

**As Reported by the House Judiciary Committee**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. H. B. No. 58**

**Representatives Dolan, Willamowski**

—

**A BILL**

To amend sections 109.71, 109.73, 109.79, 4973.17, 1  
and 4973.171 of the Revised Code relative to the 2  
appointment and commissioning of amusement park 3  
police officers and to the training of those 4  
officers and to declare an emergency. 5

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

**Section 1.** That sections 109.71, 109.73, 109.79, 4973.17, and 6  
4973.171 of the Revised Code be amended to read as follows: 7

**Sec. 109.71.** There is hereby created in the office of the 8  
attorney general the Ohio peace officer training commission. The 9  
commission shall consist of nine members appointed by the governor 10  
with the advice and consent of the senate and selected as follows: 11  
one member representing the public; two members who are incumbent 12  
sheriffs; two members who are incumbent chiefs of police; one 13  
member from the bureau of criminal identification and 14  
investigation; one member from the state highway patrol; one 15  
member who is the special agent in charge of a field office of the 16  
federal bureau of investigation in this state; and one member from 17  
the department of education, trade and industrial education 18  
services, law enforcement training. 19

As used in sections 109.71 to 109.77 of the Revised Code: 20

(A) "Peace officer" means:	21
(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;	22 23 24 25 26 27 28 29 30 31 32 33 34 35
(2) A police officer who is employed by a railroad company and appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code;	36 37 38
(3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code;	39 40 41 42 43
(4) An undercover drug agent;	44
(5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	45 46 47
(6) An employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a park officer designated pursuant to section 1541.10, a forest officer designated pursuant to	48 49 50 51

section 1503.29, a preserve officer designated pursuant to section	52
1517.10, a wildlife officer designated pursuant to section	53
1531.13, or a state watercraft officer designated pursuant to	54
section 1547.521 of the Revised Code;	55
(7) An employee of a park district who is designated pursuant	56
to section 511.232 or 1545.13 of the Revised Code;	57
(8) An employee of a conservancy district who is designated	58
pursuant to section 6101.75 of the Revised Code;	59
(9) A police officer who is employed by a hospital that	60
employs and maintains its own proprietary police department or	61
security department, and who is appointed and commissioned by the	62
governor pursuant to sections 4973.17 to 4973.22 of the Revised	63
Code;	64
(10) Veterans' homes police officers designated under section	65
5907.02 of the Revised Code;	66
(11) A police officer who is employed by a qualified	67
nonprofit corporation police department pursuant to section	68
1702.80 of the Revised Code;	69
(12) A state university law enforcement officer appointed	70
under section 3345.04 of the Revised Code or a person serving as a	71
state university law enforcement officer on a permanent basis on	72
June 19, 1978, who has been awarded a certificate by the executive	73
director of the Ohio peace officer training commission attesting	74
to the person's satisfactory completion of an approved state,	75
county, municipal, or department of natural resources peace	76
officer basic training program;	77
(13) A special police officer employed by the department of	78
mental health pursuant to section 5119.14 of the Revised Code or	79
the department of mental retardation and developmental	80
disabilities pursuant to section 5123.13 of the Revised Code;	81

(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	82 83
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	84 85 86
(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;	87 88 89
(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	90 91 92 93 94 95 96 97 98
(18) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	99 100 101 102 103 104 105 106
(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after <del>the effective date of this amendment</del> <u>March 19, 2003</u> , at a	107 108 109 110 111 112

municipal airport, or other municipal air navigation facility, 113  
that has scheduled operations, as defined in section 119.3 of 114  
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 115  
amended, and that is required to be under a security program and 116  
is governed by aviation security rules of the transportation 117  
security administration of the United States department of 118  
transportation as provided in Parts 1542. and 1544. of Title 49 of 119  
the Code of Federal Regulations, as amended; 120

(20) A police officer who is employed by an owner or operator 121  
of an amusement park that has an average yearly attendance in 122  
excess of six hundred thousand guests and that employs and 123  
maintains its own proprietary police department or security 124  
department, and who is appointed and commissioned by a judge of 125  
the appropriate municipal court or county court pursuant to 126  
section 4973.17 of the Revised Code. 127

(B) "Undercover drug agent" has the same meaning as in 128  
division (B)(2) of section 109.79 of the Revised Code. 129

(C) "Crisis intervention training" means training in the use 130  
of interpersonal and communication skills to most effectively and 131  
sensitively interview victims of rape. 132

(D) "Missing children" has the same meaning as in section 133  
2901.30 of the Revised Code. 134

**Sec. 109.73.** (A) The Ohio peace officer training commission 135  
shall recommend rules to the attorney general with respect to all 136  
of the following: 137

(1) The approval, or revocation of approval, of peace officer 138  
training schools administered by the state, counties, municipal 139  
corporations, public school districts, technical college 140  
districts, and the department of natural resources; 141

(2) Minimum courses of study, attendance requirements, and 142

equipment and facilities to be required at approved state, county, 143  
municipal, and department of natural resources peace officer 144  
training schools; 145

(3) Minimum qualifications for instructors at approved state, 146  
county, municipal, and department of natural resources peace 147  
officer training schools; 148

(4) The requirements of minimum basic training that peace 149  
officers appointed to probationary terms shall complete before 150  
being eligible for permanent appointment, which requirements shall 151  
include a minimum of fifteen hours of training in the handling of 152  
the offense of domestic violence, other types of domestic 153  
violence-related offenses and incidents, and protection orders and 154  
consent agreements issued or approved under section 2919.26 or 155  
3113.31 of the Revised Code, a minimum of six hours of crisis 156  
intervention training, and a specified amount of training in the 157  
handling of missing children and child abuse and neglect cases, 158  
and the time within which such basic training shall be completed 159  
following such appointment to a probationary term; 160

(5) The requirements of minimum basic training that peace 161  
officers not appointed for probationary terms but appointed on 162  
other than a permanent basis shall complete in order to be 163  
eligible for continued employment or permanent appointment, which 164  
requirements shall include a minimum of fifteen hours of training 165  
in the handling of the offense of domestic violence, other types 166  
of domestic violence-related offenses and incidents, and 167  
protection orders and consent agreements issued or approved under 168  
section 2919.26 or 3113.31 of the Revised Code, a minimum of six 169  
hours of crisis intervention training, and a specified amount of 170  
training in the handling of missing children and child abuse and 171  
neglect cases, and the time within which such basic training shall 172  
be completed following such appointment on other than a permanent 173  
basis; 174

(6) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, in crisis intervention, and in the handling of missing children and child abuse and neglect cases, and minimum courses of study and attendance requirements with respect to such categories or classifications;

(7) Permitting persons who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code, who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code, ~~or~~ who are appointed and commissioned as railroad police officers or hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code, or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code to attend approved peace officer training schools, including the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if the private college or university that established the campus police department, qualified nonprofit corporation police department, railroad company, ~~or~~ hospital, or amusement park sponsoring the police officers pays the entire cost of the training and certification and if trainee vacancies are available;

(8) Permitting undercover drug agents to attend approved peace officer training schools, other than the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if, for each undercover drug agent, the county, township, or municipal corporation that employs that undercover drug agent pays the entire cost of the

training and certification;	207
(9)(a) The requirements for basic training programs for	208
bailiffs and deputy bailiffs of courts of record of this state and	209
for criminal investigators employed by the state public defender	210
that those persons shall complete before they may carry a firearm	211
while on duty;	212
(b) The requirements for any training received by a bailiff	213
or deputy bailiff of a court of record of this state or by a	214
criminal investigator employed by the state public defender prior	215
to June 6, 1986, that is to be considered equivalent to the	216
training described in division (A)(9)(a) of this section.	217
(10) Establishing minimum qualifications and requirements for	218
certification for dogs utilized by law enforcement agencies;	219
(11) Establishing minimum requirements for certification of	220
persons who are employed as correction officers in a full-service	221
jail, five-day facility, or eight-hour holding facility or who	222
provide correction services in such a jail or facility;	223
(12) Establishing requirements for the training of agents of	224
a county humane society under section 1717.06 of the Revised Code,	225
including, without limitation, a requirement that the agents	226
receive instruction on traditional animal husbandry methods and	227
training techniques, including customary owner-performed	228
practices.	229
(B) The commission shall appoint an executive director, with	230
the approval of the attorney general, who shall hold office during	231
the pleasure of the commission. The executive director shall	232
perform such duties as may be assigned by the commission. The	233
executive director shall receive a salary fixed pursuant to	234
Chapter 124. of the Revised Code and reimbursement for expenses	235
within the amounts available by appropriation. The executive	236
director may appoint officers, employees, agents, and consultants	237



as the executive director considers necessary, prescribe their 238  
duties, and provide for reimbursement of their expenses within the 239  
amounts available for reimbursement by appropriation and with the 240  
approval of the commission. 241

(C) The commission may do all of the following: 242

(1) Recommend studies, surveys, and reports to be made by the 243  
executive director regarding the carrying out of the objectives 244  
and purposes of sections 109.71 to 109.77 of the Revised Code; 245

(2) Visit and inspect any peace officer training school that 246  
has been approved by the executive director or for which 247  
application for approval has been made; 248

(3) Make recommendations, from time to time, to the executive 249  
director, the attorney general, and the general assembly regarding 250  
the carrying out of the purposes of sections 109.71 to 109.77 of 251  
the Revised Code; 252

(4) Report to the attorney general from time to time, and to 253  
the governor and the general assembly at least annually, 254  
concerning the activities of the commission; 255

(5) Establish fees for the services the commission offers 256  
under sections 109.71 to 109.79 of the Revised Code, including, 257  
but not limited to, fees for training, certification, and testing; 258

(6) Perform such other acts as are necessary or appropriate 259  
to carry out the powers and duties of the commission as set forth 260  
in sections 109.71 to 109.77 of the Revised Code. 261

(D) In establishing the requirements, under division (A)(12) 262  
of this section, the commission may consider any portions of the 263  
~~curriculum~~ curriculum for instruction on the topic of animal 264  
husbandry practices, if any, of the Ohio state university college 265  
of veterinary medicine. No person or entity that fails to provide 266  
instruction on traditional animal husbandry methods and training 267

techniques, including customary owner-performed practices, shall 268  
qualify to train a humane agent for appointment under section 269  
1717.06 of the Revised Code. 270

**Sec. 109.79.** (A) The Ohio peace officer training commission 271  
shall establish and conduct a training school for law enforcement 272  
officers of any political subdivision of the state or of the state 273  
public defender's office. The school shall be known as the Ohio 274  
peace officer training academy. No bailiff or deputy bailiff of a 275  
court of record of this state and no criminal investigator 276  
employed by the state public defender shall be permitted to attend 277  
the academy for training unless the employing court of the bailiff 278  
or deputy bailiff or the state public defender, whichever is 279  
applicable, has authorized the bailiff, deputy bailiff, or 280  
investigator to attend the academy. 281

The Ohio peace officer training commission shall develop the 282  
training program, which shall include courses in both the civil 283  
and criminal functions of law enforcement officers, a course in 284  
crisis intervention with six or more hours of training, and 285  
training in the handling of missing children and child abuse and 286  
neglect cases, and shall establish rules governing qualifications 287  
for admission to the academy. The commission may require 288  
competitive examinations to determine fitness of prospective 289  
trainees, so long as the examinations or other criteria for 290  
admission to the academy are consistent with the provisions of 291  
Chapter 124. of the Revised Code. 292

The Ohio peace officer training commission shall determine 293  
tuition costs which shall be sufficient in the aggregate to pay 294  
the costs of operating the academy. The costs of acquiring and 295  
equipping the academy shall be paid from appropriations made by 296  
the general assembly to the Ohio peace officer training commission 297  
for that purpose, or from gifts or grants received for that 298

purpose.

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The law enforcement officers, during the period of their training, shall receive compensation as determined by the political subdivision that sponsors them or, if the officer is a criminal investigator employed by the state public defender, as determined by the state public defender. The political subdivision may pay the tuition costs of the law enforcement officers they sponsor and the state public defender may pay the tuition costs of criminal investigators of that office who attend the academy.

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If trainee vacancies exist, the academy may train and issue certificates of satisfactory completion to peace officers who are employed by a campus police department pursuant to section 1713.50 of the Revised Code, by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code, or by a railroad company, who are amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code, or who are hospital police officers appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code, provided that no such officer shall be trained at the academy unless the officer meets the qualifications established for admission to the academy and the qualified nonprofit corporation police department, railroad company, ~~or hospital,~~ or amusement park or the private college or university that established the campus police department prepays the entire cost of the training. A qualified nonprofit corporation police department, railroad company, ~~or hospital,~~ or amusement park or a private college or university that has established a campus police department is not entitled to reimbursement from the state for any amount paid for the cost of training the railroad company's peace officers or the peace officers of the qualified nonprofit corporation police department, campus police department,

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~~or~~ hospital, or amusement park. 331

The academy shall permit investigators employed by the state 332  
medical board to take selected courses that the board determines 333  
are consistent with its responsibilities for initial and 334  
continuing training of investigators as required under sections 335  
4730.26 and 4731.05 of the Revised Code. The board shall pay the 336  
entire cost of training that investigators receive at the academy. 337

(B) As used in this section: 338

(1) "Law enforcement officers" include any undercover drug 339  
agent, any bailiff or deputy bailiff of a court of record, and any 340  
criminal investigator who is employed by the state public 341  
defender. 342

(2) "Undercover drug agent" means any person who: 343

(a) Is employed by a county, township, or municipal 344  
corporation for the purposes set forth in division (B)(2)(b) of 345  
this section but who is not an employee of a county sheriff's 346  
department, of a township constable, or of the police department 347  
of a municipal corporation or township; 348

(b) In the course of the person's employment by a county, 349  
township, or municipal corporation, investigates and gathers 350  
information pertaining to persons who are suspected of violating 351  
Chapter 2925. or 3719. of the Revised Code, and generally does not 352  
wear a uniform in the performance of the person's duties. 353

(3) "Crisis intervention training" has the same meaning as in 354  
section 109.71 of the Revised Code. 355

(4) "Missing children" has the same meaning as in section 356  
2901.30 of the Revised Code. 357

**Sec. 4973.17.** (A) Upon the application of any bank, building 358  
and loan association, or association of banks or building and loan 359  
associations in this state, the secretary of state may appoint and 360

commission any persons that the bank, building and loan 361  
association, or association of banks or building and loan 362  
associations designates, or as many of those persons as the 363  
secretary of state considers proper, to act as police officers for 364  
and on the premises of that bank, building and loan association, 365  
or association of banks or building and loan associations, or 366  
elsewhere, when directly in the discharge of their duties. Police 367  
officers so appointed shall be citizens of this state and of good 368  
character. They shall hold office for three years, unless, for 369  
good cause shown, their commission is revoked by the secretary of 370  
state, or by the bank, building and loan association, or 371  
association of banks or building and loan associations, as 372  
provided by law. 373

(B) Upon the application of a company owning or using a 374  
railroad in this state and subject to section 4973.171 of the 375  
Revised Code, the secretary of state may appoint and commission 376  
any persons that the railroad company designates, or as many of 377  
those persons as the secretary of state considers proper, to act 378  
as police officers for and on the premises of the railroad 379  
company, its affiliates or subsidiaries, or elsewhere, when 380  
directly in the discharge of their duties. Police officers so 381  
appointed, within the time set by the Ohio peace officer training 382  
commission, shall successfully complete a commission approved 383  
training program and be certified by the commission. They shall 384  
hold office for three years, unless, for good cause shown, their 385  
commission is revoked by the secretary of state, or railroad 386  
company, as provided by law. 387

Any person holding a similar commission in another state may 388  
be commissioned and may hold office in this state without 389  
completing the approved training program required by this division 390  
provided that the person has completed a substantially equivalent 391  
training program in the other state. The Ohio peace officer 392

training commission shall determine whether a training program in 393  
another state meets the requirements of this division. 394

(C) Upon the application of any company under contract with 395  
the United States atomic energy commission for the construction or 396  
operation of a plant at a site owned by the commission, the 397  
secretary of state may appoint and commission persons the company 398  
designates, not to exceed one hundred fifty, to act as police 399  
officers for the company at the plant or site owned by the 400  
commission. Police officers so appointed shall be citizens of this 401  
state and of good character. They shall hold office for three 402  
years, unless, for good cause shown, their commission is revoked 403  
by the secretary of state or by the company, as provided by law. 404

(D)(1) Upon the application of any hospital that is operated 405  
by a public hospital agency or a nonprofit hospital agency and 406  
that employs and maintains its own proprietary police department 407  
or security department and subject to section 4973.171 of the 408  
Revised Code, the secretary of state may appoint and commission 409  
any persons that the hospital designates, or as many of those 410  
persons as the secretary of state considers proper, to act as 411  
police officers for the hospital. No person who is appointed as a 412  
police officer under this division shall engage in any duties or 413  
activities as a police officer for the hospital or any affiliate 414  
or subsidiary of the hospital unless all of the following apply: 415

(a) The chief of police of the municipal corporation in which 416  
the hospital is located or, if the hospital is located in the 417  
unincorporated area of a county, the sheriff of that county has 418  
granted approval to the hospital to permit persons appointed as 419  
police officers under this division to engage in those duties and 420  
activities. The approval required by this division is general in 421  
nature and is intended to cover in the aggregate all persons 422  
appointed as police officers for the hospital under this division; 423  
a separate approval is not required for each appointee on an 424

individual basis. 425

(b) Subsequent to the grant of approval described in division 426  
(D)(1)(a) of this section, the hospital has entered into a written 427  
agreement with the chief of police of the municipal corporation in 428  
which the hospital is located or, if the hospital is located in 429  
the unincorporated area of a county, with the sheriff of that 430  
county, that sets forth the standards and criteria to govern the 431  
interaction and cooperation between persons appointed as police 432  
officers for the hospital under this division and law enforcement 433  
officers serving the agency represented by the chief of police or 434  
sheriff who signed the agreement in areas of their concurrent 435  
jurisdiction. The written agreement shall be signed by the 436  
appointing authority of the hospital and by the chief of police or 437  
sheriff. The standards and criteria may include, but are not 438  
limited to, provisions governing the reporting of offenses 439  
discovered by hospital police officers to the agency represented 440  
by the chief of police or sheriff, provisions governing 441  
investigatory responsibilities relative to offenses committed on 442  
hospital property, and provisions governing the processing and 443  
confinement of persons arrested for offenses committed on hospital 444  
property. The agreement required by this division is intended to 445  
apply in the aggregate to all persons appointed as police officers 446  
for the hospital under this division; a separate agreement is not 447  
required for each appointee on an individual basis. 448

(c) The person has successfully completed a training program 449  
approved by the Ohio peace officer training commission and has 450  
been certified by the commission. A person appointed as a police 451  
officer under this division may attend a training program approved 452  
by the commission and be certified by the commission regardless of 453  
whether the appropriate chief of police or sheriff has granted the 454  
approval described in division (D)(1)(a) of this section and 455  
regardless of whether the hospital has entered into the written 456

agreement described in division (D)(1)(b) of this section with the  
appropriate chief of police or sheriff.

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(2)(a) A person who is appointed as a police officer under  
division (D)(1) of this section is entitled, upon the grant of  
approval described in division (D)(1)(a) of this section and upon  
the person's and the hospital's compliance with the requirements  
of divisions (D)(1)(b) and (c) of this section, to act as a police  
officer for the hospital on the premises of the hospital and of  
its affiliates and subsidiaries that are within the territory of  
the municipal corporation served by the chief of police or the  
unincorporated area of the county served by the sheriff who signed  
the written agreement described in division (D)(1)(b) of this  
section, whichever is applicable, and anywhere else within the  
territory of that municipal corporation or within the  
unincorporated area of that county. The authority to act as a  
police officer as described in this division is granted only if  
the person, when engaging in that activity, is directly in the  
discharge of the person's duties as a police officer for the  
hospital. The authority to act as a police officer as described in  
this division shall be exercised in accordance with the standards  
and criteria set forth in the written agreement described in  
division (D)(1)(b) of this section.

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(b) Additionally, a person appointed as a police officer  
under division (D)(1) of this section is entitled, upon the grant  
of approval described in division (D)(1)(a) of this section and  
upon the person's and the hospital's compliance with the  
requirements of divisions (D)(1)(b) and (c) of this section, to  
act as a police officer elsewhere, within the territory of a  
municipal corporation or within the unincorporated area of a  
county, if the chief of police of that municipal corporation or  
the sheriff of that county, respectively, has granted approval for  
that activity to the hospital, police department, or security

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department served by the person as a police officer and if the  
person, when engaging in that activity, is directly in the  
discharge of the person's duties as a police officer for the  
hospital. The approval described in this division may be general  
in nature or may be limited in scope, duration, or applicability,  
as determined by the chief of police or sheriff granting the  
approval.

(3) Police officers appointed under division (D)(1) of this  
section shall hold office for three years, unless, for good cause  
shown, their commission is revoked by the secretary of state or by  
the hospital, as provided by law. As used in divisions (D)(1) to  
(3) of this section, "public hospital agency" and "nonprofit  
hospital agency" have the same meanings as in section 140.01 of  
the Revised Code.

(E)(1) Upon the application of any owner or operator of an  
amusement park that has an average yearly attendance in excess of  
six hundred thousand guests and that employs and maintains its own  
proprietary police department or security department and subject  
to section 4973.171 of the Revised Code, any judge of the  
municipal court or county court that has territorial jurisdiction  
over the amusement park may appoint and commission any persons  
that the owner or operator designates, or as many of those persons  
as the judge considers proper, to act as police officers for the  
amusement park. If the amusement park is located in more than one  
county, any judge of the municipal court or county court of any of  
those counties may make the appointments and commissions as  
described in this division. No person who is appointed as a police  
officer under this division shall engage in any duties or  
activities as a police officer for the amusement park or any  
affiliate or subsidiary of the owner or operator of the amusement  
park unless all of the following apply:

(a) The appropriate chief or chiefs of police of the

political subdivision or subdivisions in which the amusement park 521  
is located as specified in this division have granted approval to 522  
the owner or operator of the amusement park to permit persons 523  
appointed as police officers under this division to engage in 524  
those duties and activities. If the amusement park is located in a 525  
single municipal corporation or a single township, the chief of 526  
police of that municipal corporation or township is the 527  
appropriate chief of police for the grant of approval under this 528  
division. If the amusement park is located in two or more 529  
townships, two or more municipal corporations, or one or more 530  
townships and one or more municipal corporations, the chiefs of 531  
police of all of the affected townships and municipal corporations 532  
are the appropriate chiefs of police for the grant of approval 533  
under this division, and the approval must be jointly granted by 534  
all of those chiefs of police. The approval required by this 535  
division is general in nature and is intended to cover in the 536  
aggregate all persons appointed as police officers for the 537  
amusement park under this division. A separate approval is not 538  
required for each appointee on an individual basis. 539

(b) Subsequent to the grant of approval described in division 540  
(E)(1)(a) of this section, the owner or operator has entered into 541  
a written agreement with the appropriate chief or chiefs of police 542  
of the political subdivision or subdivisions in which the 543  
amusement park is located as specified in this division and has 544  
provided the sheriff of the county in which the political 545  
subdivision or subdivisions are located with a copy of the 546  
agreement. If the amusement park is located in a single municipal 547  
corporation or a single township, the chief of police of that 548  
municipal corporation or township is the appropriate chief of 549  
police for entering into the written agreement under this 550  
division. If the amusement park is located in two or more 551  
townships, two or more municipal corporations, or one or more 552

townships and one or more municipal corporations, the chiefs of 553  
police of all of the affected townships and municipal corporations 554  
are the appropriate chiefs of police for entering into the written 555  
agreement under this division, and the written agreement must be 556  
jointly entered into by all of those chiefs of police. The written 557  
agreement between the owner or operator and the chief or chiefs of 558  
police shall address the scope of activities, the duration of the 559  
agreement, and mutual aid arrangements and shall set forth the 560  
standards and criteria to govern the interaction and cooperation 561  
between persons appointed as police officers for the amusement 562  
park under this division and law enforcement officers serving the 563  
agency represented by the chief of police who signed the 564  
agreement. The written agreement shall be signed by the owner or 565  
operator and by the chief or chiefs of police who enter into it. 566  
The standards and criteria may include, but are not limited to, 567  
provisions governing the reporting of offenses discovered by the 568  
amusement park's police officers to the agency represented by the 569  
chief of police of the municipal corporation or township in which 570  
the offense occurred, provisions governing investigatory 571  
responsibilities relative to offenses committed on amusement park 572  
property, and provisions governing the processing and confinement 573  
of persons arrested for offenses committed on amusement park 574  
property. The agreement required by this division is intended to 575  
apply in the aggregate to all persons appointed as police officers 576  
for the amusement park under this division. A separate agreement 577  
is not required for each appointee on an individual basis. 578

(c) The person has successfully completed a training program 579  
approved by the Ohio peace officer training commission and has 580  
been certified by the commission. A person appointed as a police 581  
officer under this division may attend a training program approved 582  
by the commission and be certified by the commission regardless of 583  
whether the appropriate chief of police has granted the approval 584

described in division (E)(1)(a) of this section and regardless of  
whether the owner or operator of the amusement park has entered  
into the written agreement described in division (E)(1)(b) of this  
section with the appropriate chief of police.

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(2)(a) A person who is appointed as a police officer under  
division (E)(1) of this section is entitled, upon the grant of  
approval described in section (E)(1)(a) of this section and upon  
the person's and the owner or operator's compliance with the  
requirements of division (E)(1)(b) and (c) of this section, to act  
as a police officer for the amusement park and its affiliates and  
subsidiaries that are within the territory of the political  
subdivision or subdivisions served by the chief of police, or  
respective chiefs of police, who signed the written agreement  
described in division (E)(1)(b) of this section, and upon any  
contiguous real property of the amusement park that is covered by  
the written agreement, whether within or adjacent to the political  
subdivision or subdivisions. The authority to act as a police  
officer as described in this division is granted only if the  
person, when engaging in that activity, is directly in the  
discharge of the person's duties as a police officer for the  
amusement park. The authority to act as a police officer as  
described in this division shall be exercised in accordance with  
the standards and criteria set forth in the written agreement  
described in division (E)(1)(b) of this section.

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(b) In addition to the authority granted under division  
(E)(2)(a) of this section, a person appointed as a police officer  
under division (E)(1) of this section is entitled, upon the grant  
of approval described in division (E)(1)(a) of this section and  
upon the person's and the owner or operator's compliance with the  
requirements of divisions (E)(1)(b) and (c) of this section, to  
act as a police officer elsewhere within the territory of a  
municipal corporation or township if the chief of police of that

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municipal corporation or township has granted approval for that 617  
activity to the owner or operator served by the person as a police 618  
officer and if the person, when engaging in that activity, is 619  
directly in the discharge of the person's duties as a police 620  
officer for the amusement park. The approval described in this 621  
division may be general in nature or may be limited in scope, 622  
duration, or applicability, as determined by the chief of police 623  
granting the approval. 624

(3) Police officers appointed under division (E)(1) of this 625  
section shall hold office for five years, unless, for good cause 626  
shown, their commission is revoked by the appointing judge or the 627  
judge's successor or by the owner or operator, as provided by law. 628

(F) A fee of fifteen dollars for each commission applied for 629  
under this section shall be paid at the time the application is 630  
made, and this amount shall be returned if for any reason a 631  
commission is not issued. 632

**Sec. 4973.171.** (A) As used in this section, "felony" has the 633  
same meaning as in section 109.511 of the Revised Code. 634

(B)(1) The governor shall not appoint or commission a person 635  
as a police officer for a railroad company under division (B) of 636  
section 4973.17 of the Revised Code and shall not appoint or 637  
commission a person as a police officer for a hospital under 638  
division (D) of section 4973.17 of the Revised Code on a permanent 639  
basis, on a temporary basis, for a probationary term, or on other 640  
than a permanent basis if the person previously has been convicted 641  
of or has pleaded guilty to a felony. 642

(2)(a) The governor shall revoke the appointment or 643  
commission of a person appointed or commissioned as a police 644  
officer for a railroad company or as a police officer for a 645  
hospital under division (B) or (D) of section 4973.17 of the 646

Revised Code if that person does either of the following: 647

(i) Pleads guilty to a felony; 648

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 649  
plea agreement as provided in division (D) of section 2929.43 of 650  
the Revised Code in which the person agrees to surrender the 651  
certificate awarded to that person under section 109.77 of the 652  
Revised Code. 653

(b) The governor shall suspend the appointment or commission 654  
of a person appointed or commissioned as a police officer for a 655  
railroad company or as a police officer for a hospital under 656  
division (B) or (D) of section 4973.17 of the Revised Code if that 657  
person is convicted, after trial, of a felony. If the person files 658  
an appeal from that conviction and the conviction is upheld by the 659  
highest court to which the appeal is taken or if the person does 660  
not file a timely appeal, the governor shall revoke the 661  
appointment or commission of that person as a police officer for a 662  
railroad company or as a police officer for a hospital. If the 663  
person files an appeal that results in that person's acquittal of 664  
the felony or conviction of a misdemeanor, or in the dismissal of 665  
the felony charge against that person, the governor shall 666  
reinstate the appointment or commission of that person as a police 667  
officer for a railroad company or as a police officer for a 668  
hospital. A person whose appointment or commission is reinstated 669  
under division (B)(2)(b) of this section shall not receive any 670  
back pay unless that person's conviction of the felony was 671  
reversed on appeal, or the felony charge was dismissed, because 672  
the court found insufficient evidence to convict the person of the 673  
felony. 674

(3) Division (B) of this section does not apply regarding an 675  
offense that was committed prior to January 1, 1997. 676

(4) The suspension or revocation of the appointment or 677

commission of a person as a police officer for a railroad company 678  
or as a police officer for a hospital under division (B)(2) of 679  
this section shall be in accordance with Chapter 119. of the 680  
Revised Code. 681

(C)(1) A judge of a municipal court or county court that has 682  
territorial jurisdiction over an amusement park shall not appoint 683  
or commission a person as a police officer for the amusement park 684  
under division (E) of section 4973.17 of the Revised Code on a 685  
permanent basis, on a temporary basis, for a probationary term, or 686  
on other than a permanent basis if the person previously has been 687  
convicted of or has pleaded guilty to a felony. 688

(2) The judge shall revoke the appointment or commission of a 689  
person appointed or commissioned as a police officer for an 690  
amusement park under division (E) of section 4973.17 of the 691  
Revised Code if that person does either of the following: 692

(a) Pleads guilty to a felony; 693

(b) Pleads guilty to a misdemeanor pursuant to a negotiated 694  
plea agreement as provided in division (D) of section 2929.43 of 695  
the Revised Code in which the person agrees to surrender the 696  
certificate awarded to that person under section 109.77 of the 697  
Revised Code. 698

(3) The judge shall suspend the appointment or commission of 699  
a person appointed or commissioned as a police officer for an 700  
amusement park under division (E) of section 4973.17 of the 701  
Revised Code if that person is convicted, after trial, of a 702  
felony. If the person files an appeal from that conviction and 703  
that conviction is upheld by the highest court to which the appeal 704  
is taken or if the person does not file a timely appeal, the judge 705  
shall revoke the appointment or commission of that person as a 706  
police officer for an amusement park. If the person files an 707  
appeal that results in that person's acquittal of the felony or 708

conviction of a misdemeanor or in the dismissal of the felony 709  
charge against that person, the judge shall reinstate the 710  
appointment or commission of that person as a police officer for 711  
an amusement park. A person whose appointment or commission is 712  
reinstated under division (C)(3) of this section shall not receive 713  
any back pay unless that person's conviction of the felony was 714  
reversed on appeal, or the felony charge was dismissed, because 715  
the court found insufficient evidence to convict the person of a 716  
felony. 717

(4) Division (C) of this section does not apply regarding an 718  
offense that was committed prior to January 1, 1997. 719

(5) The suspension or revocation of the appointment or 720  
commission of a person as a police officer for an amusement park 721  
under division (C)(2) of this section shall be in accordance with 722  
Chapter 119. of the Revised Code. 723

**Section 2.** That existing sections 109.71, 109.73, 109.79, 724  
4973.17, and 4973.171 of the Revised Code are hereby repealed. 725

**Section 3.** Section 109.71 of the Revised Code is presented in 726  
this act as a composite of the section as amended by both Sub. 727  
H.B. 545 and H.B. 675 of the 124th General Assembly. The General 728  
Assembly, applying the principle stated in division (B) of section 729  
1.52 of the Revised Code that amendments are to be harmonized if 730  
reasonably capable of simultaneous operation, finds that the 731  
composite is the resulting version of the section in effect prior 732  
to the effective date of the section as presented in this act. 733

**Section 4.** This act is hereby declared to be an emergency 734  
measure necessary for the immediate preservation of the public 735  
peace, health, and safety. The reason for such necessity is that 736  
it is crucial that the appointment and commissioning of amusement 737  
park police officers that is authorized under this act, and the 738



protections that will be afforded by the officers so appointed and	739
commissioned, be available to the parks and their patrons by the	740
time of the parks' opening in the spring of 2005. Therefore, this	741
act shall go into immediate effect.	742