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A B I L L

To amend sections 149.43, 3731.01, and 3731.03 and to 1
enact sections 109.578, 505.381, 737.081, 737.221, 2
and 4765.301 of the Revised Code to permit 3
background checks on firefighters and EMT's, to 4
exempt from the Public Records Law specified 5
residential and familial information about an EMT 6
or a member of a fire department, and to make 7
changes in the Hotel Law. 8

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

Section 1. That sections 149.43, 3731.01, and 3731.03 be 9
amended and sections 109.578, 505.381, 737.081, 737.221, and 10
4765.301 of the Revised Code be enacted to read as follows: 11

Sec. 109.578. (A) On receipt of a request pursuant to section 12
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 13

completed form prescribed pursuant to division (C)(1) of this
section, and a set of fingerprint impressions obtained in the
manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the manner
described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to any of the following:

(1) A felony;

(2) A violation of section 2909.03 of the Revised Code;

(3) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(1) or (2)
of this section.

(B) The superintendent shall conduct any criminal records
check pursuant to division (A) of this section as follows:

(1) The superintendent shall review or cause to be reviewed
any relevant information gathered and compiled by the bureau under
division (A) of section 109.57 of the Revised Code that relates to
the person who is the subject of the request, including any
relevant information contained in records that have been sealed
under section 2953.32 of the Revised Code.

(2) If the request received by the superintendent asks for
information from the federal bureau of investigation, the
superintendent shall request from the federal bureau of
investigation any information it has with respect to the person
who is the subject of the request and shall review or cause to be
reviewed any information the superintendent receives from that
bureau.

(C)(1) The superintendent shall prescribe a form to obtain

the information necessary to conduct a criminal records check from any person for whom a criminal records check is requested pursuant to section 505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is requested pursuant to section 505.381, 737.081, 737.221, or 4765.301 of the Revised Code. Any person for whom a records check is requested pursuant to any of those sections shall obtain the fingerprint impressions at a county sheriff's office, a municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

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(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 505.381, 737.081, 737.221, or 4765.301 of the Revised Code. The person making the criminal records request shall pay the fee prescribed pursuant to this division.

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(4) The superintendent may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check. The methods shall include, but are not limited to, an electronic method.

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(D) A determination whether any information exists that indicates that a person previously has been convicted of or

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pleaded guilty to any offense listed or described in division (A) 77
of this section and that the superintendent made with respect to 78
information considered in a criminal records check in accordance 79
with this section is valid for the person who is the subject of 80
the criminal records check for a period of one year from the date 81
upon which the superintendent makes the determination. During the 82
period in which the determination in regard to a person is valid, 83
if another request under this section is made for a criminal 84
records check for that person, the superintendent shall provide 85
the information that is the basis for the superintendent's initial 86
determination at a lower fee than the fee prescribed for the 87
initial criminal records check. 88

(E) As used in this section, "criminal records check" means 89
any criminal records check conducted by the superintendent of the 90
bureau of criminal identification and investigation in accordance 91
with division (B) of this section. 92

Sec. 149.43. (A) As used in this section: 93

(1) "Public record" means records kept by any public office, 94
including, but not limited to, state, county, city, village, 95
township, and school district units, and records pertaining to the 96
delivery of educational services by an alternative school in Ohio 97
kept by a nonprofit or for profit entity operating such 98
alternative school pursuant to section 3313.533 of the Revised 99
Code. "Public record" does not mean any of the following: 100

(a) Medical records; 102

(b) Records pertaining to probation and parole proceedings; 103

(c) Records pertaining to actions under section 2151.85 and 104
division (C) of section 2919.121 of the Revised Code and to 105
appeals of actions arising under those sections; 106

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	107 108 109
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	110 111 112 113 114 115
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	116 117 118
(g) Trial preparation records;	119
(h) Confidential law enforcement investigatory records;	120
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	121 122
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	123 124
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	125 126 127 128
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	129 130 131 132
(m) Intellectual property records;	133
(n) Donor profile records;	134
(o) Records maintained by the department of job and family	135

services pursuant to section 3121.894 of the Revised Code;	136
(p) Peace officer, <u>firefighter, or EMT</u> residential and familial information;	137 138
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	139 140 141
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	142 143
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	144 145 146 147 148
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	149 150 151 152
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	153 154 155 156 157 158
(v) Records the release of which is prohibited by state or federal law.	159 160
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	161 162 163 164 165

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been

publicly released, published, or patented.	197
(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.	198 199 200 201
(7) "Peace officer, <u>firefighter</u> , or <u>EMT</u> residential and familial information" means either of the following:	202 203
(a) Any information maintained in a personnel record of a peace officer, <u>firefighter</u> , or <u>EMT</u> that discloses any of the following:	204 205 206
(i) The address of the actual personal residence of a peace officer, <u>firefighter</u> , or <u>EMT</u> , except for the state or political subdivision in which the peace officer, <u>firefighter</u> , or <u>EMT</u> resides;	207 208 209 210
(ii) Information compiled from referral to or participation in an employee assistance program;	211 212
(iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, <u>firefighter</u> , or <u>EMT</u> ;	213 214 215 216
(iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, <u>firefighter</u> , or <u>EMT</u> by the peace officer's, <u>firefighter's</u> , or <u>EMT's</u> employer;	217 218 219 220
(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, <u>firefighter's</u> , or <u>EMT's</u> employer from the peace officer's, <u>firefighter's</u> , or <u>EMT's</u> compensation unless the amount of the deduction is required by state or federal law;	221 222 223 224 225
(vi) The name, the residential address, the name of the	226

employer, the address of the employer, the social security number, 227
the residential telephone number, any bank account, debit card, 228
charge card, or credit card number, or the emergency telephone 229
number of the spouse, a former spouse, or any child of a peace 230
officer, firefighter, or EMT. 231

(b) Any record that identifies a person's occupation as a 232
peace officer, firefighter, or EMT other than statements required 233
to include the disclosure of that fact under the campaign finance 234
law. 235

As used in divisions (A)(7) and (B)(5) of this section, 236
"peace officer" has the same meaning as in section 109.71 of the 237
Revised Code and also includes the superintendent and troopers of 238
the state highway patrol; it does not include the sheriff of a 239
county or a supervisory employee who, in the absence of the 240
sheriff, is authorized to stand in for, exercise the authority of, 241
and perform the duties of the sheriff. 242

As used in divisions (A)(7) and (B)(5) of this section, 243
"firefighter" means any regular, paid or volunteer, member of a 244
lawfully constituted fire department of a municipal corporation, 245
township, fire district, or village. 246

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 247
means EMTs-basic, EMTs-I, and paramedics that provide emergency 248
medical services for a public emergency medical service 249
organization. "Emergency medical service organization," 250
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 251
section 4765.01 of the Revised Code. 252

(8) "Information pertaining to the recreational activities of 253
a person under the age of eighteen" means information that is kept 254
in the ordinary course of business by a public office, that 255
pertains to the recreational activities of a person under the age 256
of eighteen years, and that discloses any of the following: 257

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

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(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

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(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

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(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in a manner that they can be made available for inspection in accordance with this division.

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(2) If any person chooses to obtain a copy of a public record in accordance with division (B)(1) of this section, the public office or person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as

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an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy.

(3) Upon a request made in accordance with division (B)(1) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage and other supplies used in the mailing.

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

In any policy and procedures adopted under this division, a public office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. For purposes of this division, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(4) A public office or person responsible for public records

is not required to permit a person who is incarcerated pursuant to
a criminal conviction or a juvenile adjudication to inspect or to
obtain a copy of any public record concerning a criminal
investigation or prosecution or concerning what would be a
criminal investigation or prosecution if the subject of the
investigation or prosecution were an adult, unless the request to
inspect or to obtain a copy of the record is for the purpose of
acquiring information that is subject to release as a public
record under this section and the judge who imposed the sentence
or made the adjudication with respect to the person, or the
judge's successor in office, finds that the information sought in
the public record is necessary to support what appears to be a
justiciable claim of the person.

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(5) Upon written request made and signed by a journalist on
or after December 16, 1999, a public office, or person responsible
for public records, having custody of the records of the agency
employing a specified peace officer, firefighter, or EMT shall
disclose to the journalist the address of the actual personal
residence of the peace officer, firefighter or EMT and, if the
peace officer's, firefighter's or EMT's spouse, former spouse, or
child is employed by a public office, the name and address of the
employer of the peace officer's, firefighter's, or EMT's spouse,
former spouse, or child. The request shall include the
journalist's name and title and the name and address of the
journalist's employer and shall state that disclosure of the
information sought would be in the public interest.

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As used in division (B)(5) of this section, "journalist"
means a person engaged in, connected with, or employed by any news
medium, including a newspaper, magazine, press association, news
agency, or wire service, a radio or television station, or a
similar medium, for the purpose of gathering, processing,
transmitting, compiling, editing, or disseminating information for

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the general public.

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(C) If a person allegedly is aggrieved by the failure of a public office to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section, or if a person who has requested a copy of a public record allegedly is aggrieved by the failure of a public office or the person responsible for the public record to make a copy available to the person allegedly aggrieved in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section and that awards reasonable attorney's fees to the person that instituted the mandamus action. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

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(E)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

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(2) As used in divisions (B)(3) and (E)(1) of this section: 385

(a) "Actual cost" means the cost of depleted supplies, 386
records storage media costs, actual mailing and alternative 387
delivery costs, or other transmitting costs, and any direct 388
equipment operating and maintenance costs, including actual costs 389
paid to private contractors for copying services. 390

(b) "Bulk commercial special extraction request" means a 391
request for copies of a record for information in a format other 392
than the format already available, or information that cannot be 393
extracted without examination of all items in a records series, 394
class of records, or data base by a person who intends to use or 395
forward the copies for surveys, marketing, solicitation, or resale 396
for commercial purposes. "Bulk commercial special extraction 397
request" does not include a request by a person who gives 398
assurance to the bureau that the person making the request does 399
not intend to use or forward the requested copies for surveys, 400
marketing, solicitation, or resale for commercial purposes. 401

(c) "Commercial" means profit-seeking production, buying, or 402
selling of any good, service, or other product. 403

(d) "Special extraction costs" means the cost of the time 404
spent by the lowest paid employee competent to perform the task, 405
the actual amount paid to outside private contractors employed by 406
the bureau, or the actual cost incurred to create computer 407
programs to make the special extraction. "Special extraction 408
costs" include any charges paid to a public agency for computer or 409
records services. 410

(3) For purposes of divisions (E)(1) and (2) of this section, 411
"commercial surveys, marketing, solicitation, or resale" shall be 412
narrowly construed and does not include reporting or gathering 413
news, reporting or gathering information to assist citizen 414
oversight or understanding of the operation or activities of 415

government, or nonprofit educational research.

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Sec. 505.381. (A) The fire chief of a township or fire district may request the superintendent of BCII to conduct a criminal records check with respect to any person who is under consideration for appointment or employment as a permanent, full-time paid firefighter or any person who is under consideration for appointment as a volunteer firefighter.

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(B)(1) The fire chief of the township or fire district may request that the superintendent of BCII obtain information from the federal bureau of investigation as a part of the criminal records check requested pursuant to division (A) of this section.

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(2) A fire chief authorized by division (A) of this section to request a criminal records check shall provide to each person for whom the fire chief intends to request a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.578 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.578 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

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(3) Any person subject to a criminal records check who receives a copy of the form and a copy of the impression sheet pursuant to division (B)(2) of this section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing authority shall not appoint or employ the person as a permanent,

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full-time paid firefighter or a volunteer firefighter. 447

(C)(1) Except as otherwise provided in division (C)(2) of 448
this section, an appointing authority shall not appoint or employ 449
a person as a permanent, full-time paid firefighter or a volunteer 450
firefighter if the fire chief has requested a criminal records 451
check pursuant to division (A) of this section and the criminal 452
records check indicates that the person previously has been 453
convicted of or pleaded guilty to any of the following: 454

(a) A felony; 455

(b) A violation of section 2909.03 of the Revised Code; 456

(c) A violation of an existing or former law of this state, 457
any other state, or the United States that is substantially 458
equivalent to any of the offenses described in division (C)(1)(a) 459
or (b) of this section. 460

(2) Notwithstanding division (C)(1) of this section, an 461
appointing authority may appoint or employ a person as a 462
permanent, full-time paid firefighter or a volunteer firefighter 463
if all of the following apply: 464

(a) The fire chief has requested a criminal records check 465
pursuant to division (A) of this section. 466

(b) The criminal records check indicates that the person 467
previously has been convicted of or pleaded guilty to any of the 468
offenses described in division (C)(1) of this section. 469

(c) The person meets rehabilitation standards established in 470
rules adopted under division (E) of this section. 471

(3) If a fire chief requests a criminal records check 472
pursuant to division (A) of this section, an appointing authority 473
may appoint or employ a person as a permanent, full-time paid 474
firefighter or volunteer firefighter conditionally until the 475
criminal records check is completed and the fire chief receives 476

the results. If the results of the criminal records check indicate 477
that, pursuant to division (C)(1) of this section, the person 478
subject to the criminal records check does not qualify for 479
appointment or employment, the fire chief shall release the person 480
from appointment or employment. 481

(D) The fire chief shall pay to the bureau of criminal 482
identification and investigation the fee prescribed pursuant to 483
division (C)(3) of section 109.578 of the Revised Code for each 484
criminal records check conducted in accordance with that section. 485
The fire chief may charge the applicant who is subject to the 486
criminal records check a fee for the costs the fire chief incurs 487
in obtaining the criminal records check. A fee charged under this 488
division shall not exceed the amount of fees the fire chief pays 489
for the criminal records check. If a fee is charged under this 490
division, the fire chief shall notify the applicant at the time of 491
the applicant's initial application for appointment or employment 492
of the amount of the fee and that, unless the fee is paid, the 493
applicant will not be considered for appointment or employment. 494

(E) The appointing authority shall adopt rules in accordance 496
with Chapter 119. of the Revised Code to implement this section. 497
The rules shall include rehabilitation standards a person who has 498
been convicted of or pleaded guilty to an offense listed in 499
division (C)(1) of this section must meet for the appointing 500
authority to appoint or employ the person as a permanent, 501
full-time paid firefighter or a volunteer firefighter. 502

(F) A fire chief who intends to request a criminal records 503
check for an applicant shall inform the applicant, at the time of 504
the person's initial application for appointment or employment, 505
that the applicant is required to provide a set of impressions of 506
the applicant's fingerprints and that the fire chief requires a 507
criminal records check to be conducted and satisfactorily 508

completed in accordance with section 109.578 of the Revised Code. 509

(G) As used in this section: 510

(1) "Appointing authority" means any person or body that has 511
the authority to hire, appoint, or employ permanent, full-time 512
paid firefighters and volunteer firefighters under section 505.38 513
of the Revised Code. 514

(2) "Criminal records check" has the same meaning as in 515
section 109.578 of the Revised Code. 516

(3) "Superintendent of BCII" has the same meaning as in 517
section 2151.86 of the Revised Code. 518

Sec. 737.081. (A) The fire chief of a city fire department 519
may request the superintendent of BCII to conduct a criminal 520
records check with respect to any person who is under 521
consideration for appointment or employment as a permanent, 522
full-time paid firefighter or any person who is under 523
consideration for appointment as a volunteer firefighter. 524

(B)(1) The fire chief of the city fire department may request 525
that the superintendent of BCII obtain information from the 526
federal bureau of investigation as a part of the criminal records 527
check requested pursuant to division (A) of this section. 528

(2) A fire chief authorized by division (A) of this section 529
to request a criminal records check shall provide to each person 530
for whom the fire chief intends to request a criminal records 531
check a copy of the form prescribed pursuant to division (C)(1) of 532
section 109.578 of the Revised Code and a standard impression 533
sheet to obtain fingerprint impressions prescribed pursuant to 534
division (C)(2) of section 109.578 of the Revised Code, obtain the 535
completed form and impression sheet from the person, and forward 536
the completed form and impression sheet to the superintendent of 537
BCII at the time the criminal records check is requested. 538

(3) Any person subject to a criminal records check who 539
receives a copy of the form and a copy of the impression sheet 540
pursuant to division (B)(2) of this section and who is requested 541
to complete the form and provide a set of fingerprint impressions 542
shall complete the form or provide all the information necessary 543
to complete the form and shall provide the impression sheet with 544
the impressions of the person's fingerprints. If a person fails to 545
provide the information necessary to complete the form or fails to 546
provide impressions of the person's fingerprints, the appointing 547
authority shall not appoint or employ the person as a permanent 548
full-time paid firefighter or a volunteer firefighter. 549

(C)(1) Except as otherwise provided in division (C)(2) of 550
this section, an appointing authority shall not appoint or employ 551
a person as a permanent, full-time paid firefighter or a volunteer 552
firefighter if the fire chief has requested a criminal records 553
check pursuant to division (A) of this section and the criminal 554
records check indicates that the person previously has been 555
convicted of or pleaded guilty to any of the following: 556

(a) A felony; 557

(b) A violation of section 2909.03 of the Revised Code; 558

(c) A violation of an existing or former law of this state, 559
any other state, or the United States that is substantially 560
equivalent to any of the offenses described in division (C)(1)(a) 561
or (b) of this section. 562

(2) Notwithstanding division (C)(1) of this section, an 563
appointing authority may appoint or employ a person as a 564
permanent, full-time paid firefighter or a volunteer firefighter 565
if all of the following apply: 566

(a) The fire chief has requested a criminal records check 567
pursuant to division (A) of this section. 568

(b) The criminal records check indicates that the person 569

previously has been convicted of or pleaded guilty to any of the 570
offenses described in division (C)(1) of this section. 571

(c) The person meets rehabilitation standards established in 572
rules adopted under division (E) of this section. 573

(3) If a fire chief requests a criminal records check 574
pursuant to division (A) of this section, an appointing authority 575
may appoint or employ a person as a permanent, full-time paid 576
firefighter or volunteer firefighter conditionally until the 577
criminal records check is completed and the fire chief receives 578
the results. If the results of the criminal records check indicate 579
that, pursuant to division (C)(1) of this section, the person 580
subject to the criminal records check is disqualified from 581
appointment or employment, the fire chief shall release the person 582
from appointment or employment. 583

(D) The fire chief shall pay to the bureau of criminal 584
identification and investigation the fee prescribed pursuant to 585
division (C)(3) of section 109.578 of the Revised Code for each 586
criminal records check conducted in accordance with that section. 587
The fire chief may charge the applicant who is subject to the 588
criminal records check a fee for the costs the fire chief incurs 589
in obtaining the criminal records check. A fee charged under this 590
division shall not exceed the amount of fees the fire chief pays 591
for the criminal records check. If a fee is charged under this 592
division, the fire chief shall notify the applicant at the time of 593
the applicant's initial application for appointment or employment 594
of the amount of the fee and that, unless the fee is paid, the 595
applicant will not be considered for appointment or employment. 596

(E) The appointing authority shall adopt rules in accordance 597
with Chapter 119. of the Revised Code to implement this section. 598
The rules shall include rehabilitation standards a person who has 599
been convicted of or pleaded guilty to an offense listed in 600
division (C)(1) of this section must meet for the appointing 601

authority to appoint or employ the person as a permanent, 602
full-time paid firefighter or a volunteer firefighter. 603

(F) A fire chief who intends to request a criminal records 604
check for an applicant shall inform each applicant, at the time of 605
the person's initial application for appointment or employment, 606
that the applicant is required to provide a set of impressions of 607
the person's fingerprints and that the fire chief requires a 608
criminal records check to be conducted and satisfactorily 609
completed in accordance with section 109.578 of the Revised Code. 610

(G) As used in this section: 611

(1) "Appointing authority" means any person or body that has 612
the authority to hire, appoint, or employ permanent, full-time 613
paid firefighters and volunteer firefighters under section 737.08 614
of the Revised Code. 615

(2) "Criminal records check" has the same meaning as in 616
section 109.578 of the Revised Code. 617

(3) "Superintendent of BCII" has the same meaning as in 618
section 2151.86 of the Revised Code. 619

Sec. 737.221. (A) The fire chief of a village fire department 620
may request the superintendent of BCII to conduct a criminal 621
records check with respect to any person who is under 622
consideration for appointment or employment as a permanent, 623
full-time paid firefighter or any person who is under 624
consideration for appointment as a volunteer firefighter. 625

(B)(1) The fire chief of the village fire department may 626
request that the superintendent of BCII obtain information from 627
the federal bureau of investigation as a part of the criminal 628
records check requested pursuant to division (A) of this section. 629

(2) A fire chief authorized by division (A) of this section 630
to request a criminal records check shall provide to each person 631

for whom the fire chief intends to request a criminal records 632
check a copy of the form prescribed pursuant to division (C)(1) of 633
section 109.578 of the Revised Code and a standard impression 634
sheet to obtain fingerprint impressions prescribed pursuant to 635
division (C)(2) of section 109.578 of the Revised Code, obtain the 636
completed form and impression sheet from the person, and forward 637
the completed form and impression sheet to the superintendent of 638
BCII at the time the criminal records check is requested. 639

(3) Any person subject to a criminal records check who 640
receives a copy of the form and a copy of the impression sheet 641
pursuant to division (B)(2) of this section and who is requested 642
to complete the form and provide a set of fingerprint impressions 643
shall complete the form or provide all the information necessary 644
to complete the form and shall provide the impression sheet with 645
the impressions of the person's fingerprints. If a person fails to 646
provide the information necessary to complete the form or fails to 647
provide impressions of the person's fingerprints, the appointing 648
authority shall not appoint or employ the person as a permanent 649
full-time paid firefighter or a volunteer firefighter. 650

(C)(1) Except as otherwise provided in division (C)(2) of 651
this section, an appointing authority shall not appoint or employ 652
a person as a permanent, full-time paid firefighter or a volunteer 653
firefighter if the fire chief has requested a criminal records 654
check pursuant to division (A) of this section and the criminal 655
records check indicates that the person previously has been 656
convicted of or pleaded guilty to any of the following: 657

(a) A felony; 658

(b) A violation of section 2909.03 of the Revised Code; 659

(c) A violation of an existing or former law of this state, 660
any other state, or the United States that is substantially 661
equivalent to any of the offenses described in division (C)(1)(a) 662

or (b) of this section.

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(2) Notwithstanding division (C)(1) of this section, an appointing authority may appoint or employ a person as a permanent, full-time paid firefighter or a volunteer firefighter if all of the following apply:

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(a) The fire chief has requested a criminal records check pursuant to division (A) of this section.

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(b) The criminal records check indicates that the person previously has been convicted of or pleaded guilty to any of the offenses described in division (C)(1) of this section.

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(c) The person meets rehabilitation standards established in rules adopted under division (E) of this section.

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(3) If a fire chief requests a criminal records check pursuant to division (A) of this section, an appointing authority may appoint or employ a person as a permanent, full-time paid firefighter or volunteer firefighter conditionally until the criminal records check is completed and the fire chief receives the results. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check is disqualified from appointment or employment, the fire chief shall release the person from appointment or employment.

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(D) The fire chief shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.578 of the Revised Code for each criminal records check conducted in accordance with that section. The fire chief may charge the applicant who is subject to the criminal records check a fee for the costs the fire chief incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the fire chief pays for the criminal records check. If a fee is charged under this

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division, the fire chief shall notify the applicant at the time of
the applicant's initial application for appointment or employment
of the amount of the fee and that, unless the fee is paid, the
applicant will not be considered for appointment or employment.

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(E) The appointing authority shall adopt rules in accordance
with Chapter 119. of the Revised Code to implement this section.
The rules shall include rehabilitation standards a person who has
been convicted of or pleaded guilty to an offense listed in
division (C)(1) of this section must meet for the appointing
authority to appoint or employ the person as a permanent,
full-time paid firefighter or a volunteer firefighter.

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(F) A fire chief who intends to request a criminal records
check for an applicant shall inform each applicant, at the time of
the person's initial application for appointment or employment,
that the applicant is required to provide a set of impressions of
the person's fingerprints and that the fire chief requires a
criminal records check to be conducted and satisfactorily
completed in accordance with section 109.578 of the Revised Code.

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(G) As used in this section:

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(1) "Appointing authority" means any person or body that has
the authority to hire, appoint, or employ permanent, full-time
paid firefighters and volunteer firefighters under section 737.22
of the Revised Code.

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(2) "Criminal records check" has the same meaning as in
section 109.578 of the Revised Code.

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(3) "Superintendent of BCII" has the same meaning as in
section 2151.86 of the Revised Code.

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Sec. 3731.01. (A) As used in sections 3731.01 to 3731.21 of
the Revised Code:

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(A)(1) "Hotel" means either of the following:

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~~(1)~~(a) Any structure consisting of one or more buildings, 724
with more than five sleeping rooms, that is kept, used, 725
maintained, advertised, or held out to the public to be a place 726
where sleeping accommodations are offered for pay to transient 727
guests for a period of thirty days or less, including, but not 728
limited to, such a structure denoted as a hotel, motel, motor 729
hotel, lodge, motor lodge, bed and breakfast, or inn; 730

~~(2) Those facilities~~ (b) Any structure consisting of one or 731
more buildings, with more than five sleeping rooms, that is 732
specifically constructed, kept, used, maintained, advertised, and 733
held out to the public to ~~offer~~ be a place where temporary 734
residence is offered for pay to persons ~~either relocating their~~ 735
~~residence in an area or on temporary work assignment in an area,~~ 736
including, but not limited to, an extended stay hotel or extended 737
stay motel that is specifically constructed, and approved by the 738
building official having jurisdiction over it and by the fire 739
marshal, for extended stay temporary residence by persons, and 740
that contains six or more dwelling units with provision for 741
living, eating, cooking, sanitation, and sleeping. 742

"Hotel" does not include agricultural labor camps, apartment 743
houses, lodging houses, rooming houses, or hospital or college 744
dormitories. 745

~~(B)~~(2) "SRO facility" means a facility with more than five 746
sleeping rooms that is kept, used, maintained, advertised, or held 747
out to the public as a place where sleeping rooms are offered on a 748
single room occupancy (SRO) basis and that is intended for use as 749
a primary residence for residential guests for a period of more 750
than thirty days. 751

~~"Hotel" and "SRO facility" do~~ does not include agricultural 752
labor camps, apartment houses, lodging houses, rooming houses, or 753
hospital or college dormitories. 754

~~(C)~~(3) "Single room occupancy (SRO) basis" means one occupant per room. 755
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(B) This chapter does not apply to apartment buildings and other structures in which all of the units are residential premises. 757
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Sec. 3731.03. (A) Every person in the business of conducting a hotel or an SRO facility shall procure a license for each hotel or SRO facility conducted or proposed to be conducted. No hotel or SRO facility shall be maintained, conducted, or advertised without a license, and all such licenses shall expire on the last day of December of each year, and ~~shall~~ be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. A person who has received a license, upon the sale or disposition of the hotel or SRO facility or ~~the~~ its removal to a new location, may, upon obtaining consent of the fire marshal, have the license transferred. No license shall be transferred without the consent of the fire marshal. 760
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(B) A license to maintain and operate a hotel or an SRO facility shall not be issued to the keeper, owner, or lessee of any hotel or SRO facility where accommodations for assignation purposes are furnished, ~~nor~~ or to any keeper, owner, or lessee who has been convicted of keeping a place in violation of the law relating to houses of assignation or places of public nuisance. 772
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(C)(1) No person licensed to maintain and operate a hotel or SRO facility ~~also~~ shall also maintain and operate an agricultural labor ~~camps~~ camp, apartment ~~houses~~ house, lodging ~~houses~~ house, rooming ~~houses~~ house, or hospital or college ~~dormitories~~ dormitory in the same ~~building~~ or structure as is located ~~a~~ the licensed hotel or SRO facility ~~licensed pursuant to this chapter, unless~~ the agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory has been 778
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constructed as, and been approved by the building official having 786
jurisdiction over it and by the fire marshal as being, a separate 787
building within the hotel or SRO facility structure in accordance 788
with approved building separation rated assemblies. 789

(2) All hotel and SRO facility uses shall continue in 790
accordance with their approval under the license issued by the 791
fire marshal unless a change in use has been approved by the 792
building official having jurisdiction over the hotel or SRO 793
facility and by the fire marshal. 794

(D) A license to maintain and operate an SRO facility shall 795
permit the facility to offer rooms for thirty days or less if less 796
than fifty per cent of its rooms are occupied for a period of 797
thirty days or less. 798

Sec. 4765.301. (A) An appointing authority may request the 799
superintendent of BCII to conduct a criminal records check with 800
respect to any person who is under consideration for appointment 801
or employment as an emergency medical technician-basic, an 802
emergency medical technician-intermediate, or an emergency medical 803
technician-paramedic. 804

(B)(1) The appointing authority may request that the 805
superintendent of BCII obtain information from the federal bureau 806
of investigation as a part of the criminal records check requested 807
pursuant to division (A) of this section. 808

(2) An appointing authority authorized by division (A) of 809
this section to request a criminal records check shall provide to 810
each person for whom the appointing authority intends to request a 811
criminal records check a copy of the form prescribed pursuant to 812
division (C)(1) of section 109.578 of the Revised Code and a 813
standard impression sheet to obtain fingerprint impressions 814
prescribed pursuant to division (C)(2) of section 109.578 of the 815
Revised Code, obtain the completed form and impression sheet from 816

the person, and forward the completed form and impression sheet to
the superintendent of BCII at the time the criminal records check
is requested.

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(3) Any person subject to a criminal records check who
receives a copy of the form and a copy of the impression sheet
pursuant to division (B)(2) of this section and who is requested
to complete the form and provide a set of fingerprint impressions
shall complete the form or provide all the information necessary
to complete the form and shall provide the impression sheet with
the impressions of the person's fingerprints. If a person fails to
provide the information necessary to complete the form or fails to
provide impressions of the person's fingerprints, the appointing
authority shall not appoint or employ the person as an emergency
medical technician-basic, an emergency medical
technician-intermediate, or an emergency medical
technician-paramedic.

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(C)(1) Except as otherwise provided in division (C)(2) of
this section, an appointing authority shall not appoint or employ
a person as an emergency medical technician-basic, an emergency
medical technician-intermediate, or an emergency medical
technician-paramedic if the appointing authority has requested a
criminal records check pursuant to division (A) of this section
and the criminal records check indicates that the person
previously has been convicted of or pleaded guilty to any of the
following:

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(a) A felony;

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(b) A violation of section 2909.03 of the Revised Code;

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(c) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses described in division (C)(1)(a)
or (b) of this section.

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(2) Notwithstanding division (C)(1) of this section, an appointing authority may appoint or employ a person as an emergency medical technician-basic, an emergency medical technician-intermediate, or an emergency medical technician-paramedic if all of the following apply:

(a) The appointing authority has requested a criminal records check pursuant to division (A) of this section.

(b) The criminal records check indicates that the person previously has been convicted of or pleaded guilty to any of the offenses described in division (C)(1) of this section.

(c) The person meets rehabilitation standards established in rules adopted under division (E) of this section.

(3) If an appointing authority requests a criminal records check pursuant to division (A) of this section, the appointing authority may appoint or employ a person as an emergency medical technician-basic, an emergency medical technician-intermediate, or an emergency medical technician-paramedic conditionally until the criminal records check is completed and the appointing authority receives the results. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check is disqualified from appointment or employment, the appointing authority shall release the person from appointment or employment.

(D) The appointing authority shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.578 of the Revised Code for each criminal records check conducted in accordance with that section. The appointing authority may charge the applicant who is subject to the criminal records check a fee for the costs the appointing authority incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the

amount of fees the appointing authority pays for the criminal records check. If a fee is charged under this division, the appointing authority shall notify the applicant at the time of the applicant's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for appointment or employment. 879
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(E) The appointing authority shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (C)(1) of this section must meet for the appointing authority to appoint or employ the person as an emergency medical technician-basic, an emergency medical technician-intermediate, or an emergency medical technician-paramedic. 885
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(F) An appointing authority that intends to request a criminal records check for an applicant shall inform each applicant, at the time of the person's initial application for appointment or employment, that the applicant is required to provide a set of impressions of the person's fingerprints and that the appointing authority requires a criminal records check to be conducted and satisfactorily completed in accordance with section 109.578 of the Revised Code. 893
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(G) As used in this section: 901

(1) "Appointing authority" means any person or body that has the authority to hire, appoint, or employ emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic. 902
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(2) "Criminal records check" has the same meaning as in section 109.578 of the Revised Code. 906
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(3) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code. 908
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Section 2. That existing sections 149.43, 3731.01, and
3731.03 of the Revised Code are hereby repealed.

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