892
prosecuting attorney, and, in the case of courts inferior to 893
courts of common pleas, includes the village solicitor, city 894
director of law, or similar chief legal officer of a municipal 895
corporation, any such officer's assistants, or any attorney 896
designated by the prosecuting attorney of the county to appear for 897
the prosecution of a given case. 898

(D) "Offense," except where the context specifically 899
indicates otherwise, includes felonies, misdemeanors, and 900
violations of ordinances of municipal corporations and other 901
public bodies authorized by law to adopt penal regulations. 902

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 903
deputy marshal, municipal police officer, township constable, 904
police officer of a township or joint township police district, 905
member of a police force employed by a metropolitan housing 906
authority under division (D) of section 3735.31 of the Revised 907
Code, member of a police force employed by a regional transit 908
authority under division (Y) of section 306.35 of the Revised 909
Code, state university law enforcement officer appointed under 910
section 3345.04 of the Revised Code, Ohio veterans' home police 911
officer appointed under section 5907.02 of the Revised Code, ~~or~~ 912
special police officer employed by a port authority under section 913
4582.04 or 4582.28 of the Revised Code, or a special police 914
officer employed by a municipal corporation at a municipal 915
airport, or other municipal air navigation facility, that has 916
scheduled operations, as defined in section 119.3 of Title 14 of 917
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 918
that is required to be under a security program and is governed by 919

aviation security rules of the transportation security 920
administration of the United States department of transportation 921
as provided in Parts 1542. and 1544. of Title 49 of the Code of 922
Federal Regulations, as amended, shall arrest and detain, until a 923
warrant can be obtained, a person found violating, within the 924
limits of the political subdivision, metropolitan housing 925
authority housing project, regional transit authority facilities 926
or areas of a municipal corporation that have been agreed to by a 927
regional transit authority and a municipal corporation located 928
within its territorial jurisdiction, college, university, Ohio 929
veterans' home, ~~or~~ port authority, or municipal airport or other 930
municipal air navigation facility, in which the peace officer is 931
appointed, employed, or elected, a law of this state, an ordinance 932
of a municipal corporation, or a resolution of a township. 933

(2) A peace officer of the department of natural resources or 934
an individual designated to perform law enforcement duties under 935
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 936
arrest and detain, until a warrant can be obtained, a person found 937
violating, within the limits of the peace officer's or 938
individual's territorial jurisdiction, a law of this state. 939

(3) The house sergeant at arms if the house sergeant at arms 940
has arrest authority pursuant to division (E)(1) of section 941
101.311 of the Revised Code and an assistant house sergeant at 942
arms shall arrest and detain, until a warrant can be obtained, a 943
person found violating, within the limits of the sergeant at ~~arm's~~ 944
arms's or assistant sergeant at ~~arm's~~ arms's territorial 945
jurisdiction specified in division (D)(1)(a) of section 101.311 of 946
the Revised Code or while providing security pursuant to division 947
(D)(1)(f) of section 101.311 of the Revised Code, a law of this 948
state, an ordinance of a municipal corporation, or a resolution of 949
a township. 950

(B)(1) When there is reasonable ground to believe that an 951

offense of violence, the offense of criminal child enticement as 952
defined in section 2905.05 of the Revised Code, the offense of 953
public indecency as defined in section 2907.09 of the Revised 954
Code, the offense of domestic violence as defined in section 955
2919.25 of the Revised Code, the offense of violating a protection 956
order as defined in section 2919.27 of the Revised Code, the 957
offense of menacing by stalking as defined in section 2903.211 of 958
the Revised Code, the offense of aggravated trespass as defined in 959
section 2911.211 of the Revised Code, a theft offense as defined 960
in section 2913.01 of the Revised Code, or a felony drug abuse 961
offense as defined in section 2925.01 of the Revised Code, has 962
been committed within the limits of the political subdivision, 963
metropolitan housing authority housing project, regional transit 964
authority facilities or those areas of a municipal corporation 965
that have been agreed to by a regional transit authority and a 966
municipal corporation located within its territorial jurisdiction, 967
college, university, Ohio veterans' home, ~~or~~ port authority, or 968
municipal airport or other municipal air navigation facility, in 969
which the peace officer is appointed, employed, or elected or 970
within the limits of the territorial jurisdiction of the peace 971
officer, a peace officer described in division (A) of this section 972
may arrest and detain until a warrant can be obtained any person 973
who the peace officer has reasonable cause to believe is guilty of 974
the violation. 975

(2) For purposes of division (B)(1) of this section, the 976
execution of any of the following constitutes reasonable ground to 977
believe that the offense alleged in the statement was committed 978
and reasonable cause to believe that the person alleged in the 979
statement to have committed the offense is guilty of the 980
violation: 981

(a) A written statement by a person alleging that an alleged 982
offender has committed the offense of menacing by stalking or 983

aggravated trespass; 984

(b) A written statement by the administrator of the 985
interstate compact on mental health appointed under section 986
5119.51 of the Revised Code alleging that a person who had been 987
hospitalized, institutionalized, or confined in any facility under 988
an order made pursuant to or under authority of section 2945.37, 989
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 990
Revised Code has escaped from the facility, from confinement in a 991
vehicle for transportation to or from the facility, or from 992
supervision by an employee of the facility that is incidental to 993
hospitalization, institutionalization, or confinement in the 994
facility and that occurs outside of the facility, in violation of 995
section 2921.34 of the Revised Code; 996

(c) A written statement by the administrator of any facility 997
in which a person has been hospitalized, institutionalized, or 998
confined under an order made pursuant to or under authority of 999
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1000
2945.402 of the Revised Code alleging that the person has escaped 1001
from the facility, from confinement in a vehicle for 1002
transportation to or from the facility, or from supervision by an 1003
employee of the facility that is incidental to hospitalization, 1004
institutionalization, or confinement in the facility and that 1005
occurs outside of the facility, in violation of section 2921.34 of 1006
the Revised Code. 1007

(3)(a) For purposes of division (B)(1) of this section, a 1008
peace officer described in division (A) of this section has 1009
reasonable grounds to believe that the offense of domestic 1010
violence or the offense of violating a protection order has been 1011
committed and reasonable cause to believe that a particular person 1012
is guilty of committing the offense if any of the following 1013
occurs: 1014

(i) A person executes a written statement alleging that the 1015

person in question has committed the offense of domestic violence 1016
or the offense of violating a protection order against the person 1017
who executes the statement or against a child of the person who 1018
executes the statement. 1019

(ii) No written statement of the type described in division 1020
(B)(3)(a)(i) of this section is executed, but the peace officer, 1021
based upon the peace officer's own knowledge and observation of 1022
the facts and circumstances of the alleged incident of the offense 1023
of domestic violence or the alleged incident of the offense of 1024
violating a protection order or based upon any other information, 1025
including, but not limited to, any reasonably trustworthy 1026
information given to the peace officer by the alleged victim of 1027
the alleged incident of the offense or any witness of the alleged 1028
incident of the offense, concludes that there are reasonable 1029
grounds to believe that the offense of domestic violence or the 1030
offense of violating a protection order has been committed and 1031
reasonable cause to believe that the person in question is guilty 1032
of committing the offense. 1033

(iii) No written statement of the type described in division 1034
(B)(3)(a)(i) of this section is executed, but the peace officer 1035
witnessed the person in question commit the offense of domestic 1036
violence or the offense of violating a protection order. 1037

(b) If pursuant to division (B)(3)(a) of this section a peace 1038
officer has reasonable grounds to believe that the offense of 1039
domestic violence or the offense of violating a protection order 1040
has been committed and reasonable cause to believe that a 1041
particular person is guilty of committing the offense, it is the 1042
preferred course of action in this state that the officer arrest 1043
and detain that person pursuant to division (B)(1) of this section 1044
until a warrant can be obtained. 1045

If pursuant to division (B)(3)(a) of this section a peace 1046
officer has reasonable grounds to believe that the offense of 1047

domestic violence or the offense of violating a protection order 1048
has been committed and reasonable cause to believe that family or 1049
household members have committed the offense against each other, 1050
it is the preferred course of action in this state that the 1051
officer, pursuant to division (B)(1) of this section, arrest and 1052
detain until a warrant can be obtained the family or household 1053
member who committed the offense and whom the officer has 1054
reasonable cause to believe is the primary physical aggressor. 1055
There is no preferred course of action in this state regarding any 1056
other family or household member who committed the offense and 1057
whom the officer does not have reasonable cause to believe is the 1058
primary physical aggressor, but, pursuant to division (B)(1) of 1059
this section, the peace officer may arrest and detain until a 1060
warrant can be obtained any other family or household member who 1061
committed the offense and whom the officer does not have 1062
reasonable cause to believe is the primary physical aggressor. 1063

(c) If a peace officer described in division (A) of this 1064
section does not arrest and detain a person whom the officer has 1065
reasonable cause to believe committed the offense of domestic 1066
violence or the offense of violating a protection order when it is 1067
the preferred course of action in this state pursuant to division 1068
(B)(3)(b) of this section that the officer arrest that person, the 1069
officer shall articulate in the written report of the incident 1070
required by section 2935.032 of the Revised Code a clear statement 1071
of the officer's reasons for not arresting and detaining that 1072
person until a warrant can be obtained. 1073

(d) In determining for purposes of division (B)(3)(b) of this 1074
section which family or household member is the primary physical 1075
aggressor in a situation in which family or household members have 1076
committed the offense of domestic violence or the offense of 1077
violating a protection order against each other, a peace officer 1078
described in division (A) of this section, in addition to any 1079

other relevant circumstances, should consider all of the 1080
following: 1081

(i) Any history of domestic violence or of any other violent 1082
acts by either person involved in the alleged offense that the 1083
officer reasonably can ascertain; 1084

(ii) If violence is alleged, whether the alleged violence was 1085
caused by a person acting in self-defense; 1086

(iii) Each person's fear of physical harm, if any, resulting 1087
from the other person's threatened use of force against any person 1088
or resulting from the other person's use or history of the use of 1089
force against any person, and the reasonableness of that fear; 1090

(iv) The comparative severity of any injuries suffered by the 1091
persons involved in the alleged offense. 1092

(e)(i) A peace officer described in division (A) of this 1093
section shall not require, as a prerequisite to arresting or 1094
charging a person who has committed the offense of domestic 1095
violence or the offense of violating a protection order, that the 1096
victim of the offense specifically consent to the filing of 1097
charges against the person who has committed the offense or sign a 1098
complaint against the person who has committed the offense. 1099

(ii) If a person is arrested for or charged with committing 1100
the offense of domestic violence or the offense of violating a 1101
protection order and if the victim of the offense does not 1102
cooperate with the involved law enforcement or prosecuting 1103
authorities in the prosecution of the offense or, subsequent to 1104
the arrest or the filing of the charges, informs the involved law 1105
enforcement or prosecuting authorities that the victim does not 1106
wish the prosecution of the offense to continue or wishes to drop 1107
charges against the alleged offender relative to the offense, the 1108
involved prosecuting authorities, in determining whether to 1109
continue with the prosecution of the offense or whether to dismiss 1110

charges against the alleged offender relative to the offense and 1111
notwithstanding the victim's failure to cooperate or the victim's 1112
wishes, shall consider all facts and circumstances that are 1113
relevant to the offense, including, but not limited to, the 1114
statements and observations of the peace officers who responded to 1115
the incident that resulted in the arrest or filing of the charges 1116
and of all witnesses to that incident. 1117

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1118
this section whether to arrest a person pursuant to division 1119
(B)(1) of this section, a peace officer described in division (A) 1120
of this section shall not consider as a factor any possible 1121
shortage of cell space at the detention facility to which the 1122
person will be taken subsequent to the person's arrest or any 1123
possibility that the person's arrest might cause, contribute to, 1124
or exacerbate overcrowding at that detention facility or at any 1125
other detention facility. 1126

(g) If a peace officer described in division (A) of this 1127
section intends pursuant to divisions (B)(3)(a) to (g) of this 1128
section to arrest a person pursuant to division (B)(1) of this 1129
section and if the officer is unable to do so because the person 1130
is not present, the officer promptly shall seek a warrant for the 1131
arrest of the person. 1132

(h) If a peace officer described in division (A) of this 1133
section responds to a report of an alleged incident of the offense 1134
of domestic violence or an alleged incident of the offense of 1135
violating a protection order and if the circumstances of the 1136
incident involved the use or threatened use of a deadly weapon or 1137
any person involved in the incident brandished a deadly weapon 1138
during or in relation to the incident, the deadly weapon that was 1139
used, threatened to be used, or brandished constitutes contraband, 1140
and, to the extent possible, the officer shall seize the deadly 1141
weapon as contraband pursuant to section 2933.43 of the Revised 1142

Code. Upon the seizure of a deadly weapon pursuant to division 1143
(B)(3)(h) of this section, section 2933.43 of the Revised Code 1144
shall apply regarding the treatment and disposition of the deadly 1145
weapon. For purposes of that section, the "underlying criminal 1146
offense" that was the basis of the seizure of a deadly weapon 1147
under division (B)(3)(h) of this section and to which the deadly 1148
weapon had a relationship is any of the following that is 1149
applicable: 1150

(i) The alleged incident of the offense of domestic violence 1151
or the alleged incident of the offense of violating a protection 1152
order to which the officer who seized the deadly weapon responded; 1153

(ii) Any offense that arose out of the same facts and 1154
circumstances as the report of the alleged incident of the offense 1155
of domestic violence or the alleged incident of the offense of 1156
violating a protection order to which the officer who seized the 1157
deadly weapon responded. 1158

(4) If, in the circumstances described in divisions (B)(3)(a) 1159
to (g) of this section, a peace officer described in division (A) 1160
of this section arrests and detains a person pursuant to division 1161
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 1162
this section, a peace officer described in division (A) of this 1163
section seizes a deadly weapon, the officer, to the extent 1164
described in and in accordance with section 9.86 or 2744.03 of the 1165
Revised Code, is immune in any civil action for damages for 1166
injury, death, or loss to person or property that arises from or 1167
is related to the arrest and detention or the seizure. 1168

(C) When there is reasonable ground to believe that a 1169
violation of division (A), (B), or (C) of section 4506.15 or a 1170
violation of section 4511.19 of the Revised Code has been 1171
committed by a person operating a motor vehicle subject to 1172
regulation by the public utilities commission of Ohio under Title 1173
XLIX of the Revised Code, a peace officer with authority to 1174

enforce that provision of law may stop or detain the person whom
the officer has reasonable cause to believe was operating the
motor vehicle in violation of the division or section and, after
investigating the circumstances surrounding the operation of the
vehicle, may arrest and detain the person.

(D) If a sheriff, deputy sheriff, marshal, deputy marshal,
municipal police officer, member of a police force employed by a
metropolitan housing authority under division (D) of section
3735.31 of the Revised Code, member of a police force employed by
a regional transit authority under division (Y) of section 306.35
of the Revised Code, special police officer employed by a port
authority under section 4582.04 or 4582.28 of the Revised Code,
special police officer employed by a municipal corporation at a
municipal airport or other municipal air navigation facility
described in division (A) of this section, township constable,
police officer of a township or joint township police district,
state university law enforcement officer appointed under section
3345.04 of the Revised Code, peace officer of the department of
natural resources, individual designated to perform law
enforcement duties under section 511.232, 1545.13, or 6101.75 of
the Revised Code, the house sergeant at arms if the house sergeant
at arms has arrest authority pursuant to division (E)(1) of
section 101.311 of the Revised Code, or an assistant house
sergeant at arms is authorized by division (A) or (B) of this
section to arrest and detain, within the limits of the political
subdivision, metropolitan housing authority housing project,
regional transit authority facilities or those areas of a
municipal corporation that have been agreed to by a regional
transit authority and a municipal corporation located within its
territorial jurisdiction, port authority, municipal airport or
other municipal air navigation facility, college, or university in
which the officer is appointed, employed, or elected or within the

limits of the territorial jurisdiction of the peace officer, a 1207
person until a warrant can be obtained, the peace officer, outside 1208
the limits of that territory, may pursue, arrest, and detain that 1209
person until a warrant can be obtained if all of the following 1210
apply: 1211

(1) The pursuit takes place without unreasonable delay after 1212
the offense is committed; 1213

(2) The pursuit is initiated within the limits of the 1214
political subdivision, metropolitan housing authority housing 1215
project, regional transit authority facilities or those areas of a 1216
municipal corporation that have been agreed to by a regional 1217
transit authority and a municipal corporation located within its 1218
territorial jurisdiction, port authority, municipal airport or 1219
other municipal air navigation facility, college, or university in 1220
which the peace officer is appointed, employed, or elected or 1221
within the limits of the territorial jurisdiction of the peace 1222
officer; 1223

(3) The offense involved is a felony, a misdemeanor of the 1224
first degree or a substantially equivalent municipal ordinance, a 1225
misdemeanor of the second degree or a substantially equivalent 1226
municipal ordinance, or any offense for which points are 1227
chargeable pursuant to division (G) of section 4507.021 of the 1228
Revised Code. 1229

(E) In addition to the authority granted under division (A) 1230
or (B) of this section: 1231

(1) A sheriff or deputy sheriff may arrest and detain, until 1232
a warrant can be obtained, any person found violating section 1233
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 1234
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1235
portion of any street or highway that is located immediately 1236
adjacent to the boundaries of the county in which the sheriff or 1237
deputy sheriff is elected or appointed. 1238

(2) A member of the police force of a township police 1239
district created under section 505.48 of the Revised Code, a 1240
member of the police force of a joint township police district 1241
created under section 505.481 of the Revised Code, or a township 1242
constable appointed in accordance with section 509.01 of the 1243
Revised Code, who has received a certificate from the Ohio peace 1244
officer training commission under section 109.75 of the Revised 1245
Code, may arrest and detain, until a warrant can be obtained, any 1246
person found violating any section or chapter of the Revised Code 1247
listed in division (E)(1) of this section, other than sections 1248
4513.33 and 4513.34 of the Revised Code, on the portion of any 1249
street or highway that is located immediately adjacent to the 1250
boundaries of the township police district or joint township 1251
police district, in the case of a member of a township police 1252
district or joint township police district police force, or the 1253
unincorporated territory of the township, in the case of a 1254
township constable. However, if the population of the township 1255
that created the township police district served by the member's 1256
police force, or the townships that created the joint township 1257
police district served by the member's police force, or the 1258
township that is served by the township constable, is sixty 1259
thousand or less, the member of the township police district or 1260
joint police district police force or the township constable may 1261
not make an arrest under division (E)(2) of this section on a 1262
state highway that is included as part of the interstate system. 1263

(3) A police officer or village marshal appointed, elected, 1264
or employed by a municipal corporation may arrest and detain, 1265
until a warrant can be obtained, any person found violating any 1266
section or chapter of the Revised Code listed in division (E)(1) 1267
of this section on the portion of any street or highway that is 1268
located immediately adjacent to the boundaries of the municipal 1269
corporation in which the police officer or village marshal is 1270

appointed, elected, or employed. 1271

(4) A peace officer of the department of natural resources or 1272
an individual designated to perform law enforcement duties under 1273
section 511.232, 1545.13, or 6101.75 of the Revised Code may 1274
arrest and detain, until a warrant can be obtained, any person 1275
found violating any section or chapter of the Revised Code listed 1276
in division (E)(1) of this section, other than sections 4513.33 1277
and 4513.34 of the Revised Code, on the portion of any street or 1278
highway that is located immediately adjacent to the boundaries of 1279
the lands and waters that constitute the territorial jurisdiction 1280
of the peace officer. 1281

(F)(1) A department of mental health special police officer 1282
or a department of mental retardation and developmental 1283
disabilities special police officer may arrest without a warrant 1284
and detain until a warrant can be obtained any person found 1285
committing on the premises of any institution under the 1286
jurisdiction of the particular department a misdemeanor under a 1287
law of the state. 1288

A department of mental health special police officer or a 1289
department of mental retardation and developmental disabilities 1290
special police officer may arrest without a warrant and detain 1291
until a warrant can be obtained any person who has been 1292
hospitalized, institutionalized, or confined in an institution 1293
under the jurisdiction of the particular department pursuant to or 1294
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1295
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 1296
found committing on the premises of any institution under the 1297
jurisdiction of the particular department a violation of section 1298
2921.34 of the Revised Code that involves an escape from the 1299
premises of the institution. 1300

(2)(a) If a department of mental health special police 1301
officer or a department of mental retardation and developmental 1302

disabilities special police officer finds any person who has been 1303
hospitalized, institutionalized, or confined in an institution 1304
under the jurisdiction of the particular department pursuant to or 1305
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1306
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 1307
violation of section 2921.34 of the Revised Code that involves an 1308
escape from the premises of the institution, or if there is 1309
reasonable ground to believe that a violation of section 2921.34 1310
of the Revised Code has been committed that involves an escape 1311
from the premises of an institution under the jurisdiction of the 1312
department of mental health or the department of mental 1313
retardation and developmental disabilities and if a department of 1314
mental health special police officer or a department of mental 1315
retardation and developmental disabilities special police officer 1316
has reasonable cause to believe that a particular person who has 1317
been hospitalized, institutionalized, or confined in the 1318
institution pursuant to or under authority of section 2945.37, 1319
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1320
Revised Code is guilty of the violation, the special police 1321
officer, outside of the premises of the institution, may pursue, 1322
arrest, and detain that person for that violation of section 1323
2921.34 of the Revised Code, until a warrant can be obtained, if 1324
both of the following apply: 1325

(i) The pursuit takes place without unreasonable delay after 1326
the offense is committed; 1327

(ii) The pursuit is initiated within the premises of the 1328
institution from which the violation of section 2921.34 of the 1329
Revised Code occurred. 1330

(b) For purposes of division (F)(2)(a) of this section, the 1331
execution of a written statement by the administrator of the 1332
institution in which a person had been hospitalized, 1333
institutionalized, or confined pursuant to or under authority of 1334

section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 1335
2945.402 of the Revised Code alleging that the person has escaped 1336
from the premises of the institution in violation of section 1337
2921.34 of the Revised Code constitutes reasonable ground to 1338
believe that the violation was committed and reasonable cause to 1339
believe that the person alleged in the statement to have committed 1340
the offense is guilty of the violation. 1341

(G) As used in this section: 1342

(1) A "department of mental health special police officer" 1343
means a special police officer of the department of mental health 1344
designated under section 5119.14 of the Revised Code who is 1345
certified by the Ohio peace officer training commission under 1346
section 109.77 of the Revised Code as having successfully 1347
completed an approved peace officer basic training program. 1348

(2) A "department of mental retardation and developmental 1349
disabilities special police officer" means a special police 1350
officer of the department of mental retardation and developmental 1351
disabilities designated under section 5123.13 of the Revised Code 1352
who is certified by the Ohio peace officer training council under 1353
section 109.77 of the Revised Code as having successfully 1354
completed an approved peace officer basic training program. 1355

(3) "Deadly weapon" has the same meaning as in section 1356
2923.11 of the Revised Code. 1357

(4) "Family or household member" has the same meaning as in 1358
section 2919.25 of the Revised Code. 1359

(5) "Street" or "highway" has the same meaning as in section 1360
4511.01 of the Revised Code. 1361

(6) "Interstate system" has the same meaning as in section 1362
5516.01 of the Revised Code. 1363

(7) "Peace officer of the department of natural resources" 1364

means an employee of the department of natural resources who is a
natural resources law enforcement staff officer designated
pursuant to section 1501.013, a forest officer designated pursuant
to section 1503.29, a preserve officer designated pursuant to
section 1517.10, a wildlife officer designated pursuant to section
1531.13, a park officer designated pursuant to section 1541.10, or
a state watercraft officer designated pursuant to section 1547.521
of the Revised Code.

Section 2. That existing sections 109.71, 109.75, 109.77,
109.801, 2901.01, 2935.01, and 2935.03 of the Revised Code are
hereby repealed.

Section 3. Section 109.71 of the Revised Code is presented in
this act as a composite of the section as amended by both Am. Sub.
H.B. 163 and Am. S.B. 137 of the 123rd General Assembly. Section
109.75 of the Revised Code is presented in this act as a composite
of the section as amended by both Am. Sub. H.B. 566 and Sub. H.B.
670 of the 121st General Assembly. Section 109.77 of the Revised
Code is presented in this act as a composite of the section as
amended by Sub. H.B. 148, Am. Sub. H.B. 163, and Am. S.B. 137 of
the 123rd General Assembly. Section 2935.01 of the Revised Code is
presented in this act as a composite of the section as amended by
both Sub. H.B. 427 and Sub. S.B. 200 of the 124th General
Assembly. The General Assembly, applying the principle stated in
division (B) of section 1.52 of the Revised Code that amendments
are to be harmonized if reasonably capable of simultaneous
operation, finds that the composites of these sections are the
resulting versions of the sections in effect prior to the
effective date of the sections as presented in this act.

Section 4. (A) The Governor is hereby authorized to execute a

deed in the name of the state conveying to the Kirkwood Cemetery Association, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Parcel 1

Being situated in Virginia Military Survey No. 4513, Union Township, Madison County, State of Ohio and being part of that land of record in Deed Volume 265 Page 215 in the Madison County Recorder's Office and being more particularly described as follows;

Beginning for reference at a pk nail set in the centerline intersection of State Route 42 and Roberts Mill Road; Thence North 04 degrees 20 minutes 53 seconds East along the centerline of Roberts Mill Road a distance of 1843.08 feet to a pk nail set; thence South 85 degrees 21 minutes 05 seconds East a distance of 2577.87 feet to a 5/8 inch iron pin set and being the true placing of beginning;

Thence from the true place of beginning North 09 degrees 21 minutes 05 seconds East a distance of 352.25 feet to a 5/8 inch iron pin set;

Thence North 04 degrees 25 minutes 28 seconds East a distance of 300.00 feet to a 5/8 inch iron pin set;

Thence North 27 degrees 20 minutes 10 seconds West a distance of 474.26 feet to an iron pipe found;

Thence South 87 degrees 47 minutes 59 seconds East along the southerly boundary of the State of Ohio (O.R. 90 P. 213) a distance of 339.90 feet to a 5/8 inch iron pin set;

Thence South 04 degrees 25 minutes 28 seconds West along the westerly boundary of the Kirkwood Cemetery a distance of 1066.43 feet to a 5/8 inch iron pin set;

Thence North 86 degrees 01 minutes 38 seconds West along a

boundary of the Kirkwood Cemetery a distance of 120.26 feet to the 1425
place of beginning-containing 3.506 acres, more or less. 1426

Being subject to all legal right-of-ways and easements. 1427

All pins set for this survey are 5/8 inch by 30 inch iron 1428
pins with plastic caps stamped "Vance 6553". 1429

The above description was prepared from a survey completed in 1430
August, 2002 by Samuel R. Vance, Ohio Professional Surveyor #6553. 1431

(B) Consideration for the conveyance of the real estate 1432
described in division (A) of this section is the conveyance from 1433
the Kirkwood Cemetery Association to the state (Attorney General 1434
of Ohio, Ohio Peace Officer Training Academy), and its successors 1435
and assigns, the following described real estate: 1436

Being situated in Virginia Military Survey No. 4513, Union 1437
Township, Madison County, State of Ohio and being part of that 1438
land of Kirkwood Cemetery of record in Deed Volume 35 Page 73 in 1439
the Madison County Recorder's Office and being more particularly 1440
described as follows; 1441

Beginning for reference at a pk nail set in the centerline 1442
intersection of State Route 42 and Roberts Mill Road; Thence North 1443
04 degrees 20 minutes 53 seconds East along the centerline of 1444
Roberts Mill Road a distance of 1843.08 feet to a pk nail set; 1445
thence South 85 degrees 21 minutes 05 seconds East a distance of 1446
2552.87 feet to a 5/8 inch iron pin set and being the true place 1447
of beginning; 1448

Thence from the true place of beginning South 85 degrees 21 1449
minutes 05 seconds East a distance of 25.00 feet to a 5/8 inch 1450
iron pin set; 1451

Thence South 05 degrees 02 minutes 50 seconds West a distance 1452
of 576.10 feet to a 5/8 inch iron pin set; 1453

Thence South 53 degrees 14 minutes 24 seconds East a distance 1454

of 72.27 feet (passing over a 5/8 inch iron pin set at 37.27 feet) 1455
to a point in the centerline of State Route 42; 1456

Thence South 69 degrees 34 minutes 00 seconds West along the 1457
centerline of State Route 42 a distance of 79.06 feet to a point; 1458

Thence North 03 degrees 42 minutes 41 seconds East a distance 1459
of 647.81 feet (passing over a 5/8 inch iron pin set at 49.31 1460
feet) to the place of beginning, containing 0.306 acres, more or 1461
less. 1462

Being subject to all legal right-of-ways and easements. 1463

All pins set are 5/8 inch by 30 inch iron pins with plastic 1464
caps stamped "Vance 6553". 1465

The above description was prepared from a survey completed in 1466
August, 2002 by Samuel R. Vance, Ohio Professional Surveyor #6553. 1467

(C) The state shall pay the costs of the conveyances 1468
described in divisions (A) and (B) of this section. 1469

(D) Upon the conveyance to the state of the real estate 1470
described in division (B) of this section, the Auditor of State, 1471
with the assistance of the Attorney General, shall prepare a deed 1472
to the real estate described in division (A) of this section. The 1473
deed shall state the consideration. The deed shall be executed by 1474
the Governor in the name of the state, countersigned by the 1475
Secretary of State, sealed with the Great Seal of the State, 1476
presented in the Office of the Auditor of State for recording, and 1477
delivered to the Kirkwood Cemetery Association. The Kirkwood 1478
Cemetery Association shall present the deed for recording in the 1479
Office of the Madison County Recorder. 1480

(E) This section shall expire one year after its effective 1481
date. 1482