

As Reported by the Senate Judiciary--Criminal Justice Committee

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Sub. H. B. No. 58

**Representatives Dolan, Willamowski, Barrett, Beatty, Brown, Carano,
Cassell, Chandler, Coley, Daniels, Domenick, C. Evans, Fende, Flowers,
Hartnett, Hughes, Key, Law, Martin, McGregor, Redfern, Schaffer, Schlichter,
Schneider, Seitz, J. Stewart, Uecker, Yuko**

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A B I L L

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 22
organized police department of a township or municipal 23
corporation, member of a township police district or joint 24
township police district police force, member of a police force 25
employed by a metropolitan housing authority under division (D) of 26
section 3735.31 of the Revised Code, or township constable, who is 27
commissioned and employed as a peace officer by a political 28
subdivision of this state or by a metropolitan housing authority, 29
and whose primary duties are to preserve the peace, to protect 30
life and property, and to enforce the laws of this state, 31
ordinances of a municipal corporation, resolutions of a township, 32
or regulations of a board of county commissioners or board of 33
township trustees, or any of those laws, ordinances, resolutions, 34
or regulations; 35

(2) A police officer who is employed by a railroad company 36
and appointed and commissioned by the governor pursuant to 37
sections 4973.17 to 4973.22 of the Revised Code; 38

(3) Employees of the department of taxation engaged in the 39
enforcement of Chapter 5743. of the Revised Code and designated by 40
the tax commissioner for peace officer training for purposes of 41
the delegation of investigation powers under section 5743.45 of 42
the Revised Code; 43

(4) An undercover drug agent; 44

(5) Enforcement agents of the department of public safety 45
whom the director of public safety designates under section 46
5502.14 of the Revised Code; 47

(6) An employee of the department of natural resources who is 48
a natural resources law enforcement staff officer designated 49
pursuant to section 1501.013, a park officer designated pursuant 50
to section 1541.10, a forest officer designated pursuant to 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 mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	78 79 80 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	107 108

director of the Ohio peace officer training commission for 109
satisfactory completion of an approved peace officer basic 110
training program and who is employed on a permanent basis on or 111
after ~~the effective date of this amendment~~ March 19, 2003, at a 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
training in the handling of missing children and child abuse and
neglect cases, and the time within which such basic training shall
be completed following such appointment on other than a permanent
basis;

(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;

(9)(a) The requirements for basic training programs for
bailiffs and deputy bailiffs of courts of record of this state and
for criminal investigators employed by the state public defender
that those persons shall complete before they may carry a firearm
while on duty;

(b) The requirements for any training received by a bailiff
or deputy bailiff of a court of record of this state or by a
criminal investigator employed by the state public defender prior
to June 6, 1986, that is to be considered equivalent to the
training described in division (A)(9)(a) of this section.

(10) Establishing minimum qualifications and requirements for
certification for dogs utilized by law enforcement agencies;

(11) Establishing minimum requirements for certification of
persons who are employed as correction officers in a full-service
jail, five-day facility, or eight-hour holding facility or who
provide correction services in such a jail or facility;

(12) Establishing requirements for the training of agents of
a county humane society under section 1717.06 of the Revised Code,
including, without limitation, a requirement that the agents
receive instruction on traditional animal husbandry methods and
training techniques, including customary owner-performed
practices.

(B) The commission shall appoint an executive director, with
the approval of the attorney general, who shall hold office during
the pleasure of the commission. The executive director shall

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 ~~curriculum~~ curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane agent for appointment under section 1717.06 of the Revised Code.

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

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

The Ohio peace officer training commission shall determine

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. 299

The law enforcement officers, during the period of their 300
training, shall receive compensation as determined by the 301
political subdivision that sponsors them or, if the officer is a 302
criminal investigator employed by the state public defender, as 303
determined by the state public defender. The political subdivision 304
may pay the tuition costs of the law enforcement officers they 305
sponsor and the state public defender may pay the tuition costs of 306
criminal investigators of that office who attend the academy. 307

If trainee vacancies exist, the academy may train and issue 308
certificates of satisfactory completion to peace officers who are 309
employed by a campus police department pursuant to section 1713.50 310
of the Revised Code, by a qualified nonprofit corporation police 311
department pursuant to section 1702.80 of the Revised Code, or by 312
a railroad company, who are amusement park police officers 313
appointed and commissioned by a judge of the appropriate municipal 314
court or county court pursuant to section 4973.17 of the Revised 315
Code, or who are hospital police officers appointed and 316
commissioned by the governor pursuant to sections 4973.17 to 317
4973.22 of the Revised Code, provided that no such officer shall 318
be trained at the academy unless the officer meets the 319
qualifications established for admission to the academy and the 320
qualified nonprofit corporation police department, railroad 321
company, ~~or~~ hospital, or amusement park or the private college or 322
university that established the campus police department prepays 323
the entire cost of the training. A qualified nonprofit corporation 324
police department, railroad company, ~~or~~ hospital, or amusement 325

park or a private college or university that has established a 326
campus police department is not entitled to reimbursement from the 327
state for any amount paid for the cost of training the railroad 328
company's peace officers or the peace officers of the qualified 329
nonprofit corporation police department, campus police department, 330
~~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.

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Any person holding a similar commission in another state may be commissioned and may hold office in this state without completing the approved training program required by this division provided that the person has completed a substantially equivalent training program in the other state. The Ohio peace officer training commission shall determine whether a training program in another state meets the requirements of this division.

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

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(D)(1) Upon the application of any hospital that is operated by a public hospital agency or a nonprofit hospital agency and that employs and maintains its own proprietary police department or security department and subject to section 4973.171 of the Revised Code, the secretary of state may appoint and commission any persons that the hospital designates, or as many of those persons as the secretary of state considers proper, to act as police officers for the hospital. 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 hospital or any affiliate or subsidiary of the hospital unless all of the following apply:

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(a) The chief of police of the municipal corporation in which the hospital is located or, if the hospital is located in the

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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 457
appropriate chief of police or sheriff. 458

(2)(a) A person who is appointed as a police officer under 459
division (D)(1) of this section is entitled, upon the grant of 460
approval described in division (D)(1)(a) of this section and upon 461
the person's and the hospital's compliance with the requirements 462
of divisions (D)(1)(b) and (c) of this section, to act as a police 463
officer for the hospital on the premises of the hospital and of 464
its affiliates and subsidiaries that are within the territory of 465
the municipal corporation served by the chief of police or the 466
unincorporated area of the county served by the sheriff who signed 467
the written agreement described in division (D)(1)(b) of this 468
section, whichever is applicable, and anywhere else within the 469
territory of that municipal corporation or within the 470
unincorporated area of that county. The authority to act as a 471
police officer as described in this division is granted only if 472
the person, when engaging in that activity, is directly in the 473
discharge of the person's duties as a police officer for the 474
hospital. The authority to act as a police officer as described in 475
this division shall be exercised in accordance with the standards 476
and criteria set forth in the written agreement described in 477
division (D)(1)(b) of this section. 478

(b) Additionally, a person appointed as a police officer 479
under division (D)(1) of this section is entitled, upon the grant 480
of approval described in division (D)(1)(a) of this section and 481

upon the person's and the hospital's compliance with the 482
requirements of divisions (D)(1)(b) and (c) of this section, to 483
act as a police officer elsewhere, within the territory of a 484
municipal corporation or within the unincorporated area of a 485
county, if the chief of police of that municipal corporation or 486
the sheriff of that county, respectively, has granted approval for 487
that activity to the hospital, police department, or security 488
department served by the person as a police officer and if the 489
person, when engaging in that activity, is directly in the 490
discharge of the person's duties as a police officer for the 491
hospital. The approval described in this division may be general 492
in nature or may be limited in scope, duration, or applicability, 493
as determined by the chief of police or sheriff granting the 494
approval. 495

(3) Police officers appointed under division (D)(1) of this 496
section shall hold office for three years, unless, for good cause 497
shown, their commission is revoked by the secretary of state or by 498
the hospital, as provided by law. As used in divisions (D)(1) to 499
(3) of this section, "public hospital agency" and "nonprofit 500
hospital agency" have the same meanings as in section 140.01 of 501
the Revised Code. 502

(E)(1) Upon the application of any owner or operator of an 503
amusement park that has an average yearly attendance in excess of 504
six hundred thousand guests and that employs and maintains its own 505
proprietary police department or security department and subject 506
to section 4973.171 of the Revised Code, any judge of the 507
municipal court or county court that has territorial jurisdiction 508
over the amusement park may appoint and commission any persons 509
that the owner or operator designates, or as many of those persons 510
as the judge considers proper, to act as police officers for the 511
amusement park. If the amusement park is located in more than one 512
county, any judge of the municipal court or county court of any of 513

those counties may make the appointments and commissions as 514
described in this division. No person who is appointed as a police 515
officer under this division shall engage in any duties or 516
activities as a police officer for the amusement park or any 517
affiliate or subsidiary of the owner or operator of the amusement 518
park unless all of the following apply: 519

(a) The appropriate chief or chiefs of police of the 520
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 585
whether the owner or operator of the amusement park has entered 586
into the written agreement described in division (E)(1)(b) of this 587
section with the appropriate chief of police. 588

(2)(a) A person who is appointed as a police officer under 589
division (E)(1) of this section is entitled, upon the grant of 590
approval described in section (E)(1)(a) of this section and upon 591
the person's and the owner or operator's compliance with the 592
requirements of division (E)(1)(b) and (c) of this section, to act 593
as a police officer for the amusement park and its affiliates and 594
subsidiaries that are within the territory of the political 595
subdivision or subdivisions served by the chief of police, or 596
respective chiefs of police, who signed the written agreement 597
described in division (E)(1)(b) of this section, and upon any 598
contiguous real property of the amusement park that is covered by 599
the written agreement, whether within or adjacent to the political 600
subdivision or subdivisions. The authority to act as a police 601
officer as described in this division is granted only if the 602
person, when engaging in that activity, is directly in the 603
discharge of the person's duties as a police officer for the 604
amusement park. The authority to act as a police officer as 605
described in this division shall be exercised in accordance with 606
the standards and criteria set forth in the written agreement 607
described in division (E)(1)(b) of this section. 608

(b) In addition to the authority granted under division 609
(E)(2)(a) of this section, a person appointed as a police officer 610

under division (E)(1) of this section is entitled, upon the grant 611
of approval described in division (E)(1)(a) of this section and 612
upon the person's and the owner or operator's compliance with the 613
requirements of divisions (E)(1)(b) and (c) of this section, to 614
act as a police officer elsewhere within the territory of a 615
municipal corporation or township if the chief of police of that 616
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
felony.

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

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(4) The suspension or revocation of the appointment or
commission of a person as a police officer for a railroad company
or as a police officer for a hospital under division (B)(2) of
this section shall be in accordance with Chapter 119. of the
Revised Code.

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

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

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(a) Pleads guilty to a felony;

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

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(3) The judge shall suspend the appointment or commission of
a person appointed or commissioned as a police officer for an
amusement park under division (E) of section 4973.17 of the
Revised Code if that person is convicted, after trial, of a

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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