

**As Reported by the House State Government Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. S. B. No. 258**

**SENATORS Austria, Goodman, Randy Gardner, Jacobson, Hottinger,  
Fingerhut, Amstutz, Coughlin, Robert Gardner, Harris, Herington, Nein,  
Roberts, Spada, Mumper, White, Mallory, Prentiss, Blessing, DiDonato**

**REPRESENTATIVES Flowers, Carmichael**

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**A BILL**

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 14  
section, and a set of fingerprint impressions obtained in the 15  
manner described in division (C)(2) of this section, the 16  
superintendent of the bureau of criminal identification and 17

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

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division may be in a tangible format, in an electronic format, or  
in both tangible and electronic formats.

(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.

(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.

(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.

(D) A determination whether any information exists that  
indicates that a person previously has been convicted of or  
pleaded guilty to any offense listed or described in division (A)  
of this section and that the superintendent made with respect to  
information considered in a criminal records check in accordance  
with this section is valid for the person who is the subject of

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the criminal records check for a period of one year from the date  
upon which the superintendent makes the determination. During the  
period in which the determination in regard to a person is valid,  
if another request under this section is made for a criminal  
records check for that person, the superintendent shall provide  
the information that is the basis for the superintendent's initial  
determination at a lower fee than the fee prescribed for the  
initial criminal records check.

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

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

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

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(a) Medical records;

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(b) Records pertaining to probation and parole proceedings;

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

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(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;

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(e) Information in a record contained in the putative father

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registry established by section 3107.062 of the Revised Code,	111
regardless of whether the information is held by the department of	112
job and family services or, pursuant to section 3111.69 of the	113
Revised Code, the office of child support in the department or a	114
child support enforcement agency;	115
(f) Records listed in division (A) of section 3107.42 of the	116
Revised Code or specified in division (A) of section 3107.52 of	117
the Revised Code;	118
(g) Trial preparation records;	119
(h) Confidential law enforcement investigatory records;	120
(i) Records containing information that is confidential under	121
section 2317.023 or 4112.05 of the Revised Code;	122
(j) DNA records stored in the DNA database pursuant to	123
section 109.573 of the Revised Code;	124
(k) Inmate records released by the department of	125
rehabilitation and correction to the department of youth services	126
or a court of record pursuant to division (E) of section 5120.21	127
of the Revised Code;	128
(l) Records maintained by the department of youth services	129
pertaining to children in its custody released by the department	130
of youth services to the department of rehabilitation and	131
correction pursuant to section 5139.05 of the Revised Code;	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	137
familial information;	138
(q) In the case of a county hospital operated pursuant to	139

Chapter 339. of the Revised Code, information that constitutes a	140
trade secret, as defined in section 1333.61 of the Revised Code;	141
(r) Information pertaining to the recreational activities of	142
a person under the age of eighteen;	143
(s) Records provided to, statements made by review board	144
members during meetings of, and all work products of a child	145
fatality review board acting under sections 307.621 to 307.629 of	146
the Revised Code, other than the report prepared pursuant to	147
section 307.626 of the Revised Code;	148
(t) Records provided to and statements made by the executive	149
director of a public children services agency or a prosecuting	150
attorney acting pursuant to section 5153.171 of the Revised Code	151
other than the information released under that section;	152
(u) Test materials, examinations, or evaluation tools used in	153
an examination for licensure as a nursing home administrator that	154
the board of examiners of nursing home administrators administers	155
under section 4751.04 of the Revised Code or contracts under that	156
section with a private or government entity to administer;	157
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(v) Records the release of which is prohibited by state or	159
federal law.	160
(2) "Confidential law enforcement investigatory record" means	161
any record that pertains to a law enforcement matter of a	162
criminal, quasi-criminal, civil, or administrative nature, but	163
only to the extent that the release of the record would create a	164
high probability of disclosure of any of the following:	165
(a) The identity of a suspect who has not been charged with	166
the offense to which the record pertains, or of an information	167
source or witness to whom confidentiality has been reasonably	168
promised;	169

(b) Information provided by an information source or witness 170  
to whom confidentiality has been reasonably promised, which 171  
information would reasonably tend to disclose the source's or 172  
witness's identity; 173

(c) Specific confidential investigatory techniques or 174  
procedures or specific investigatory work product; 175

(d) Information that would endanger the life or physical 176  
safety of law enforcement personnel, a crime victim, a witness, or 177  
a confidential information source. 178

(3) "Medical record" means any document or combination of 179  
documents, except births, deaths, and the fact of admission to or 180  
discharge from a hospital, that pertains to the medical history, 181  
diagnosis, prognosis, or medical condition of a patient and that 182  
is generated and maintained in the process of medical treatment. 183

(4) "Trial preparation record" means any record that contains 184  
information that is specifically compiled in reasonable 185  
anticipation of, or in defense of, a civil or criminal action or 186  
proceeding, including the independent thought processes and 187  
personal trial preparation of an attorney. 188

(5) "Intellectual property record" means a record, other than 189  
a financial or administrative record, that is produced or 190  
collected by or for faculty or staff of a state institution of 191  
higher learning in the conduct of or as a result of study or 192  
research on an educational, commercial, scientific, artistic, 193  
technical, or scholarly issue, regardless of whether the study or 194  
research was sponsored by the institution alone or in conjunction 195  
with a governmental body or private concern, and that has not been 196  
publicly released, published, or patented. 197

(6) "Donor profile record" means all records about donors or 198  
potential donors to a public institution of higher education 199  
except the names and reported addresses of the actual donors and 200

the date, amount, and conditions of the actual donation. 201

(7) "Peace officer, firefighter, or EMT residential and 202  
familial information" means either of the following: 203

(a) Any information maintained in a personnel record of a 204  
peace officer, firefighter, or EMT that discloses any of the 205  
following: 206

(i) The address of the actual personal residence of a peace 207  
officer, firefighter, or EMT, except for the state or political 208  
subdivision in which the peace officer, firefighter, or EMT 209  
resides; 210

(ii) Information compiled from referral to or participation 211  
in an employee assistance program; 212

(iii) The social security number, the residential telephone 213  
number, any bank account, debit card, charge card, or credit card 214  
number, or the emergency telephone number of, or any medical 215  
information pertaining to, a peace officer, firefighter, or EMT; 216

(iv) The name of any beneficiary of employment benefits, 217  
including, but not limited to, life insurance benefits, provided 218  
to a peace officer, firefighter, or EMT by the peace officer's, 219  
firefighter's, or EMT's employer; 220

(v) The identity and amount of any charitable or employment 221  
benefit deduction made by the peace officer's, firefighter's, or 222  
EMT's employer from the peace officer's, firefighter's, or EMT's 223  
compensation unless the amount of the deduction is required by 224  
state or federal law; 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 258  
of eighteen or the address or telephone number of that person's 259  
parent, guardian, custodian, or emergency contact person; 260

(b) The social security number, birth date, or photographic 261

image of a person under the age of eighteen; 262

(c) Any medical record, history, or information pertaining to 263  
a person under the age of eighteen; 264

(d) Any additional information sought or required about a 265  
person under the age of eighteen for the purpose of allowing that 266  
person to participate in any recreational activity conducted or 267  
sponsored by a public office or to use or obtain admission 268  
privileges to any recreational facility owned or operated by a 269  
public office. 270

(B)(1) Subject to division (B)(4) of this section, all public 271  
records shall be promptly prepared and made available for 272  
inspection to any person at all reasonable times during regular 273  
business hours. Subject to division (B)(4) of this section, upon 274  
request, a public office or person responsible for public records 275  
shall make copies available at cost, within a reasonable period of 276  
time. In order to facilitate broader access to public records, 277  
public offices shall maintain public records in a manner that they 278  
can be made available for inspection in accordance with this 279  
division. 280

(2) If any person chooses to obtain a copy of a public record 281  
in accordance with division (B)(1) of this section, the public 282  
office or person responsible for the public record shall permit 283  
that person to choose to have the public record duplicated upon 284  
paper, upon the same medium upon which the public office or person 285  
responsible for the public record keeps it, or upon any other 286  
medium upon which the public office or person responsible for the 287  
public record determines that it reasonably can be duplicated as 288  
an integral part of the normal operations of the public office or 289  
person responsible for the public record. When the person seeking 290  
the copy makes a choice under this division, the public office or 291  
person responsible for the public record shall provide a copy of 292  
it in accordance with the choice made by the person seeking the 293

copy.

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(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.

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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.

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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.

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(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

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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  
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

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public record allegedly is aggrieved by the failure of a public 358  
office or the person responsible for the public record to make a 359  
copy available to the person allegedly aggrieved in accordance 360  
with division (B) of this section, the person allegedly aggrieved 361  
may commence a mandamus action to obtain a judgment that orders 362  
the public office or the person responsible for the public record 363  
to comply with division (B) of this section and that awards 364  
reasonable attorney's fees to the person that instituted the 365  
mandamus action. The mandamus action may be commenced in the court 366  
of common pleas of the county in which division (B) of this 367  
section allegedly was not complied with, in the supreme court 368  
pursuant to its original jurisdiction under Section 2 of Article 369  
IV, Ohio Constitution, or in the court of appeals for the 370  
appellate district in which division (B) of this section allegedly 371  
was not complied with pursuant to its original jurisdiction under 372  
Section 3 of Article IV, Ohio Constitution. 373

(D) Chapter 1347. of the Revised Code does not limit the 374  
provisions of this section. 375

(E)(1) The bureau of motor vehicles may adopt rules pursuant 376  
to Chapter 119. of the Revised Code to reasonably limit the number 377  
of bulk commercial special extraction requests made by a person 378  
for the same records or for updated records during a calendar 379  
year. The rules may include provisions for charges to be made for 380  
bulk commercial special extraction requests for the actual cost of 381  
the bureau, plus special extraction costs, plus ten per cent. The 382  
bureau may charge for expenses for redacting information, the 383  
release of which is prohibited by law. 384

(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. 416

Sec. 505.381. (A) The fire chief of a township or fire 417  
district may request the superintendent of BCII to conduct a 418  
criminal records check with respect to any person who is under 419  
consideration for appointment or employment as a permanent, 420

full-time paid firefighter or any person who is under 421  
consideration for appointment as a volunteer firefighter. 422

(B)(1) The fire chief of the township or fire district may 423  
request that the superintendent of BCII obtain information from 424  
the federal bureau of investigation as a part of the criminal 425  
records check requested pursuant to division (A) of this section. 426

(2) A fire chief authorized by division (A) of this section 427  
to request a criminal records check shall provide to each person 428  
for whom the fire chief intends to request a criminal records 429  
check a copy of the form prescribed pursuant to division (C)(1) of 430  
section 109.578 of the Revised Code and a standard impression 431  
sheet to obtain fingerprint impressions prescribed pursuant to 432  
division (C)(2) of section 109.578 of the Revised Code, obtain the 433  
completed form and impression sheet from the person, and forward 434  
the completed form and impression sheet to the superintendent of 435  
BCII at the time the criminal records check is requested. 436

(3) Any person subject to a criminal records check who 437  
receives a copy of the form and a copy of the impression sheet 438  
pursuant to division (B)(2) of this section and who is requested 439  
to complete the form and provide a set of fingerprint impressions 440  
shall complete the form or provide all the information necessary 441  
to complete the form and shall provide the impression sheet with 442  
the impressions of the person's fingerprints. If a person fails to 443  
provide the information necessary to complete the form or fails to 444  
provide impressions of the person's fingerprints, the appointing 445  
authority shall not appoint or employ the person as a permanent, 446  
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  
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  
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 the 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 applicant'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 505.38  
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. 515  
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(3) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code. 517  
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**Sec. 737.081.** (A) The fire chief of a city fire department 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. 519  
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(B)(1) The fire chief of the city fire department 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. 525  
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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. 529  
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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 539  
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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  
full-time paid firefighter or a volunteer firefighter.

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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 a permanent, full-time paid firefighter or a volunteer  
firefighter if the fire chief 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 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

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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 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

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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  
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  
full-time paid firefighter or a volunteer firefighter.

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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 a permanent, full-time paid firefighter or a volunteer  
firefighter if the fire chief 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 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

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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  
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.

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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, with more than five sleeping rooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor

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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 755  
per room. 756

(B) This chapter does not apply to apartment buildings and 757  
other structures in which all of the units are residential 758  
premises. 759

Sec. 3731.03. (A) Every person in the business of conducting 760  
a hotel or an SRO facility shall procure a license for each hotel 761  
or SRO facility conducted or proposed to be conducted. No hotel or 762  
SRO facility shall be maintained, conducted, or advertised without 763  
a license, and all such licenses shall expire on the last day of 764  
December of each year, and shall be renewed according to the 765  
standard renewal procedure of sections 4745.01 to 4745.03 of the 766  
Revised Code. A person who has received a license, upon the sale 767  
or disposition of the hotel or SRO facility or ~~the~~ its removal to 768  
a new location, may, upon obtaining consent of the fire marshal, 769  
have the license transferred. No license shall be transferred 770  
without the consent of the fire marshal. 771

(B) A license to maintain and operate a hotel or an SRO 772  
facility shall not be issued to the keeper, owner, or lessee of 773  
any hotel or SRO facility where accommodations for assignation 774  
purposes are furnished, ~~nor~~ or to any keeper, owner, or lessee who 775  
has been convicted of keeping a place in violation of the law 776  
relating to houses of assignation or places of public nuisance. 777

(C)(1) No person licensed to maintain and operate a hotel or 778  
SRO facility ~~also~~ shall also maintain and operate an agricultural 779  
labor ~~camps~~ camp, apartment ~~houses~~ house, lodging ~~houses~~ house, 780  
rooming ~~houses~~ house, or hospital or college ~~dormitories~~ dormitory 781  
in the same ~~building or~~ structure as is located a the licensed 782  
hotel or SRO facility licensed pursuant to this chapter, unless 783  
the agricultural labor camp, apartment house, lodging house, 784  
rooming house, or hospital or college dormitory has been 785  
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 817  
the superintendent of BCII at the time the criminal records check 818  
is requested. 819

(3) Any person subject to a criminal records check who 820  
receives a copy of the form and a copy of the impression sheet 821  
pursuant to division (B)(2) of this section and who is requested 822

to complete the form and provide a set of fingerprint impressions 823  
shall complete the form or provide all the information necessary 824  
to complete the form and shall provide the impression sheet with 825  
the impressions of the person's fingerprints. If a person fails to 826  
provide the information necessary to complete the form or fails to 827  
provide impressions of the person's fingerprints, the appointing 828  
authority shall not appoint or employ the person as an emergency 829  
medical technician-basic, an emergency medical 830  
technician-intermediate, or an emergency medical 831  
technician-paramedic. 832

(C)(1) Except as otherwise provided in division (C)(2) of 833  
this section, an appointing authority shall not appoint or employ 834  
a person as an emergency medical technician-basic, an emergency 835  
medical technician-intermediate, or an emergency medical 836  
technician-paramedic if the appointing authority has requested a 837  
criminal records check pursuant to division (A) of this section 838  
and the criminal records check indicates that the person 839  
previously has been convicted of or pleaded guilty to any of the 840  
following: 841

(a) A felony; 842

(b) A violation of section 2909.03 of the Revised Code; 843

(c) A violation of an existing or former law of this state, 844  
any other state, or the United States that is substantially 845  
equivalent to any of the offenses described in division (C)(1)(a) 846  
or (b) of this section. 847

(2) Notwithstanding division (C)(1) of this section, an 848  
appointing authority may appoint or employ a person as an 849  
emergency medical technician-basic, an emergency medical 850  
technician-intermediate, or an emergency medical 851  
technician-paramedic if all of the following apply: 852

(a) The appointing authority has requested a criminal records 853

check pursuant to division (A) of this section. 854

(b) The criminal records check indicates that the person 855  
previously has been convicted of or pleaded guilty to any of the 856  
offenses described in division (C)(1) of this section. 857

(c) The person meets rehabilitation standards established in 858  
rules adopted under division (E) of this section. 859

(3) If an appointing authority requests a criminal records 860  
check pursuant to division (A) of this section, the appointing 861  
authority may appoint or employ a person as an emergency medical 862  
technician-basic, an emergency medical technician-intermediate, or 863  
an emergency medical technician-paramedic conditionally until the 864  
criminal records check is completed and the appointing authority 865  
receives the results. If the results of the criminal records check 866  
indicate that, pursuant to division (C)(1) of this section, the 867  
person subject to the criminal records check is disqualified from 868  
appointment or employment, the appointing authority shall release 869  
the person from appointment or employment. 870

(D) The appointing authority shall pay to the bureau of 871  
criminal identification and investigation the fee prescribed 872  
pursuant to division (C)(3) of section 109.578 of the Revised Code 873  
for each criminal records check conducted in accordance with that 874  
section. The appointing authority may charge the applicant who is 875  
subject to the criminal records check a fee for the costs the 876  
appointing authority incurs in obtaining the criminal records 877  
check. A fee charged under this division shall not exceed the 878  
amount of fees the appointing authority pays for the criminal 879  
records check. If a fee is charged under this division, the 880  
appointing authority shall notify the applicant at the time of the 881  
applicant's initial application for appointment or employment of 882  
the amount of the fee and that, unless the fee is paid, the 883  
applicant will not be considered for appointment or employment. 884

(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.

(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.

(G) As used in this section:

(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.

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

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

**Section 2.** That existing sections 149.43, 3731.01, and 3731.03 of the Revised Code are hereby repealed.