

As Reported by the Senate Judiciary--Civil Justice Committee

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Sub. S. B. No. 258

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Fingerhut**

A B I L L

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

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

Section 1. That section 149.43 be amended and sections 8
109.578, 505.381, 737.081, 737.221, and 4765.301 of the Revised 9
Code be enacted to read as follows: 10

Sec. 109.578. (A) On receipt of a request pursuant to section 11
505.381, 737.081, 737.221, or 4765.301 of the Revised Code, a 12
completed form prescribed pursuant to division (C)(1) of this 13
section, and a set of fingerprint impressions obtained in the 14
manner described in division (C)(2) of this section, the 15
superintendent of the bureau of criminal identification and 16
investigation shall conduct a criminal records check in the manner 17
described in division (B) of this section to determine whether any 18
information exists that indicates that the person who is the 19

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. 50
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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. 64
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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. 70
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(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 the criminal records check for a period of one year from the date upon which the superintendent makes the determination. During the 74
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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
registry established by section 3107.062 of the Revised Code,
regardless of whether the information is held by the department of

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| job and family services or, pursuant to section 3111.69 of the | 112 |
| Revised Code, the office of child support in the department or a | 113 |
| child support enforcement agency; | 114 |
| (f) Records listed in division (A) of section 3107.42 of the | 115 |
| Revised Code or specified in division (A) of section 3107.52 of | 116 |
| the Revised Code; | 117 |
| (g) Trial preparation records; | 118 |
| (h) Confidential law enforcement investigatory records; | 119 |
| (i) Records containing information that is confidential under | 120 |
| section 2317.023 or 4112.05 of the Revised Code; | 121 |
| (j) DNA records stored in the DNA database pursuant to | 122 |
| section 109.573 of the Revised Code; | 123 |
| (k) Inmate records released by the department of | 124 |
| rehabilitation and correction to the department of youth services | 125 |
| or a court of record pursuant to division (E) of section 5120.21 | 126 |
| of the Revised Code; | 127 |
| (l) Records maintained by the department of youth services | 128 |
| pertaining to children in its custody released by the department | 129 |
| of youth services to the department of rehabilitation and | 130 |
| correction pursuant to section 5139.05 of the Revised Code; | 131 |
| (m) Intellectual property records; | 132 |
| (n) Donor profile records; | 133 |
| (o) Records maintained by the department of job and family | 134 |
| services pursuant to section 3121.894 of the Revised Code; | 135 |
| (p) Peace officer, <u>firefighter, or EMT</u> residential and | 136 |
| familial information; | 137 |
| (q) In the case of a county hospital operated pursuant to | 138 |
| Chapter 339. of the Revised Code, information that constitutes a | 139 |
| trade secret, as defined in section 1333.61 of the Revised Code; | 140 |

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| (r) Information pertaining to the recreational activities of a person under the age of eighteen; | 141 142 |
| (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; | 143 144 145 146 147 |
| (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; | 148 149 150 151 |
| (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; | 152 153 154 155 156 157 |
| (v) Records the release of which is prohibited by state or federal law. | 158 159 |
| (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: | 160 161 162 163 164 |
| (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; | 165 166 167 168 |
| (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 | 169 170 171 |

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| witness's identity; | 172 |
| (c) Specific confidential investigatory techniques or procedures or specific investigatory work product; | 173 174 |
| (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source. | 175 176 177 |
| (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. | 178 179 180 181 182 |
| (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. | 183 184 185 186 187 |
| (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. | 188 189 190 191 192 193 194 195 196 |
| (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. | 197 198 199 200 |
| (7) "Peace officer, firefighter, or EMT residential and familial information" means either of the following: | 201 202 |

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

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

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

(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, firefighter, or EMT;

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

(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(vi) The name, the residential address, the name of the employer, the address of the employer, 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 the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT.

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

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| law. | 234 |
| As used in divisions (A)(7) and (B)(5) of this section, | 235 |
| "peace officer" has the same meaning as in section 109.71 of the | 236 |
| Revised Code and also includes the superintendent and troopers of | 237 |
| the state highway patrol; it does not include the sheriff of a | 238 |
| county or a supervisory employee who, in the absence of the | 239 |
| sheriff, is authorized to stand in for, exercise the authority of, | 240 |
| and perform the duties of the sheriff. | 241 |
| <u>As used in divisions (A)(7) and (B)(5) of this section,</u> | 242 |
| <u>"firefighter" means any regular, paid or volunteer, member of a</u> | 243 |
| <u>lawfully constituted fire department of a municipal corporation,</u> | 244 |
| <u>township, fire district, or village.</u> | 245 |
| <u>As used in divisions (A)(7) and (B)(5) of this section, "EMT"</u> | 246 |
| <u>means EMTs-basic, EMTs-I, and paramedics that provide emergency</u> | 247 |
| <u>medical services for a public emergency medical service</u> | 248 |
| <u>organization. "Emergency medical service organization,"</u> | 249 |
| <u>"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in</u> | 250 |
| <u>section 4765.01 of the Revised Code.</u> | 251 |
| (8) "Information pertaining to the recreational activities of | 252 |
| a person under the age of eighteen" means information that is kept | 253 |
| in the ordinary course of business by a public office, that | 254 |
| pertains to the recreational activities of a person under the age | 255 |
| of eighteen years, and that discloses any of the following: | 256 |
| (a) The address or telephone number of a person under the age | 257 |
| of eighteen or the address or telephone number of that person's | 258 |
| parent, guardian, custodian, or emergency contact person; | 259 |
| (b) The social security number, birth date, or photographic | 260 |
| image of a person under the age of eighteen; | 261 |
| (c) Any medical record, history, or information pertaining to | 262 |
| a person under the age of eighteen; | 263 |
| (d) Any additional information sought or required about a | 264 |

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
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.

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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

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United States mail within a reasonable period of time after 297
receiving the request for the copy. The public office or person 298
responsible for the public record may require the person making 299
the request to pay in advance the cost of postage and other 300
supplies used in the mailing. 301

Any public office may adopt a policy and procedures that it 302
will follow in transmitting, within a reasonable period of time 303
after receiving a request, copies of public records by United 304
States mail pursuant to this division. A public office that adopts 305
a policy and procedures under this division shall comply with them 306
in performing its duties under this division. 307

In any policy and procedures adopted under this division, a 308
public office may limit the number of records requested by a 309
person that the office will transmit by United States mail to ten 310
per month, unless the person certifies to the office in writing 311
that the person does not intend to use or forward the requested 312
records, or the information contained in them, for commercial 313
purposes. For purposes of this division, "commercial" shall be 314
narrowly construed and does not include reporting or gathering 315
news, reporting or gathering information to assist citizen 316
oversight or understanding of the operation or activities of 317
government, or nonprofit educational research. 318

(4) A public office or person responsible for public records 319
is not required to permit a person who is incarcerated pursuant to 320
a criminal conviction or a juvenile adjudication to inspect or to 321
obtain a copy of any public record concerning a criminal 322
investigation or prosecution or concerning what would be a 323
criminal investigation or prosecution if the subject of the 324
investigation or prosecution were an adult, unless the request to 325
inspect or to obtain a copy of the record is for the purpose of 326
acquiring information that is subject to release as a public 327
record under this section and the judge who imposed the sentence 328

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.

(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.

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.

(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.

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

(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.

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

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

(b) "Bulk commercial special extraction request" means a
request for copies of a record for information in a format other

than the format already available, or information that cannot be
extracted without examination of all items in a records series,
class of records, or data base by a person who intends to use or
forward the copies for surveys, marketing, solicitation, or resale
for commercial purposes. "Bulk commercial special extraction
request" does not include a request by a person who gives
assurance to the bureau that the person making the request does
not intend to use or forward the requested copies for surveys,
marketing, solicitation, or resale for commercial purposes.

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

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

(3) For purposes of divisions (E)(1) and (2) of this section,
"commercial surveys, marketing, solicitation, or resale" 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.

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.

(B)(1) The fire chief of the township or fire district may

request that the superintendent of BCII obtain information from 423
the federal bureau of investigation as a part of the criminal 424
records check requested pursuant to division (A) of this section. 425

(2) A fire chief authorized by division (A) of this section 426
to request a criminal records check shall provide to each person 427
for whom the fire chief intends to request a criminal records 428
check a copy of the form prescribed pursuant to division (C)(1) of 429
section 109.578 of the Revised Code and a standard impression 430
sheet to obtain fingerprint impressions prescribed pursuant to 431
division (C)(2) of section 109.578 of the Revised Code, obtain the 432
completed form and impression sheet from the person, and forward 433
the completed form and impression sheet to the superintendent of 434
BCII at the time the criminal records check is requested. 435

(3) Any person subject to a criminal records check who 436
receives a copy of the form and a copy of the impression sheet 437
pursuant to division (B)(2) of this section and who is requested 438
to complete the form and provide a set of fingerprint impressions 439
shall complete the form or provide all the information necessary 440
to complete the form and shall provide the impression sheet with 441
the impressions of the person's fingerprints. If a person fails to 442
provide the information necessary to complete the form or fails to 443
provide impressions of the person's fingerprints, the appointing 444
authority shall not appoint or employ the person as a permanent, 445
full-time paid firefighter or a volunteer firefighter. 446

(C)(1) Except as otherwise provided in division (C)(2) of 447
this section, an appointing authority shall not appoint or employ 448
a person as a permanent, full-time paid firefighter or a volunteer 449
firefighter if the fire chief has requested a criminal records 450
check pursuant to division (A) of this section and the criminal 451
records check indicates that the person previously has been 452
convicted of or pleaded guilty to any of the following: 453

(a) A felony; 454

(b) A violation of section 2909.03 of the Revised Code; 455

(c) A violation of an existing or former law of this state, 456
any other state, or the United States that is substantially 457
equivalent to any of the offenses described in division (C)(1)(a) 458
or (b) of this section. 459

(2) Notwithstanding division (C)(1) of this section, an 460
appointing authority may appoint or employ a person as a permanent 461
full-time paid firefighter or a volunteer firefighter if all of 462
the following apply: 463

(a) The fire chief has requested a criminal records check 464
pursuant to division (A) of this section. 465

(b) The criminal records check indicates that the person 466
previously has been convicted of or pleaded guilty to any of the 467
offenses described in division (C)(1) of this section. 468

(c) The person meets rehabilitation standards established in 469
rules adopted under division (F) of this section. 470

(3) If a fire chief requests a criminal records check 471
pursuant to division (A) of this section, an appointing authority 472
may appoint or employ a person as a permanent, full-time paid 473
firefighter or volunteer firefighter conditionally until the 474
criminal records check is completed and the fire chief receives 475
the results. If the results of the criminal records check indicate 476
that, pursuant to division (C)(1) of this section, the person 477
subject to the criminal records check does not qualify for 478
appointment or employment, the fire chief shall release the person 479
from appointment or employment. 480

(D) The fire chief shall pay to the bureau of criminal 481
identification and investigation the fee prescribed pursuant to 482
division (C)(3) of section 109.578 of the Revised Code for each 483
criminal records check conducted in accordance with that section. 484
The fire chief may charge the applicant who is subject to the 485

criminal records check a fee for the costs the fire chief incurs 486
in obtaining the criminal records check. A fee charged under this 487
division shall not exceed the amount of fees the fire chief pays 488
for the criminal records check. If a fee is charged under this 489
division, the fire chief shall notify the applicant at the time of 490
the applicant's initial application for appointment or employment 491
of the amount of the fee and that, unless the fee is paid, the 492
applicant will not be considered for appointment or employment. 493
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(E) The appointing authority shall adopt rules in accordance 495
with Chapter 119. of the Revised Code to implement this section. 496
The rules shall include rehabilitation standards a person who has 497
been convicted of or pleaded guilty to an offense listed in 498
division (C)(1) of this section must meet for the appointing 499
authority to appoint or employ the person as a permanent, 500
full-time paid firefighter or a volunteer firefighter. 501

(F) A fire chief who intends to request a criminal records 502
check for an applicant shall inform the applicant, at the time of 503
the person's initial application for appointment or employment, 504
that the applicant is required to provide a set of impressions of 505
the applicant's fingerprints and that the fire chief requires a 506
criminal records check to be conducted and satisfactorily 507
completed in accordance with section 109.578 of the Revised Code. 508

(G) As used in this section: 509

(1) "Appointing authority" means any person or body that has 510
the authority to hire, appoint, or employ permanent, full-time 511
paid firefighters and volunteer firefighters under section 505.39 512
of the Revised Code. 513

(2) "Criminal records check" has the same meaning as in 514
section 109.578 of the Revised Code. 515

(3) "Superintendent of BCII" has the same meaning as in 516

section 2151.86 of the Revised Code.

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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 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 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.

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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. 548

(C)(1) Except as otherwise provided in division (C)(2) of 549
this section, an appointing authority shall not appoint or employ 550
a person as a permanent full-time paid firefighter or a volunteer 551
firefighter if the fire chief has requested a criminal records 552
check pursuant to division (A) of this section and the criminal 553
records check indicates that the person previously has been 554
convicted of or pleaded guilty to any of the following: 555

(a) A felony; 556

(b) A violation of section 2909.03 of the Revised Code; 557

(c) A violation of an existing or former law of this state, 558
any other state, or the United States that is substantially 559
equivalent to any of the offenses described in division (C)(1)(a) 560
or (b) of this section. 561

(2) Notwithstanding division (C)(1) of this section, an 562
appointing authority may appoint or employ a person as a permanent 563
full-time paid firefighter or a volunteer firefighter if all of 564
the following apply: 565

(a) The fire chief has requested a criminal records check 566
pursuant to division (A) of this section. 567

(b) The criminal records check indicates that the person 568
previously has been convicted of or pleaded guilty to any of the 569
offenses described in division (C)(1) of this section. 570

(c) The person meets rehabilitation standards established in 571
rules adopted under division (F) of this section. 572

(3) If a fire chief requests a criminal records check 573
pursuant to division (A) of this section, an appointing authority 574
may appoint or employ a person as a permanent full-time paid 575
firefighter or volunteer firefighter conditionally until the 576
criminal records check is completed and the fire chief receives 577

the results. If the results of the criminal records check indicate 578
that, pursuant to division (C)(1) of this section, the person 579
subject to the criminal records check is disqualified from 580
appointment or employment, the fire chief shall release the person 581
from appointment or employment. 582

(D) The fire chief shall pay to the bureau of criminal 583
identification and investigation the fee prescribed pursuant to 584
division (C)(3) of section 109.578 of the Revised Code for each 585
criminal records check conducted in accordance with that section. 586
The fire chief may charge the applicant who is subject to the 587
criminal records check a fee for the costs the fire chief incurs 588
in obtaining the criminal records check. A fee charged under this 589
division shall not exceed the amount of fees the fire chief pays 590
for the criminal records check. If a fee is charged under this 591
division, the fire chief shall notify the applicant at the time of 592
the applicant's initial application for appointment or employment 593
of the amount of the fee and that, unless the fee is paid, the 594
applicant will not be considered for appointment or employment. 595

(E) The appointing authority shall adopt rules in accordance 596
with Chapter 119. of the Revised Code to implement this section. 597
The rules shall include rehabilitation standards a person who has 598
been convicted of or pleaded guilty to an offense listed in 599
division (C)(1) of this section must meet for the appointing 600
authority to appoint or employ the person as a permanent full-time 601
paid firefighter or a volunteer firefighter. 602

(F) A fire chief who intends to request a criminal records 603
check for an applicant shall inform each applicant, at the time of 604
the person's initial application for appointment or employment, 605
that the applicant is required to provide a set of impressions of 606
the person's fingerprints and that the fire chief requires a 607
criminal records check to be conducted and satisfactorily 608
completed in accordance with section 109.578 of the Revised Code. 609

(G) As used in this section: 610

(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 737.08 of the Revised Code. 611
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(2) "Criminal records check" has the same meaning as in section 109.578 of the Revised Code. 615
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(3) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code. 617
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Sec. 737.221. (A) The fire chief of a village 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 full-time paid firefighter or any person who is under consideration for appointment as a volunteer firefighter. 619
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(B)(1) The fire chief of the village 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. 625
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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. 629
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(3) Any person subject to a criminal records check who 639

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
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

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offenses described in division (C)(1) of this section. 671

(c) The person meets rehabilitation standards established in rules adopted under division (F) of this section. 672
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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. 674
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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. 684
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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 697
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paid firefighter or a volunteer firefighter. 703

(F) A fire chief who intends to request a criminal records 704
check for an applicant shall inform each applicant, at the time of 705
the person's initial application for appointment or employment, 706
that the applicant is required to provide a set of impressions of 707
the person's fingerprints and that the fire chief requires a 708
criminal records check to be conducted and satisfactorily 709
completed in accordance with section 109.578 of the Revised Code. 710

(G) As used in this section: 711

(1) "Appointing authority" means any person or body that has 712
the authority to hire, appoint, or employ permanent, full-time 713
paid firefighters and volunteer firefighters under section 737.22 714
of the Revised Code. 715

(2) "Criminal records check" has the same meaning as in 716
section 109.578 of the Revised Code. 717

(3) "Superintendent of BCII" has the same meaning as in 718
section 2151.86 of the Revised Code. 719

Sec. 4765.301. (A) An appointing authority may request the 720
superintendent of BCII to conduct a criminal records check with 721
respect to any person who is under consideration for appointment 722
or employment as an emergency medical technician-basic, an 723
emergency medical technician-intermediate, or an emergency medical 724
technician-paramedic. 725

(B)(1) The appointing authority may request that the 726
superintendent of BCII obtain information from the federal bureau 727
of investigation as a part of the criminal records check requested 728
pursuant to division (A) of this section. 729

(2) An appointing authority authorized by division (A) of 730
this section to request a criminal records check shall provide to 731
each person for whom the appointing authority intends to request a 732

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criminal records check a copy of the form prescribed pursuant to 733
division (C)(1) of section 109.578 of the Revised Code and a 734
standard impression sheet to obtain fingerprint impressions 735
prescribed pursuant to division (C)(2) of section 109.578 of the 736
Revised Code, obtain the completed form and impression sheet from 737
the person, and forward the completed form and impression sheet to 738
the superintendent of BCII at the time the criminal records check 739
is requested. 740

(3) Any person subject to a criminal records check who 741
receives a copy of the form and a copy of the impression sheet 742
pursuant to division (B)(2) of this section and who is requested 743
to complete the form and provide a set of fingerprint impressions 744
shall complete the form or provide all the information necessary 745
to complete the form and shall provide the impression sheet with 746
the impressions of the person's fingerprints. If a person fails to 747
provide the information necessary to complete the form or fails to 748
provide impressions of the person's fingerprints, the appointing 749
authority shall not appoint or employ the person as an emergency 750
medical technician-basic, an emergency medical 751
technician-intermediate, or an emergency medical 752
technician-paramedic. 753

(C)(1) Except as otherwise provided in division (C)(2) of 754
this section, an appointing authority shall not appoint or employ 755
a person as an emergency medical technician-basic, an emergency 756
medical technician-intermediate, or an emergency medical 757
technician-paramedic if the appointing authority has requested a 758
criminal records check pursuant to division (A) of this section 759
and the criminal records check indicates that the person 760
previously has been convicted of or pleaded guilty to any of the 761
following: 762

(a) A felony; 763

(b) A violation of section 2909.03 of the Revised Code; 764

(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. 765
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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: 769
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(a) The appointing authority has requested a criminal records check pursuant to division (A) of this section. 774
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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. 776
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(c) The person meets rehabilitation standards established in rules adopted under division (F) of this section. 779
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(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. 781
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(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 792
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As Reported by the Senate Judiciary--Civil Justice Committee

section. The appointing authority may charge the applicant who is 796
subject to the criminal records check a fee for the costs the 797
appointing authority incurs in obtaining the criminal records 798
check. A fee charged under this division shall not exceed the 799
amount of fees the appointing authority pays for the criminal 800
records check. If a fee is charged under this division, the 801
appointing authority shall notify the applicant at the time of the 802
applicant's initial application for appointment or employment of 803
the amount of the fee and that, unless the fee is paid, the 804
applicant will not be considered for appointment or employment. 805

(E) The appointing authority shall adopt rules in accordance 806
with Chapter 119. of the Revised Code to implement this section. 807
The rules shall include rehabilitation standards a person who has 808
been convicted of or pleaded guilty to an offense listed in 809
division (C)(1) of this section must meet for the appointing 810
authority to appoint or employ the person as an emergency medical 811
technician-basic, an emergency medical technician-intermediate, or 812
an emergency medical technician-paramedic. 813

(F) An appointing authority that intends to request a 814
criminal records check for an applicant shall inform each 815
applicant, at the time of the person's initial application for 816
appointment or employment, that the applicant is required to 817
provide a set of impressions of the person's fingerprints and that 818
the appointing authority requires a criminal records check to be 819
conducted and satisfactorily completed in accordance with section 820
109.578 of the Revised Code. 821

(G) As used in this section: 822

(1) "Appointing authority" means any person or body that has 823
the authority to hire, appoint, or employ emergency medical 824
technicians-basic, emergency medical technicians-intermediate, or 825
emergency medical technicians-paramedic. 826

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(2) "Criminal records check" has the same meaning as in 827
section 109.578 of the Revised Code. 828

(3) "Superintendent of BCII" has the same meaning as in 829
section 2151.86 of the Revised Code. 830

Section 2. That existing section 149.43 of the Revised Code 831
is hereby repealed. 832