

As Introduced

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H. B. No. 374

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McGregor, J., Skindell, Brown, Fende, Sayre, Combs, Otterman, Ujvagi,
Wagoner, Yuko, Chandler, Barrett, Strahorn**

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A B I L L

To amend sections 2917.46, 3313.206, 5502.61, and 1
5502.62 and to repeal section 3301.076 of the 2
Revised Code to abolish the children's safety 3
program known as the Block Parent Program in the 4
State Board of Education, to establish in its 5
place the McGruff House Program in the Division of 6
Criminal Justice Services of the Department of 7
Public Safety, and to create the offense of 8
unauthorized use of a McGruff house symbol. 9

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

Section 1. That sections 2917.46, 3313.206, 5502.61, and 10
5502.62 of the Revised Code be amended to read as follows: 11

Sec. 2917.46. (A) No person shall, with intent to identify a 12
building as a block parent home or building, display the block 13
parent symbol adopted by the state board of education pursuant to 14
former section 3301.076 of the Revised Code ~~unless authorized in~~ 15
~~accordance with that section or section 3313.206 of the Revised~~ 16
~~Code prior to its repeal on the effective date of this amendment.~~ 17

(B) No person shall, with intent to identify a building as a 18

block parent home or building, display a symbol that falsely gives
the appearance of being the block parent symbol adopted by the
state board of education pursuant to former section 3301.076 of
the Revised Code prior to its repeal on the effective date of this
amendment.

(C) No person, with intent to identify a home or building as
a mcgruff house program home or building, shall display the
mcgruff house symbol adopted by the division of criminal justice
services in the state department of public safety pursuant to
section 5502.62 of the Revised Code unless authorized in
accordance with that section, any rule adopted pursuant to that
section, or section 3313.206 of the Revised Code.

(D) No person, with intent to identify a home or building as
a mcgruff house program home or building, shall display a symbol
that falsely gives the appearance of being the mcgruff house
symbol adopted by the division of criminal justice services in the
state department of public safety pursuant to section 5502.62 of
the Revised Code or any rule adopted pursuant to that section.

(E)(1) Whoever violates division (A) or (B) of this section
is guilty of unauthorized use of a block parent symbol, a minor
misdemeanor.

(2) Whoever violates division (C) or (D) of this section is
guilty of unauthorized use of a mcgruff house symbol, a minor
misdemeanor.

Sec. 3313.206. Each board of education that establishes or
maintains a ~~block parent~~ mcgruff house program shall use the ~~block~~
~~parent~~ mcgruff house symbol adopted by the division of criminal
justice services in the state board of education department of
public safety under section ~~3301.076~~ 5502.62 of the Revised Code
and instruct volunteers participating in the program to use only

that symbol. Each board of education that establishes a ~~block~~ 49
~~parent mcgruff house~~ program on or after ~~October 17, 1985~~ July 1, 50
2007, shall do so in accordance with the rules adopted under 51
section ~~3301.076~~ 5502.62 of the Revised Code. Any chartered 52
nonpublic school within a school district may participate in that 53
district's ~~block-parent mcgruff house~~ program upon furnishing a 54
written statement to the district's board of education and to the 55
division of criminal justice services in the ~~state board of~~ 56
~~education~~ department of public safety to the effect that the 57
nonpublic school will abide by the rules of the district's ~~block~~ 58
~~parent mcgruff house~~ program. A chartered nonpublic school that 59
participates in a school district's ~~block-parent mcgruff house~~ 60
program may request technical assistance from the ~~state board~~ 61
division of criminal justice services. 62

At the request of a board of education, law enforcement 63
authorities with jurisdiction in any of the territory of a school 64
district that maintains a ~~block-parent mcgruff house~~ program shall 65
assist the board of education of the district or a participating 66
chartered nonpublic school in checking the criminal records of 67
individuals and families that volunteer to participate in the 68
district's ~~block-parent mcgruff house~~ program. 69

Sec. 5502.61. As used in sections 5502.61 to 5502.66 of the 70
Revised Code: 71

(A) "Federal criminal justice acts" means any federal law 72
that authorizes financial assistance and other forms of assistance 73
to be given by the federal government to the states to be used for 74
the improvement of the criminal and juvenile justice systems of 75
the states. 76

(B)(1) "Criminal justice system" includes all of the 77
functions of the following: 78

(a) The state highway patrol, county sheriff offices, 79

municipal and township police departments, and all other law	80
enforcement agencies;	81
(b) The courts of appeals, courts of common pleas, municipal	82
courts, county courts, and mayor's courts, when dealing with	83
criminal cases;	84
(c) The prosecuting attorneys, city directors of law, village	85
solicitors, and other prosecuting authorities when prosecuting or	86
otherwise handling criminal cases, and the county and joint county	87
public defenders and other public defender agencies or offices;	88
(d) The department of rehabilitation and correction,	89
probation departments, county and municipal jails and workhouses,	90
and any other department, agency, or facility that is concerned	91
with the rehabilitation or correction of criminal offenders;	92
(e) Any public or private agency whose purposes include the	93
prevention of crime or the diversion, adjudication, detention, or	94
rehabilitation of criminal offenders;	95
(f) Any public or private agency, the purposes of which	96
include assistance to crime victims or witnesses.	97
(2) The inclusion of any public or private agency, the	98
purposes of which include assistance to crime victims or	99
witnesses, as part of the criminal justice system pursuant to	100
division (B)(1) of this section does not limit, and shall not be	101
construed as limiting, the discretion or authority of the attorney	102
general with respect to crime victim assistance and criminal	103
justice programs.	104
(C) "Juvenile justice system" includes all of the functions	105
of the juvenile courts, the department of youth services, any	106
public or private agency whose purposes include the prevention of	107
delinquency or the diversion, adjudication, detention, or	108
rehabilitation of delinquent children, and any of the functions of	109

the criminal justice system that are applicable to children.	110
(D) "Comprehensive plan" means a document that coordinates,	111
evaluates, and otherwise assists, on an annual or multi-year	112
basis, any of the functions of the criminal and juvenile justice	113
systems of the state or a specified area of the state, that	114
conforms to the priorities of the state with respect to criminal	115
and juvenile justice systems, and that conforms with the	116
requirements of all federal criminal justice acts. These functions	117
may include, but are not limited to, any of the following:	118
(1) Crime and delinquency prevention;	119
(2) Identification, detection, apprehension, and detention of	120
persons charged with criminal offenses or delinquent acts;	121
(3) Assistance to crime victims or witnesses, except that the	122
comprehensive plan does not include the functions of the attorney	123
general pursuant to sections 109.91 and 109.92 of the Revised	124
Code;	125
(4) Adjudication or diversion of persons charged with	126
criminal offenses or delinquent acts;	127
(5) Custodial treatment of criminal offenders, delinquent	128
children, or both;	129
(6) Institutional and noninstitutional rehabilitation of	130
criminal offenders, delinquent children, or both.	131
(E) "Metropolitan county criminal justice services agency"	132
means an agency that is established pursuant to division (A) of	133
section 5502.64 of the Revised Code.	134
(F) "Administrative planning district" means a district that	135
is established pursuant to division (A) or (B) of section 5502.66	136
of the Revised Code.	137
(G) "Criminal justice coordinating council" means a criminal	138
justice services agency that is established pursuant to division	139

- (D) of section 5502.66 of the Revised Code. 140
- (H) "Local elected official" means any person who is a member 141
of a board of county commissioners or township trustees or of a 142
city or village council, judge of the court of common pleas, a 143
municipal court, or a county court, sheriff, county coroner, 144
prosecuting attorney, city director of law, village solicitor, or 145
mayor. 146
- (I) "Juvenile justice coordinating council" means a juvenile 147
justice services agency that is established pursuant to division 148
(D) of section 5502.66 of the Revised Code. 149
- (J) "Mcgruff house program" means a program in which 150
individuals or families volunteer to have their homes or other 151
buildings serve as places of temporary refuge for children and to 152
display the mcgruff house symbol identifying the home or building 153
as that type of place. 154
- (K) "Mcgruff house symbol" means the symbol that is 155
characterized by the image of "mcgruff," the crime dog, and the 156
slogan "take a bite out of crime," and that has been adopted by 157
the national crime prevention council as the symbol of its 158
national citizens' crime prevention campaign. 159
- (L) "Sponsoring agency" means any of the following: 160
- (1) The board of education of any city, local, or exempted 161
village school district; 162
- (2) The governing board of any educational service center; 163
- (3) The governing authority of any chartered nonpublic 164
school; 165
- (4) The police department of any municipal corporation, 166
township, township police district, or joint township police 167
district; 168
- (5) The office of any township constable or county sheriff. 169

Sec. 5502.62. (A) There is hereby created in the department 170
of public safety a division of criminal justice services. The 171
director of public safety, with the concurrence of the governor, 172
shall appoint an executive director of the division of criminal 173
justice services. The executive director shall be the head of the 174
division. The executive director shall serve at the pleasure of 175
the director of public safety. To carry out the duties assigned 176
under this section and to comply with sections 5502.63 to 5502.66 177
of the Revised Code, the executive director, subject to the 178
direction and control of the director of public safety, may 179
appoint and maintain any necessary staff and may enter into any 180
necessary contracts and other agreements. The executive director 181
of the division, and all professional and technical personnel 182
employed within the division who are not public employees as 183
defined in section 4117.01 of the Revised Code, shall be in the 184
unclassified civil service, and all other persons employed within 185
the division shall be in the classified civil service. 186

(B) Subject to division (F) of this section and subject to 187
divisions (D) to (F) of section 5120.09 of the Revised Code 188
insofar as those divisions relate to federal criminal justice acts 189
that the governor requires the department of rehabilitation and 190
correction to administer, the division of criminal justice 191
services shall do all of the following: 192

(1) Serve as the state criminal justice services agency and 193
perform criminal justice system planning in the state, including 194
any planning that is required by any federal law; 195

(2) Collect, analyze, and correlate information and data 196
concerning the criminal justice system in the state; 197

(3) Cooperate with and provide technical assistance to state 198
departments, administrative planning districts, metropolitan 199
county criminal justice services agencies, criminal justice 200

coordinating councils, agencies, offices, and departments of the 201
criminal justice system in the state, and other appropriate 202
organizations and persons; 203

(4) Encourage and assist agencies, offices, and departments 204
of the criminal justice system in the state and other appropriate 205
organizations and persons to solve problems that relate to the 206
duties of the division; 207

(5) Administer within the state any federal criminal justice 208
acts that the governor requires it to administer; 209

(6) Administer funds received under the "Family Violence 210
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 211
10401, as amended, with all powers necessary for the adequate 212
administration of those funds, including the authority to 213
establish a family violence prevention and services program; 214

(7) Implement the state comprehensive plans; 215

(8) Audit grant activities of agencies, offices, 216
organizations, and persons that are financed in whole or in part 217
by funds granted through the division; 218

(9) Monitor or evaluate the performance of criminal justice 219
system projects and programs in the state that are financed in 220
whole or in part by funds granted through the division; 221

(10) Apply for, allocate, disburse, and account for grants 222
that are made available pursuant to federal criminal justice acts, 223
or made available from other federal, state, or private sources, 224
to improve the criminal justice system in the state. Except as 225
otherwise provided in this division, all money from such federal 226
grants shall, if the terms under which the money is received 227
require that the money be deposited into an interest-bearing fund 228
or account, be deposited in the state treasury to the credit of 229
the federal program purposes fund, which is hereby created. All 230

investment earnings of the federal program purposes fund shall be 231
credited to the fund. All money from such federal grants that 232
require that the money be deposited into an interest-bearing fund 233
or account, that are intended to provide funding to local criminal 234
justice programs, and that require that investment earnings be 235
distributed for program purposes shall be deposited in the state 236
treasury to the credit of the federal justice programs fund, which 237
is hereby created. All investment earnings of the federal justice 238
programs fund shall be credited to the fund and distributed in 239
accordance with the terms of the grant under which the money is 240
received. 241

(11) Contract with federal, state, and local agencies, 242
foundations, corporations, businesses, and persons when necessary 243
to carry out the duties of the division; 244

(12) Oversee the activities of metropolitan county criminal 245
justice services agencies, administrative planning districts, and 246
criminal justice coordinating councils in the state; 247

(13) Advise the director of public safety, general assembly, 248
and governor on legislation and other significant matters that 249
pertain to the improvement and reform of criminal and juvenile 250
justice systems in the state; 251

(14) Prepare and recommend legislation to the director of 252
public safety, general assembly, and governor for the improvement 253
of the criminal and juvenile justice systems in the state; 254

(15) Assist, advise, and make any reports that are requested 255
or required by the governor, director of public safety, attorney 256
general, or general assembly; 257

(16) Develop and maintain the Ohio incident-based reporting 258
system in accordance with division (C) of this section; 259

(17) Subject to the approval of the director of public 260

safety, adopt rules pursuant to Chapter 119. of the Revised Code; 261

(18)(a) Not later than June 1, 2007, and subject to the 262
approval of the director of public safety, adopt rules for the 263
establishment and maintenance of a mcgruff house program by any 264
sponsoring agency. The rules shall include the following: 265

(i) The adoption of the mcgruff house symbol to be used 266
exclusively in all mcgruff house programs in this state; 267

(ii) The requirements for any sponsoring agency to establish 268
and maintain a mcgruff house program; 269

(iii) The criteria for the selection of volunteers to 270
participate in a mcgruff house program that shall include, but not 271
be limited to, criminal background checks of those volunteers; 272

(iv) Any other matters that the division of criminal justice 273
services considers necessary for the establishment and maintenance 274
of mcgruff house programs by sponsoring agencies and the 275
participation of volunteers in those programs. 276

(b) The division of criminal justice services shall 277
distribute materials and provide technical assistance to any 278
sponsoring agency that establishes and maintains a mcgruff house 279
program, any volunteer group or organization that provides 280
assistance to that sponsoring agency, or any volunteer who 281
participates in a mcgruff house program. 282

(C) The ~~office~~ division of criminal justice services shall 283
develop and maintain the Ohio incident-based reporting system to 284
facilitate the sharing of information with the federal bureau of 285
investigation and participating law enforcement agencies in Ohio. 286
The Ohio incident-based reporting system shall be known as OIBRS. 287
In connection with OIBRS, the ~~office~~ division shall do all of the 288
following: 289

(1) Collect and organize statistical data for reporting to 290

the national incident-based reporting system operated by the	291
federal bureau of investigation for the purpose of securing	292
federal criminal justice grants;	293
(2) Analyze and highlight mapping data for participating law	294
enforcement agencies;	295
(3) Distribute data and analyses to participating law	296
enforcement agencies;	297
(4) Encourage nonparticipating law enforcement agencies to	298
participate in OIBRS by offering demonstrations, training, and	299
technical assistance;	300
(5) Provide assistance, advice, and reports requested by the	301
governor, the general assembly, or the federal bureau of	302
investigation;	303
(6) Require every law enforcement agency that receives	304
federal criminal justice grants or state criminal justice	305
information system general revenue funds through the office	306
<u>division</u> to participate in OIBRS or in the uniform crime reporting	307
program of the federal bureau of investigation. An agency that	308
submits OIBRS data to the Ohio local law enforcement information	309
sharing network shall be considered to be in compliance with	310
division (C)(6) of this section if both of the following apply:	311
(a) The Ohio local law enforcement information sharing	312
network is capable of collecting OIBRS data.	313
(b) The office <u>division</u> of criminal justice services has the	314
ability to extract the OIBRS data for reporting to the national	315
incident-based reporting system in the manner required by the	316
federal bureau of investigation.	317
(D) Upon the request of the director of public safety or	318
governor, the division of criminal justice services may do any of	319
the following:	320

(1) Collect, analyze, or correlate information and data 321
concerning the juvenile justice system in the state; 322

(2) Cooperate with and provide technical assistance to state 323
departments, administrative planning districts, metropolitan 324
county criminal justice service agencies, criminal justice 325
coordinating councils, agency offices, and the departments of the 326
juvenile justice system in the state and other appropriate 327
organizations and persons; 328

(3) Encourage and assist agencies, offices, and departments 329
of the juvenile justice system in the state and other appropriate 330
organizations and persons to solve problems that relate to the 331
duties of the division. 332

(E) Divisions (B), (C), and (D) of this section do not limit 333
the discretion or authority of the attorney general with respect 334
to crime victim assistance and criminal justice programs. 335

(F) Nothing in this section is intended to diminish or alter 336
the status of the office of the attorney general as a criminal 337
justice services agency or to diminish or alter the status or 338
discourage the development and use of other law enforcement 339
information systems in Ohio. 340

Section 2. That existing sections 2917.46, 3313.206, 5502.61, 341
and 5502.62 and section 3301.076 of the Revised Code are hereby 342
repealed. 343

Section 3. (A) Sections 1 and 2 of this act, except for 344
sections 5502.61 and 5502.62 of the Revised Code, shall take 345
effect July 1, 2007. 346

(B) Sections 5502.61 and 5502.62 of the Revised Code, as 347
amended by this act, shall take effect April 1, 2007. 348

Section 4. (A) On July 1, 2007, the duty of the State Board of Education to adopt rules for the establishment and maintenance of a Block Parent Program and any other responsibilities of the State Board of Education relating to that Program as provided in section 3301.076 of the Revised Code shall cease to exist.

(B) On or after April 1, 2007, but not later than June 1, 2007, the Division of Criminal Justice Services in the Department of Public Safety shall adopt rules for the establishment and maintenance of a McGruff House Program pursuant to sections 5502.61 and 5502.62 of the Revised Code, as amended by this act. The rules adopted by the Division of Criminal Justice Services under this division shall take effect July 1, 2007.

(C)(1) Any Block Parent Program that is established, sponsored, or maintained prior to July 1, 2007, under section 3301.076 or 3313.206 of the Revised Code or any rule adopted by the State Board of Education pursuant to section 3301.076 of the Revised Code and that is in existence on June 30, 2007, shall cease to exist on July 1, 2007. Any chartered nonpublic school, volunteer, agency, or entity that participates in that Block Parent Program under section 3313.206 of the Revised Code or any rule adopted by the State Board of Education pursuant to section 3301.076 of the Revised Code shall cease to participate in that Program on July 1, 2007.

(2) Not later than June 30, 2007, any municipal or township police department, township police district, county sheriff's department, other law enforcement agency, chartered nonpublic school, volunteer, or entity that is using the Block Parent symbol established by the State Board of Education pursuant to section 3301.076 of the Revised Code or any rule adopted by the State Board of Education pursuant to that section, shall cease to use that symbol and shall remove the symbol or cause its removal from

any house or building in which it is displayed by that department, 380
district, agency, school, volunteer, or entity. Except as provided 381
in division (C)(3) of this section, the appropriate department, 382
district, agency, school, volunteer, or entity immediately shall 383
return all of the Block Parent symbols used, displayed, or 384
possessed by it to the appropriate board of education or other 385
entity that under section 3313.206 of the Revised Code or any rule 386
adopted pursuant to section 3301.076 of the Revised Code 387
established, sponsored, or maintained the Block Parent Program in 388
which the symbol was used. 389

(3) A board of education or other entity to which the Block 390
Parent symbols are returned as provided in division (C)(2) of this 391
section shall destroy all of those returned symbols and any other 392
Block Parent symbols possessed by that board or entity. If a 393
municipal or township police department, township police district, 394
county sheriff's department, other law enforcement agency, 395
chartered nonpublic school, or other entity that is using the 396
Block Parent symbol as provided in division (C)(2) of this section 397
also established or is sponsoring or maintaining the Block Parent 398
Program in which the symbol is used, that department, district, 399
agency, school, or entity shall destroy all of the Block Parent 400
symbols that are used, displayed, or possessed by it. The 401
destruction of all Block Parent symbols pursuant to this division 402
shall be made not later than July 10, 2007. 403

Section 5. Section 181.52 (5502.62) of the Revised Code is 404
presented in this act as a composite of the section as amended by 405
both Sub. H.B. 4 and Am. Sub. H.B. 66 of the 126th General 406
Assembly. The General Assembly, applying the principle stated in 407
division (B) of section 1.52 of the Revised Code that amendments 408
are to be harmonized if reasonably capable of simultaneous 409
operation, finds that the composite is the resulting version of 410
the section in effect prior to the effective date of the section 411

as presented in this act.

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