

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 204

Representative Boyd

Cosponsors: Representatives Skindell, Williams, S., Williams, B., Letson

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A B I L L

To amend sections 109.57, 109.572, 3313.20, and 1
3319.39 and to enact sections 109.781, 109.782, 2
109.783, 109.784, 3313.175, 3313.176, 3313.177, 3
3313.178, 3313.179, and 3313.1710 of the Revised 4
Code to permit the board of a school district or 5
educational service center to employ school 6
security personnel officers and to authorize 7
training programs that qualify persons as school 8
security personnel officers. 9

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

Section 1. That sections 109.57, 109.572, 3313.20, and 10
3319.39 be amended and sections 109.781, 109.782, 109.783, 11
109.784, 3313.175, 3313.176, 3313.177, 3313.178, 3313.179, and 12
3313.1710 of the Revised Code be enacted to read as follows: 13

Sec. 109.57. (A)(1) The superintendent of the bureau of 14
criminal identification and investigation shall procure from 15
wherever procurable and file for record photographs, pictures, 16
descriptions, fingerprints, measurements, and other information 17
that may be pertinent of all persons who have been convicted of 18
committing within this state a felony, any crime constituting a 19

misdemeanor on the first offense and a felony on subsequent 20
offenses, or any misdemeanor described in division (A)(1)(a) or 21
(A)(10)(a) of section 109.572 of the Revised Code, of all children 22
under eighteen years of age who have been adjudicated delinquent 23
children for committing within this state an act that would be a 24
felony or an offense of violence if committed by an adult or who 25
have been convicted of or pleaded guilty to committing within this 26
state a felony or an offense of violence, and of all well-known 27
and habitual criminals. The person in charge of any county, 28
multicounty, municipal, municipal-county, or multicounty-municipal 29
jail or workhouse, community-based correctional facility, halfway 30
house, alternative residential facility, or state correctional 31
institution and the person in charge of any state institution 32
having custody of a person suspected of having committed a felony, 33
any crime constituting a misdemeanor on the first offense and a 34
felony on subsequent offenses, or any misdemeanor described in 35
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 36
Code or having custody of a child under eighteen years of age with 37
respect to whom there is probable cause to believe that the child 38
may have committed an act that would be a felony or an offense of 39
violence if committed by an adult shall furnish such material to 40
the superintendent of the bureau. Fingerprints, photographs, or 41
other descriptive information of a child who is under eighteen 42
years of age, has not been arrested or otherwise taken into 43
custody for committing an act that would be a felony or an offense 44
of violence if committed by an adult, has not been adjudicated a 45
delinquent child for committing an act that would be a felony or 46
an offense of violence if committed by an adult, has not been 47
convicted of or pleaded guilty to committing a felony or an 48
offense of violence, and is not a child with respect to whom there 49
is probable cause to believe that the child may have committed an 50
act that would be a felony or an offense of violence if committed 51
by an adult shall not be procured by the superintendent or 52

furnished by any person in charge of any county, multicounty, 53
municipal, municipal-county, or multicounty-municipal jail or 54
workhouse, community-based correctional facility, halfway house, 55
alternative residential facility, or state correctional 56
institution, except as authorized in section 2151.313 of the 57
Revised Code. 58

(2) Every clerk of a court of record in this state, other 59
than the supreme court or a court of appeals, shall send to the 60
superintendent of the bureau a weekly report containing a summary 61
of each case involving a felony, involving any crime constituting 62
a misdemeanor on the first offense and a felony on subsequent 63
offenses, involving a misdemeanor described in division (A)(1)(a) 64
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 65
an adjudication in a case in which a child under eighteen years of 66
age was alleged to be a delinquent child for committing an act 67
that would be a felony or an offense of violence if committed by 68
an adult. The clerk of the court of common pleas shall include in 69
the report and summary the clerk sends under this division all 70
information described in divisions (A)(2)(a) to (f) of this 71
section regarding a case before the court of appeals that is 72
served by that clerk. The summary shall be written on the standard 73
forms furnished by the superintendent pursuant to division (B) of 74
this section and shall include the following information: 75

(a) The incident tracking number contained on the standard 76
forms furnished by the superintendent pursuant to division (B) of 77
this section; 78

(b) The style and number of the case; 79

(c) The date of arrest; 80

(d) The date that the person was convicted of or pleaded 81
guilty to the offense, adjudicated a delinquent child for 82
committing the act that would be a felony or an offense of 83

violence if committed by an adult, found not guilty of the 84
offense, or found not to be a delinquent child for committing an 85
act that would be a felony or an offense of violence if committed 86
by an adult, the date of an entry dismissing the charge, an entry 87
declaring a mistrial of the offense in which the person is 88
discharged, an entry finding that the person or child is not 89
competent to stand trial, or an entry of a nolle prosequi, or the 90
date of any other determination that constitutes final resolution 91
of the case; 92

(e) A statement of the original charge with the section of 93
the Revised Code that was alleged to be violated; 94

(f) If the person or child was convicted, pleaded guilty, or 95
was adjudicated a delinquent child, the sentence or terms of 96
probation imposed or any other disposition of the offender or the 97
delinquent child. 98

If the offense involved the disarming of a law enforcement 99
officer or an attempt to disarm a law enforcement officer, the 100
clerk shall clearly state that fact in the summary, and the 101
superintendent shall ensure that a clear statement of that fact is 102
placed in the bureau's records. 103

(3) The superintendent shall cooperate with and assist 104
sheriffs, chiefs of police, and other law enforcement officers in 105
the establishment of a complete system of criminal identification 106
and in obtaining fingerprints and other means of identification of 107
all persons arrested on a charge of a felony, any crime 108
constituting a misdemeanor on the first offense and a felony on 109
subsequent offenses, or a misdemeanor described in division 110
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 111
of all children under eighteen years of age arrested or otherwise 112
taken into custody for committing an act that would be a felony or 113
an offense of violence if committed by an adult. The 114
superintendent also shall file for record the fingerprint 115

impressions of all persons confined in a county, multicounty, 116
municipal, municipal-county, or multicounty-municipal jail or 117
workhouse, community-based correctional facility, halfway house, 118
alternative residential facility, or state correctional 119
institution for the violation of state laws and of all children 120
under eighteen years of age who are confined in a county, 121
multicounty, municipal, municipal-county, or multicounty-municipal 122
jail or workhouse, community-based correctional facility, halfway 123
house, alternative residential facility, or state correctional 124
institution or in any facility for delinquent children for 125
committing an act that would be a felony or an offense of violence 126
if committed by an adult, and any other information that the 127
superintendent may receive from law enforcement officials of the 128
state and its political subdivisions. 129

(4) The superintendent shall carry out Chapter 2950. of the 130
Revised Code with respect to the registration of persons who are 131
convicted of or plead guilty to either a sexually oriented offense 132
that is not a registration-exempt sexually oriented offense or a 133
child-victim oriented offense and with respect to all other duties 134
imposed on the bureau under that chapter. 135

(5) The bureau shall perform centralized recordkeeping 136
functions for criminal history records and services in this state 137
for purposes of the national crime prevention and privacy compact 138
set forth in section 109.571 of the Revised Code and is the 139
criminal history record repository as defined in that section for 140
purposes of that compact. The superintendent or the 141
superintendent's designee is the compact officer for purposes of 142
that compact and shall carry out the responsibilities of the 143
compact officer specified in that compact. 144

(B) The superintendent shall prepare and furnish to every 145
county, multicounty, municipal, municipal-county, or 146
multicounty-municipal jail or workhouse, community-based 147

correctional facility, halfway house, alternative residential 148
facility, or state correctional institution and to every clerk of 149
a court in this state specified in division (A)(2) of this section 150
standard forms for reporting the information required under 151
division (A) of this section. The standard forms that the 152
superintendent prepares pursuant to this division may be in a 153
tangible format, in an electronic format, or in both tangible 154
formats and electronic formats. 155

(C) The superintendent may operate a center for electronic, 156
automated, or other data processing for the storage and retrieval 157
of information, data, and statistics pertaining to criminals and 158
to children under eighteen years of age who are adjudicated 159
delinquent children for committing an act that would be a felony 160
or an offense of violence if committed by an adult, criminal 161
activity, crime prevention, law enforcement, and criminal justice, 162
and may establish and operate a statewide communications network 163
to gather and disseminate information, data, and statistics for 164
the use of law enforcement agencies. The superintendent may 165
gather, store, retrieve, and disseminate information, data, and 166
statistics that pertain to children who are under eighteen years 167
of age and that are gathered pursuant to sections 109.57 to 109.61 168
of the Revised Code together with information, data, and 169
statistics that pertain to adults and that are gathered pursuant 170
to those sections. In addition to any other authorized use of 171
information, data, and statistics of that nature, the 172
superintendent or the superintendent's designee may provide and 173
exchange the information, data, and statistics pursuant to the 174
national crime prevention and privacy compact as described in 175
division (A)(5) of this section. 176

(D) The information and materials furnished to the 177
superintendent pursuant to division (A) of this section and 178
information and materials furnished to any board or person under 179

division (F) or (G) of this section are not public records under 180
section 149.43 of the Revised Code. 181

(E) The attorney general shall adopt rules, in accordance 182
with Chapter 119. of the Revised Code, setting forth the procedure 183
by which a person may receive or release information gathered by 184
the superintendent pursuant to division (A) of this section. A 185
reasonable fee may be charged for this service. If a temporary 186
employment service submits a request for a determination of 187
whether a person the service plans to refer to an employment 188
position has been convicted of or pleaded guilty to an offense 189
listed in division (A)(1), (3), (4), (5), or (6) of section 190
109.572 of the Revised Code, the request shall be treated as a 191
single request and only one fee shall be charged. 192

(F)(1) As used in division (F)(2) of this section, "head 193
start agency" means an entity in this state that has been approved 194
to be an agency for purposes of subchapter II of the "Community 195
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 196
as amended. 197

(2)(a) In addition to or in conjunction with any request that 198
is required to be made under section 109.572, 109.782, 2151.86, 199
3301.32, 3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 200
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, the 201
board of education of any school district; the director of mental 202
retardation and developmental disabilities; any county board of 203
mental retardation and developmental disabilities; any entity 204
under contract with a county board of mental retardation and 205
developmental disabilities; the chief administrator of any 206
chartered nonpublic school; the chief administrator of any home 207
health agency; the chief administrator of or person operating any 208
child day-care center, type A family day-care home, or type B 209
family day-care home licensed or certified under Chapter 5104. of 210
the Revised Code; the administrator of any type C family day-care 211

home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 212
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 213
general assembly; the chief administrator of any head start 214
agency; or the executive director of a public children services 215
agency may request that the superintendent of the bureau 216
investigate and determine, with respect to any individual who has 217
applied for employment in any position after October 2, 1989, or 218
any individual wishing to apply for employment with a board of 219
education or enrollment in a training program approved under 220
section 109.782 of the Revised Code may request, with regard to 221
the individual, whether the bureau has any information gathered 222
under division (A) of this section that pertains to that 223
individual. On receipt of the request, the superintendent shall 224
determine whether that information exists and, upon request of the 225
person, board, or entity requesting information, also shall 226
request from the federal bureau of investigation any criminal 227
records it has pertaining to that individual. The superintendent 228
or the superintendent's designee also may request criminal history 229
records from other states or the federal government pursuant to 230
the national crime prevention and privacy compact set forth in 231
section 109.571 of the Revised Code. Within thirty days of the 232
date that the superintendent receives a request, the 233
superintendent shall send to the board, entity, or person a report 234
of any information that the superintendent determines exists, 235
including information contained in records that have been sealed 236
under section 2953.32 of the Revised Code, and, within thirty days 237
of its receipt, shall send the board, entity, or person a report 238
of any information received from the federal bureau of 239
investigation, other than information the dissemination of which 240
is prohibited by federal law. 241

(b) When a board of education is required to receive 242
information under this section as a prerequisite to employment of 243
an individual pursuant to section 3319.39 of the Revised Code, it 244

may accept a certified copy of records that were issued by the 245
bureau of criminal identification and investigation and that are 246
presented by an individual applying for employment with the 247
district in lieu of requesting that information itself. In such a 248
case, the board shall accept the certified copy issued by the 249
bureau in order to make a photocopy of it for that individual's 250
employment application documents and shall return the certified 251
copy to the individual. In a case of that nature, a district only 252
shall accept a certified copy of records of that nature within one 253
year after the date of their issuance by the bureau. 254

(3) The state board of education may request, with respect to 255
any individual who has applied for employment after October 2, 256
1989, in any position with the state board or the department of 257
education, any information that a school district board of 258
education is authorized to request under division (F)(2) of this 259
section, and the superintendent of the bureau shall proceed as if 260
the request has been received from a school district board of 261
education under division (F)(2) of this section. 262

(4) When the superintendent of the bureau receives a request 263
for information under section 3319.291 of the Revised Code, the 264
superintendent shall proceed as if the request has been received 265
from a school district board of education under division (F)(2) of 266
this section. 267

(5) When a recipient of a classroom reading improvement grant 268
paid under section 3301.86 of the Revised Code requests, with 269
respect to any individual who applies to participate in providing 270
any program or service funded in whole or in part by the grant, 271
the information that a school district board of education is 272
authorized to request under division (F)(2)(a) of this section, 273
the superintendent of the bureau shall proceed as if the request 274
has been received from a school district board of education under 275
division (F)(2)(a) of this section. 276

(G) In addition to or in conjunction with any request that is 277
required to be made under section 3701.881, 3712.09, 3721.121, or 278
3722.151 of the Revised Code with respect to an individual who has 279
applied for employment in a position that involves providing 280
direct care to an older adult, the chief administrator of a home 281
health agency, hospice care program, home licensed under Chapter 282
3721. of the Revised Code, adult day-care program operated 283
pursuant to rules adopted under section 3721.04 of the Revised 284
Code, or adult care facility may request that the superintendent 285
of the bureau investigate and determine, with respect to any 286
individual who has applied after January 27, 1997, for employment 287
in a position that does not involve providing direct care to an 288
older adult, whether the bureau has any information gathered under 289
division (A) of this section that pertains to that individual. 290

In addition to or in conjunction with any request that is 291
required to be made under section 173.27 of the Revised Code with 292
respect to an individual who has applied for employment in a 293
position that involves providing ombudsperson services to 294
residents of long-term care facilities or recipients of 295
community-based long-term care services, the state long-term care 296
ombudsperson, ombudsperson's designee, or director of health may 297
request that the superintendent investigate and determine, with 298
respect to any individual who has applied for employment in a 299
position that does not involve providing such ombudsperson 300
services, whether the bureau has any information gathered under 301
division (A) of this section that pertains to that applicant. 302

In addition to or in conjunction with any request that is 303
required to be made under section 173.394 of the Revised Code with 304
respect to an individual who has applied for employment in a 305
position that involves providing direct care to an individual, the 306
chief administrator of a community-based long-term care agency may 307
request that the superintendent investigate and determine, with 308

respect to any individual who has applied for employment in a 309
position that does not involve providing direct care, whether the 310
bureau has any information gathered under division (A) of this 311
section that pertains to that applicant. 312

On receipt of a request under this division, the 313
superintendent shall determine whether that information exists 314
and, on request of the individual requesting information, shall 315
also request from the federal bureau of investigation any criminal 316
records it has pertaining to the applicant. The superintendent or 317
the superintendent's designee also may request criminal history 318
records from other states or the federal government pursuant to 319
the national crime prevention and privacy compact set forth in 320
section 109.571 of the Revised Code. Within thirty days of the 321
date a request is received, the superintendent shall send to the 322
requester a report of any information determined to exist, 323
including information contained in records that have been sealed 324
under section 2953.32 of the Revised Code, and, within thirty days 325
of its receipt, shall send the requester a report of any 326
information received from the federal bureau of investigation, 327
other than information the dissemination of which is prohibited by 328
federal law. 329

(H) Information obtained by a government entity or person 330
under this section is confidential and shall not be released or 331
disseminated. 332

(I) The superintendent may charge a reasonable fee for 333
providing information or criminal records under division (F)(2) or 334
(G) of this section. 335

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 336
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 337
of the Revised Code, a completed form prescribed pursuant to 338
division (C)(1) of this section, and a set of fingerprint 339

impressions obtained in the manner described in division (C)(2) of 340
this section, the superintendent of the bureau of criminal 341
identification and investigation shall conduct a criminal records 342
check in the manner described in division (B) of this section to 343
determine whether any information exists that indicates that the 344
person who is the subject of the request previously has been 345
convicted of or pleaded guilty to any of the following: 346

(a) A violation of section 2903.01, 2903.02, 2903.03, 347
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 348
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 349
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 350
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 351
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 352
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 353
2925.06, or 3716.11 of the Revised Code, felonious sexual 354
penetration in violation of former section 2907.12 of the Revised 355
Code, a violation of section 2905.04 of the Revised Code as it 356
existed prior to July 1, 1996, a violation of section 2919.23 of 357
the Revised Code that would have been a violation of section 358
2905.04 of the Revised Code as it existed prior to July 1, 1996, 359
had the violation been committed prior to that date, or a 360
violation of section 2925.11 of the Revised Code that is not a 361
minor drug possession offense; 362

(b) A violation of an existing or former law of this state, 363
any other state, or the United States that is substantially 364
equivalent to any of the offenses listed in division (A)(1)(a) of 365
this section. 366

(2) On receipt of a request pursuant to section 5123.081 of 367
the Revised Code with respect to an applicant for employment in 368
any position with the department of mental retardation and 369
developmental disabilities, pursuant to section 5126.28 of the 370
Revised Code with respect to an applicant for employment in any 371

position with a county board of mental retardation and 372
developmental disabilities, or pursuant to section 5126.281 of the 373
Revised Code with respect to an applicant for employment in a 374
direct services position with an entity contracting with a county 375
board for employment, a completed form prescribed pursuant to 376
division (C)(1) of this section, and a set of fingerprint 377
impressions obtained in the manner described in division (C)(2) of 378
this section, the superintendent of the bureau of criminal 379
identification and investigation shall conduct a criminal records 380
check. The superintendent shall conduct the criminal records check 381
in the manner described in division (B) of this section to 382
determine whether any information exists that indicates that the 383
person who is the subject of the request has been convicted of or 384
pleaded guilty to any of the following: 385

(a) A violation of section 2903.01, 2903.02, 2903.03, 386
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 387
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 388
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 389
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 390
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 391
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 392
2925.03, or 3716.11 of the Revised Code; 393

(b) An existing or former municipal ordinance or law of this 394
state, any other state, or the United States that is substantially 395
equivalent to any of the offenses listed in division (A)(2)(a) of 396
this section. 397

(3) On receipt of a request pursuant to section 173.27, 398
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 399
completed form prescribed pursuant to division (C)(1) of this 400
section, and a set of fingerprint impressions obtained in the 401
manner described in division (C)(2) of this section, the 402
superintendent of the bureau of criminal identification and 403

investigation shall conduct a criminal records check with respect 404
to any person who has applied for employment in a position for 405
which a criminal records check is required by those sections. The 406
superintendent shall conduct the criminal records check in the 407
manner described in division (B) of this section to determine 408
whether any information exists that indicates that the person who 409
is the subject of the request previously has been convicted of or 410
pleaded guilty to any of the following: 411

(a) A violation of section 2903.01, 2903.02, 2903.03, 412
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 413
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 414
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 415
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 416
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 417
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 418
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 419
2925.22, 2925.23, or 3716.11 of the Revised Code; 420

(b) An existing or former law of this state, any other state, 421
or the United States that is substantially equivalent to any of 422
the offenses listed in division (A)(3)(a) of this section. 423

(4) On receipt of a request pursuant to section 3701.881 of 424
the Revised Code with respect to an applicant for employment with 425
a home health agency as a person responsible for the care, 426
custody, or control of a child, a completed form prescribed 427
pursuant to division (C)(1) of this section, and a set of 428
fingerprint impressions obtained in the manner described in 429
division (C)(2) of this section, the superintendent of the bureau 430
of criminal identification and investigation shall conduct a 431
criminal records check. The superintendent shall conduct the 432
criminal records check in the manner described in division (B) of 433
this section to determine whether any information exists that 434
indicates that the person who is the subject of the request 435

previously has been convicted of or pleaded guilty to any of the 436
following: 437

(a) A violation of section 2903.01, 2903.02, 2903.03, 438
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 439
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 440
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 441
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 442
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 443
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 444
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 445
violation of section 2925.11 of the Revised Code that is not a 446
minor drug possession offense; 447

(b) An existing or former law of this state, any other state, 448
or the United States that is substantially equivalent to any of 449
the offenses listed in division (A)(4)(a) of this section. 450

(5) On receipt of a request pursuant to section 5111.95 or 451
5111.96 of the Revised Code with respect to an applicant for 452
employment with a waiver agency participating in a department of 453
job and family services administered home and community-based 454
waiver program or an independent provider participating in a 455
department administered home and community-based waiver program in 456
a position that involves providing home and community-based waiver 457
services to consumers with disabilities, a completed form 458
prescribed pursuant to division (C)(1) of this section, and a set 459
of fingerprint impressions obtained in the manner described in 460
division (C)(2) of this section, the superintendent of the bureau 461
of criminal identification and investigation shall conduct a 462
criminal records check. The superintendent shall conduct the 463
criminal records check in the manner described in division (B) of 464
this section to determine whether any information exists that 465
indicates that the person who is the subject of the request 466
previously has been convicted of or pleaded guilty to any of the 467

following: 468

(a) A violation of section 2903.01, 2903.02, 2903.03, 469
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 470
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 471
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 472
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 473
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 474
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 475
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 476
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 477
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 478
Revised Code, felonious sexual penetration in violation of former 479
section 2907.12 of the Revised Code, a violation of section 480
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 481
violation of section 2919.23 of the Revised Code that would have 482
been a violation of section 2905.04 of the Revised Code as it 483
existed prior to July 1, 1996, had the violation been committed 484
prior to that date; 485

(b) An existing or former law of this state, any other state, 486
or the United States that is substantially equivalent to any of 487
the offenses listed in division (A)(5)(a) of this section. 488

(6) On receipt of a request pursuant to section 3701.881 of 489
the Revised Code with respect to an applicant for employment with 490
a home health agency in a position that involves providing direct 491
care to an older adult, a completed form prescribed pursuant to 492
division (C)(1) of this section, and a set of fingerprint 493
impressions obtained in the manner described in division (C)(2) of 494
this section, the superintendent of the bureau of criminal 495
identification and investigation shall conduct a criminal records 496
check. The superintendent shall conduct the criminal records check 497
in the manner described in division (B) of this section to 498
determine whether any information exists that indicates that the 499

person who is the subject of the request previously has been 500
convicted of or pleaded guilty to any of the following: 501

(a) A violation of section 2903.01, 2903.02, 2903.03, 502
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 503
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 504
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 505
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 506
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 507
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 508
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 509
2925.22, 2925.23, or 3716.11 of the Revised Code; 510

(b) An existing or former law of this state, any other state, 511
or the United States that is substantially equivalent to any of 512
the offenses listed in division (A)(6)(a) of this section. 513

(7) When conducting a criminal records check upon a request 514
pursuant to section 3319.39 of the Revised Code for an applicant 515
who is a teacher, in addition to the determination made under 516
division (A)(1) of this section, the superintendent shall 517
determine whether any information exists that indicates that the 518
person who is the subject of the request previously has been 519
convicted of or pleaded guilty to any offense specified in section 520
3319.31 of the Revised Code. 521

(8) On a request pursuant to section 2151.86 of the Revised 522
Code, a completed form prescribed pursuant to division (C)(1) of 523
this section, and a set of fingerprint impressions obtained in the 524
manner described in division (C)(2) of this section, the 525
superintendent of the bureau of criminal identification and 526
investigation shall conduct a criminal records check in the manner 527
described in division (B) of this section to determine whether any 528
information exists that indicates that the person who is the 529
subject of the request previously has been convicted of or pleaded 530
guilty to any of the following: 531

(a) A violation of section 2903.01, 2903.02, 2903.03, 532
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 533
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 534
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 535
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 536
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 537
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 538
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 539
violation of section 2905.04 of the Revised Code as it existed 540
prior to July 1, 1996, a violation of section 2919.23 of the 541
Revised Code that would have been a violation of section 2905.04 542
of the Revised Code as it existed prior to July 1, 1996, had the 543
violation been committed prior to that date, a violation of 544
section 2925.11 of the Revised Code that is not a minor drug 545
possession offense, or felonious sexual penetration in violation 546
of former section 2907.12 of the Revised Code; 547

(b) A violation of an existing or former law of this state, 548
any other state, or the United States that is substantially 549
equivalent to any of the offenses listed in division (A)(8)(a) of 550
this section. 551

(9) When conducting a criminal records check on a request 552
pursuant to section 5104.013 of the Revised Code for a person who 553
is an owner, licensee, or administrator of a child day-care center 554
or type A family day-care home, an authorized provider of a 555
certified type B family day-care home, or an adult residing in a 556
type A or certified type B home, or when conducting a criminal 557
records check or a request pursuant to section 5104.012 of the 558
Revised Code for a person who is an applicant for employment in a 559
center, type A home, or certified type B home, the superintendent, 560
in addition to the determination made under division (A)(1) of 561
this section, shall determine whether any information exists that 562
indicates that the person has been convicted of or pleaded guilty 563

to any of the following: 564

(a) A violation of section 2913.02, 2913.03, 2913.04, 565
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 566
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 567
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 568
2921.13, or 2923.01 of the Revised Code, a violation of section 569
2923.02 or 2923.03 of the Revised Code that relates to a crime 570
specified in this division or division (A)(1)(a) of this section, 571
or a second violation of section 4511.19 of the Revised Code 572
within five years of the date of application for licensure or 573
certification. 574

(b) A violation of an existing or former law of this state, 575
any other state, or the United States that is substantially 576
equivalent to any of the offenses or violations described in 577
division (A)(9)(a) of this section. 578

(10) Upon receipt of a request pursuant to section 5153.111 579
of the Revised Code, a completed form prescribed pursuant to 580
division (C)(1) of this section, and a set of fingerprint 581
impressions obtained in the manner described in division (C)(2) of 582
this section, the superintendent of the bureau of criminal 583
identification and investigation shall conduct a criminal records 584
check in the manner described in division (B) of this section to 585
determine whether any information exists that indicates that the 586
person who is the subject of the request previously has been 587
convicted of or pleaded guilty to any of the following: 588

(a) A violation of section 2903.01, 2903.02, 2903.03, 589
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 590
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 591
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 592
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 593
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 594
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 595

2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 596
felonious sexual penetration in violation of former section 597
2907.12 of the Revised Code, a violation of section 2905.04 of the 598
Revised Code as it existed prior to July 1, 1996, a violation of 599
section 2919.23 of the Revised Code that would have been a 600
violation of section 2905.04 of the Revised Code as it existed 601
prior to July 1, 1996, had the violation been committed prior to 602
that date, or a violation of section 2925.11 of the Revised Code 603
that is not a minor drug possession offense; 604

(b) A violation of an existing or former law of this state, 605
any other state, or the United States that is substantially 606
equivalent to any of the offenses listed in division (A)(10)(a) of 607
this section. 608

(11) On receipt of a request for a criminal records check 609
from an individual pursuant to section 4749.03 or 4749.06 of the 610
Revised Code, accompanied by a completed copy of the form 611
prescribed in division (C)(1) of this section and a set of 612
fingerprint impressions obtained in a manner described in division 613
(C)(2) of this section, the superintendent of the bureau of 614
criminal identification and investigation shall conduct a criminal 615
records check in the manner described in division (B) of this 616
section to determine whether any information exists indicating 617
that the person who is the subject of the request has been 618
convicted of or pleaded guilty to a felony in this state or in any 619
other state. If the individual indicates that a firearm will be 620
carried in the course of business, the superintendent shall 621
require information from the federal bureau of investigation as 622
described in division (B)(2) of this section. The superintendent 623
shall report the findings of the criminal records check and any 624
information the federal bureau of investigation provides to the 625
director of public safety. 626

(12) On receipt of a request pursuant to section 1322.03, 627

1322.031, or 4763.05 of the Revised Code, a completed form 628
prescribed pursuant to division (C)(1) of this section, and a set 629
of fingerprint impressions obtained in the manner described in 630
division (C)(2) of this section, the superintendent of the bureau 631
of criminal identification and investigation shall conduct a 632
criminal records check with respect to any person who has applied 633
for a license, permit, or certification from the department of 634
commerce or a division in the department. The superintendent shall 635
conduct the criminal records check in the manner described in 636
division (B) of this section to determine whether any information 637
exists that indicates that the person who is the subject of the 638
request previously has been convicted of or pleaded guilty to any 639
of the following: a violation of section 2913.02, 2913.11, 640
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 641
criminal offense involving theft, receiving stolen property, 642
embezzlement, forgery, fraud, passing bad checks, money 643
laundering, or drug trafficking, or any criminal offense involving 644
money or securities, as set forth in Chapters 2909., 2911., 2913., 645
2915., 2921., 2923., and 2925. of the Revised Code; or any 646
existing or former law of this state, any other state, or the 647
United States that is substantially equivalent to those offenses. 648

(13) Not later than thirty days after the date the 649
superintendent receives the request, completed form, and 650
fingerprint impressions, the superintendent shall send the person, 651
board, or entity that made the request any information, other than 652
information the dissemination of which is prohibited by federal 653
law, the superintendent determines exists with respect to the 654
person who is the subject of the request that indicates that the 655
person previously has been convicted of or pleaded guilty to any 656
offense listed or described in division (A)(1), (2), (3), (4), 657
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 658
appropriate. The superintendent shall send the person, board, or 659
entity that made the request a copy of the list of offenses 660

specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 661
(9), (10), (11), or (12) of this section, as appropriate. If the 662
request was made under section 3701.881 of the Revised Code with 663
regard to an applicant who may be both responsible for the care, 664
custody, or control of a child and involved in providing direct 665
care to an older adult, the superintendent shall provide a list of 666
the offenses specified in divisions (A)(4) and (6) of this 667
section. 668

(B) The superintendent shall conduct any criminal records 669
check requested under section 109.782, 121.08, 173.27, 173.394, 670
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 671
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 672
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 673
5153.111 of the Revised Code as follows: 674

(1) The superintendent shall review or cause to be reviewed 675
any relevant information gathered and compiled by the bureau under 676
division (A) of section 109.57 of the Revised Code that relates to 677
the person who is the subject of the request, including any 678
relevant information contained in records that have been sealed 679
under section 2953.32 of the Revised Code; 680

(2) If the request received by the superintendent asks for 681
information from the federal bureau of investigation, the 682
superintendent shall request from the federal bureau of 683
investigation any information it has with respect to the person 684
who is the subject of the request and shall review or cause to be 685
reviewed any information the superintendent receives from that 686
bureau. 687

(3) The superintendent or the superintendent's designee may 688
request criminal history records from other states or the federal 689
government pursuant to the national crime prevention and privacy 690
compact set forth in section 109.571 of the Revised Code. 691

(C)(1) The superintendent shall prescribe a form to obtain 692
the information necessary to conduct a criminal records check from 693
any person for whom a criminal records check is required by 694
section 109.782, 121.08, 173.27, 173.394, 1322.03, 1322.031, 695
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 696
3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 697
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 698
Code. The form that the superintendent prescribes pursuant to this 699
division may be in a tangible format, in an electronic format, or 700
in both tangible and electronic formats. 701

(2) The superintendent shall prescribe standard impression 702
sheets to obtain the fingerprint impressions of any person for 703
whom a criminal records check is required by section 109.782, 704
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 705
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 706
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 707
5126.28, 5126.281, or 5153.111 of the Revised Code. Any person for 708
whom a records check is required by any of those sections shall 709
obtain the fingerprint impressions at a county sheriff's office, 710
municipal police department, or any other entity with the ability 711
to make fingerprint impressions on the standard impression sheets 712
prescribed by the superintendent. The office, department, or 713
entity may charge the person a reasonable fee for making the 714
impressions. The standard impression sheets the superintendent 715
prescribes pursuant to this division may be in a tangible format, 716
in an electronic format, or in both tangible and electronic 717
formats. 718

(3) Subject to division (D) of this section, the 719
superintendent shall prescribe and charge a reasonable fee for 720
providing a criminal records check requested under section 721
109.782, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 722
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 723

4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 724
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 725
person making a criminal records request under section 109.782, 726
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 727
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 728
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 729
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 730
fee prescribed pursuant to this division. A person making a 731
request under section 3701.881 of the Revised Code for a criminal 732
records check for an applicant who may be both responsible for the 733
care, custody, or control of a child and involved in providing 734
direct care to an older adult shall pay one fee for the request. 735

(4) The superintendent of the bureau of criminal 736
identification and investigation may prescribe methods of 737
forwarding fingerprint impressions and information necessary to 738
conduct a criminal records check, which methods shall include, but 739
not be limited to, an electronic method. 740

(D) A determination whether any information exists that 741
indicates that a person previously has been convicted of or 742
pleaded guilty to any offense listed or described in division 743
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 744
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 745
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 746
that is made by the superintendent with respect to information 747
considered in a criminal records check in accordance with this 748
section is valid for the person who is the subject of the criminal 749
records check for a period of one year from the date upon which 750
the superintendent makes the determination. During the period in 751
which the determination in regard to a person is valid, if another 752
request under this section is made for a criminal records check 753
for that person, the superintendent shall provide the information 754
that is the basis for the superintendent's initial determination 755

at a lower fee than the fee prescribed for the initial criminal records check. 756
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(E) As used in this section: 758

(1) "Criminal records check" means any criminal records check 759
conducted by the superintendent of the bureau of criminal 760
identification and investigation in accordance with division (B) 761
of this section. 762

(2) "Home and community-based waiver services" and "waiver 763
agency" have the same meanings as in section 5111.95 of the 764
Revised Code. 765

(3) "Independent provider" has the same meaning as in section 766
5111.96 of the Revised Code. 767

(4) "Minor drug possession offense" has the same meaning as 768
in section 2925.01 of the Revised Code. 769

(5) "Older adult" means a person age sixty or older. 770

Sec. 109.781. (A) The executive director of the Ohio peace 771
officer training commission, on behalf of the commission and in 772
accordance with rules promulgated by the attorney general, shall 773
authorize persons to serve as school security personnel officers 774
if they have satisfactorily completed approved training programs 775
designed to qualify persons for positions as school security 776
personnel officers and shall issue appropriate qualification 777
statements to those persons. 778

(B) A person who is issued a school security personnel 779
officer qualification statement for satisfactory completion of an 780
approved training program shall pay to the commission a fee of 781
fifteen dollars. A duplicate of a lost, spoiled, or destroyed 782
qualification statement may be issued upon application and payment 783
of a fee of fifteen dollars. Such a qualification statement shall 784
satisfy the educational requirements for assignment as a school 785

security personnel officer in accordance with section 3313.175 of 786
the Revised Code. 787

Sec. 109.782. (A) Any public or private entity may submit to 788
the peace officer training commission an application for the 789
approval of a training program designed to qualify persons for 790
positions as school security personnel officers. The application 791
for approval shall be submitted to the commission with a fee of 792
one hundred twenty-five dollars. The commission shall refund the 793
fee if the application is denied. 794

(B) An approved training program shall include a course of 795
instruction of forty or more hours for school security personnel 796
officers in areas including, but not limited to, criminal law and 797
procedure, child and adolescent development, controlled substances 798
and substance abuse, first aid and cardiopulmonary resuscitation 799
certification, cultural diversity, communication skills, report 800
writing, crisis intervention, and missing children, child abuse, 801
and child neglect cases. 802

(C) An approved training program also shall require each 803
individual applying for enrollment in the training program to 804
submit, as a part of the individual's application documents, a 805
certified copy of records pertaining to the individual and issued 806
by the bureau of criminal identification and investigation 807
pursuant to division (F)(2)(a) of section 109.57 of the Revised 808
Code. However, a training program shall not accept a certified 809
copy of records issued by the bureau if the date of issuance is 810
more than one year old. The training program shall make a 811
photocopy of the certified copy submitted under this section for 812
the individual's application documents and shall return the 813
certified copy to the individual. 814

(D) No approved training program shall enroll in the program 815
a person who previously has been convicted of or pleaded guilty to 816

any of the offenses listed in division (B)(1)(a) or (b) of section 3319.39 of the Revised Code. 817
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(E) A person attending an approved training program administered by a county or municipal corporation shall pay the cost of attending the program, as determined by the administering subdivision, to the county or the municipal corporation. 819
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Sec. 109.783. The school security personnel officer fund is hereby established in the state treasury. The Ohio peace officer training commission shall use the moneys in the fund to approve training programs to qualify persons for positions as school security personnel officers and to issue qualification statements to those persons who have satisfactorily completed those programs as described in sections 109.781 and 109.782 of the Revised Code. The commission shall transmit all fees paid to it by applicants for approval of a training program under section 109.782 of the Revised Code and by persons who satisfactorily complete a school security personnel training program to the treasurer of state for deposit in the fund. The fund shall be used only for the purposes set forth in this section. 823
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Sec. 109.784. No board of education of any city, exempted village, local, or joint vocational school district or governing board of an educational service center shall employ a person as a school security personnel officer on school grounds or premises who has not received a qualification statement of having satisfactorily completed an approved school security personnel officer training program. 836
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As used in this section, "school grounds or premises" has the same meaning as in section 3313.175 of the Revised Code. 843
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Sec. 3313.175. As used in sections 3313.175 to 3313.1710 of the Revised Code: 845
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(1) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 847
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(2) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 849
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(3) "School grounds or premises" means any real or personal property owned by a city, exempted village, local, or joint vocational school district, owned by an educational service center, or under the control of any such board of education or governing board. 851
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Sec. 3313.176. The board of education of a city, local, exempted village, or joint vocational school district or the governing board of an educational service center may employ school security personnel officers to maintain the safety and welfare of its students and employees on school grounds or premises, to maintain the safety and welfare of other persons authorized to be present on school grounds or premises under rules adopted by the board under division (A) of section 3313.20 of the Revised Code, to protect school property, and to protect student and employee property located on school grounds or premises. Each board that employs school security personnel officers shall do all of the following: 856
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(A) Adopt a general job description for school security personnel officers; 868
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(B) Employ as school security personnel officers only persons who have received a school security personnel officer qualification statement of having satisfactorily completed an approved school security personnel officer training program, issued under section 109.781 of the Revised Code; 870
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(C) Direct its superintendent to specify the hours of employment and designate the assignments of school security 875
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personnel officers in accordance with section 3319.01 of the 877
Revised Code; 878

(D) Require its superintendent or the superintendent's 879
designees to authorize in writing and in accordance with the 880
general job description adopted under division (A) of this section 881
any additional assignments or overtime to be worked by any school 882
security personnel officer; 883

(E) Designate a supervisor of school security as the 884
immediate supervisor of school security personnel officers and 885
require the supervisor to report directly to the superintendent 886
and board. The designated supervisor shall have received a school 887
security personnel officer qualification statement issued under 888
section 109.781 of the Revised Code. 889

(F) Adopt rules under section 3313.20 of the Revised Code for 890
the entry of persons other than students, staff, and faculty upon 891
school grounds or premises and conspicuously post those rules 892
along with no trespassing signs at or near the entrance to the 893
school grounds or premises or, if there are no formal entrances, 894
near the perimeter of the school grounds or premises, and at the 895
main entrance to each school building. The no trespassing signs 896
shall include citations to the trespass laws as described in 897
sections 2911.21 and 2911.211 of the Revised Code and school entry 898
rules adopted under section 3313.20 of the Revised Code, and shall 899
indicate that anyone violating those laws or rules is guilty of 900
trespassing on school grounds or premises. 901

Sec. 3313.177. In addition to any powers provided and duties 902
required elsewhere by law, upon the adoption of a general job 903
description by the board of education or governing board under 904
section 3313.176 of the Revised Code, and in accordance with their 905
assignment by the superintendent of that board or the 906
superintendent's designee, school security personnel officers 907

shall have all of the following powers, duties, and functions: 908

(A) To enforce all rules, regulations, and written policies enacted by the board employing them, including, but not limited to, rules and written policies adopted under section 3313.20 of the Revised Code; 909
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(B) To reasonably inquire, investigate, and search under all circumstances any person, or the property of any person, whose actions on school grounds or premises cause such officers to believe that person is in violation of any rules adopted by the board employing them or is in violation of any provision of Title XXIX of the Revised Code for actions occurring on school grounds or premises or any person whom school security personnel officers believe is creating a danger of bodily harm to others or a danger of destruction to any property on school grounds or premises; 913
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(C) To reasonably detain under all circumstances any person in order to cause the arrest of that person or to obtain a warrant for the arrest of that person by a peace officer for any violation of any provision of Title XXIX of the Revised Code occurring on school grounds or premises; 922
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(D) To use and apply reasonable force and restraint in accordance with division (G) of section 3319.41 of the Revised Code; 927
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(E) To report in accordance with section 2921.22 of the Revised Code a felony that has been or is being committed and to report in accordance with section 2151.421 of the Revised Code suspected child abuse or neglect. 930
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Sec. 3313.178. School security personnel officers employed under section 3313.176 of the Revised Code shall not carry a firearm during the course of their official duties. 934
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Sec. 3313.179. (A) Each school security personnel officer 937

shall be considered an employee of a political subdivision for 938
purposes of Chapter 2744. of the Revised Code and is entitled to 939
any immunity or defense available under that chapter or the common 940
law of this state. 941

(B) School security personnel officers shall be considered 942
nonlicensed school employees for purposes of Title XXXIII of the 943
Revised Code. 944

Sec. 3313.1710. Any peace officer may arrest without a 945
warrant any person that the peace officer has probable cause to 946
believe has committed any violation of any provision of Title XXIX 947
of the Revised Code on school grounds or premises. A peace officer 948
shall make an arrest under this division within a reasonable time 949
after the commission of the offense. 950

Sec. 3313.20. (A) The board of education of a school district 951
or the governing board of an educational service center shall make 952
any rules that are necessary for its government and the government 953
of its employees, pupils of its schools, and all other persons 954
entering upon its school grounds or premises. Rules regarding 955
entry of persons other than students, staff, and faculty upon 956
school grounds or premises shall be posted conspicuously at or 957
near the entrance to the school grounds or premises, or near the 958
perimeter of the school grounds or premises, if there are no 959
formal entrances, and at the main entrance to each school 960
building. 961

(B)(1) The board of education of each city, local, exempted 962
village, or joint vocational school district may adopt a written 963
policy that authorizes principals of public schools within the 964
district or their designees, including school security personnel 965
officers acting in accordance with section 3313.177 of the Revised 966
Code, to do one or both of the following: 967

(a) Search any pupil's locker and the contents of the locker 968
that is searched if the principal or the principal's designee 969
reasonably suspects that the locker or its contents contains 970
evidence of a pupil's violation of a criminal statute or of a 971
school rule; 972

(b) Search any pupil's locker and the contents of any pupil's 973
locker at any time if the board of education posts in a 974
conspicuous place in each school building that has lockers 975
available for use by pupils a notice that the lockers are the 976
property of the board of education and that the lockers and the 977
contents of all the lockers are subject to random search at any 978
time without regard to whether there is a reasonable suspicion 979
that any locker or its contents contains evidence of a violation 980
of a criminal statute or a school rule. 981

(2) A board of education's adoption of or failure to adopt a 982
written policy pursuant to division (B)(1) of this section does 983
not prevent the principal of any school or the principal's 984
designee from searching at any time the locker of any pupil and 985
the contents of any locker of any pupil in the school if an 986
emergency situation exists or appears to exist that immediately 987
threatens the health or safety of any person, or threatens to 988
damage or destroy any property, under the control of the board of 989
education and if a search of lockers and the contents of the 990
lockers is reasonably necessary to avert that threat or apparent 991
threat. 992

(C) Any employee may receive compensation and expenses for 993
days on which ~~he~~ the employee is excused, in accordance with the 994
policy statement of the board, by the superintendent of such board 995
or by a responsible administrative official designated by the 996
superintendent for the purpose of attending professional meetings 997
as defined by the board policy, and the board may provide and pay 998
the salary of a substitute for such days. The expenses thus 999

incurred by an employee shall be paid by the board from the 1000
appropriate fund of the school district or the educational service 1001
center governing board fund provided that statements of expenses 1002
are furnished in accordance with the policy statement of the 1003
board. 1004

(D) Each city, local, and exempted village school district 1005
shall adopt a written policy governing the attendance of employees 1006
at professional meetings. 1007

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 1008
of section 109.57 of the Revised Code, the appointing or hiring 1009
officer of the board of education of a school district, the 1010
governing board of an educational service center, or of a 1011
chartered nonpublic school shall request the superintendent of the 1012
bureau of criminal identification and investigation to conduct a 1013
criminal records check with respect to any applicant who has 1014
applied to the school district, educational service center, or 1015
school for employment in any position as a person responsible for 1016
the care, custody, or control of a child, including, in the case 1017
of a school district board or service center governing board, an 1018
applicant for employment as a school security personnel officer 1019
under section 3313.176 of the Revised Code. If the applicant does 1020
not present proof that the applicant has been a resident of this 1021
state for the five-year period immediately prior to the date upon 1022
which the criminal records check is requested or does not provide 1023
evidence that within that five-year period the superintendent has 1024
requested information about the applicant from the federal bureau 1025
of investigation in a criminal records check, the appointing or 1026
hiring officer shall request that the superintendent obtain 1027
information from the federal bureau of investigation as a part of 1028
the criminal records check for the applicant. If the applicant 1029
presents proof that the applicant has been a resident of this 1030
state for that five-year period, the appointing or hiring officer 1031

may request that the superintendent include information from the 1032
federal bureau of investigation in the criminal records check. 1033

(2) A person required by division (A)(1) of this section to 1034
request a criminal records check shall provide to each applicant a 1035
copy of the form prescribed pursuant to division (C)(2) of section 1036
109.572 of the Revised Code, provide to each applicant a standard 1037
impression sheet to obtain fingerprint impressions prescribed 1038
pursuant to division (C)(2) of section 109.572 of the Revised 1039
Code, obtain the completed form and impression sheet from each 1040
applicant, and forward the completed form and impression sheet to 1041
the superintendent of the bureau of criminal identification and 1042
investigation at the time the person requests a criminal records 1043
check pursuant to division (A)(1) of this section. 1044

(3) An applicant who receives pursuant to division (A)(2) of 1045
this section a copy of the form prescribed pursuant to division 1046
(C)(1) of section 109.572 of the Revised Code and a copy of an 1047
impression sheet prescribed pursuant to division (C)(2) of that 1048
section and who is requested to complete the form and provide a 1049
set of fingerprint impressions shall complete the form or provide 1050
all the information necessary to complete the form and shall 1051
provide the impression sheet with the impressions of the 1052
applicant's fingerprints. If an applicant, upon request, fails to 1053
provide the information necessary to complete the form or fails to 1054
provide impressions of the applicant's fingerprints, the board of 1055
education of a school district, governing board of an educational 1056
service center, or governing authority of a chartered nonpublic 1057
school shall not employ that applicant for any position for which 1058
a criminal records check is required pursuant to division (A)(1) 1059
of this section. 1060

(B)(1) Except as provided in rules adopted by the department 1061
of education in accordance with division (E) of this section and 1062
as provided in division (B)(3) of this section, no board of 1063

education of a school district, no governing board of an 1064
educational service center, and no governing authority of a 1065
chartered nonpublic school shall employ a person as a person 1066
responsible for the care, custody, or control of a child, 1067
including, in the case of a school district board or service 1068
center governing board, a person employed as a school security 1069
personnel officer under section 3313.176 of the Revised Code, if 1070
the person previously has been convicted of or pleaded guilty to 1071
any of the following: 1072

(a) A violation of section 2903.01, 2903.02, 2903.03, 1073
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1074
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1075
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1076
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1077
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1078
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1079
2925.06, or 3716.11 of the Revised Code, a violation of section 1080
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1081
violation of section 2919.23 of the Revised Code that would have 1082
been a violation of section 2905.04 of the Revised Code as it 1083
existed prior to July 1, 1996, had the violation been committed 1084
prior to that date, a violation of section 2925.11 of the Revised 1085
Code that is not a minor drug possession offense, or felonious 1086
sexual penetration in violation of former section 2907.12 of the 1087
Revised Code; 1088

(b) A violation of an existing or former law of this state, 1089
another state, or the United States that is substantially 1090
equivalent to any of the offenses or violations described in 1091
division (B)(1)(a) of this section. 1092

(2) A board, governing board of an educational service 1093
center, or a governing authority of a chartered nonpublic school 1094
may employ an applicant conditionally until the criminal records 1095

check required by this section is completed and the board or 1096
governing authority receives the results of the criminal records 1097
check. If the results of the criminal records check indicate that, 1098
pursuant to division (B)(1) of this section, the applicant does 1099
not qualify for employment, the board or governing authority shall 1100
release the applicant from employment. 1101

(3) No board and no governing authority of a chartered 1102
nonpublic school shall employ a teacher who previously has been 1103
convicted of or pleaded guilty to any of the offenses listed in 1104
section 3319.31 of the Revised Code. 1105

(C)(1) Each board and each governing authority of a chartered 1106
nonpublic school shall pay to the bureau of criminal 1107
identification and investigation the fee prescribed pursuant to 1108
division (C)(3) of section 109.572 of the Revised Code for each 1109
criminal records check conducted in accordance with that section 1110
upon the request pursuant to division (A)(1) of this section of 1111
the appointing or hiring officer of the board or governing 1112
authority. 1113

(2) A board and the governing authority of a chartered 1114
nonpublic school may charge an applicant a fee for the costs it 1115
incurs in obtaining a criminal records check under this section. A 1116
fee charged under this division shall not exceed the amount of 1117
fees the board or governing authority pays under division (C)(1) 1118
of this section. If a fee is charged under this division, the 1119
board or governing authority shall notify the applicant at the 1120
time of the applicant's initial application for employment of the 1121
amount of the fee and that, unless the fee is paid, the board or 1122
governing authority will not consider the applicant for 1123
employment. 1124

(D) The report of any criminal records check conducted by the 1125
bureau of criminal identification and investigation in accordance 1126
with section 109.572 of the Revised Code and pursuant to a request 1127

under division (A)(1) of this section is not a public record for 1128
the purposes of section 149.43 of the Revised Code and shall not 1129
be made available to any person other than the applicant who is 1130
the subject of the criminal records check or the applicant's 1131
representative, the board or governing authority requesting the 1132
criminal records check or its representative, and any court, 1133
hearing officer, or other necessary individual involved in a case 1134
dealing with the denial of employment to the applicant. 1135

(E) The department of education shall adopt rules pursuant to 1136
Chapter 119. of the Revised Code to implement this section, 1137
including rules specifying circumstances under which the board or 1138
governing authority may hire a person who has been convicted of an 1139
offense listed in division (B)(1) or (3) of this section but who 1140
meets standards in regard to rehabilitation set by the department. 1141

(F) Any person required by division (A)(1) of this section to 1142
request a criminal records check shall inform each person, at the 1143
time of the person's initial application for employment, of the 1144
requirement to provide a set of fingerprint impressions and that a 1145
criminal records check is required to be conducted and 1146
satisfactorily completed in accordance with section 109.572 of the 1147
Revised Code if the person comes under final consideration for 1148
appointment or employment as a precondition to employment for the 1149
school district, educational service center, or school for that 1150
position. 1151

(G) As used in this section: 1152

(1) "Applicant" means a person who is under final 1153
consideration for appointment or employment in a position with a 1154
board of education, governing board of an educational service 1155
center, or a chartered nonpublic school as a person responsible 1156
for the care, custody, or control of a child, except that 1157
"applicant" does not include a person already employed by a board 1158
or chartered nonpublic school in a position of care, custody, or 1159

control of a child who is under consideration for a different 1160
position with such board or school. 1161

(2) "Teacher" means a person holding an educator license or 1162
permit issued under section 3319.22 or 3319.301 of the Revised 1163
Code and teachers in a chartered nonpublic school. 1164

(3) "Criminal records check" has the same meaning as in 1165
section 109.572 of the Revised Code. 1166

(4) "Minor drug possession offense" has the same meaning as 1167
in section 2925.01 of the Revised Code. 1168

(H) If the board of education of a local school district 1169
adopts a resolution requesting the assistance of the educational 1170
service center in which the local district has territory in 1171
conducting criminal records checks of substitute teachers under 1172
this section, the appointing or hiring officer of such educational 1173
service center shall serve for purposes of this section as the 1174
appointing or hiring officer of the local board in the case of 1175
hiring substitute teachers for employment in the local district. 1176

Section 2. That existing sections 109.57, 109.572, 3313.20, 1177
and 3319.39 of the Revised Code are hereby repealed. 1178

Section 3. (A) Notwithstanding section 109.781 of the Revised 1179
Code, any person employed as a school security personnel officer 1180
by the board of education of a city, local, exempted village, or 1181
joint vocational school district or the governing board of an 1182
educational service center on the effective date of this section 1183
shall be issued a school security personnel officer qualification 1184
statement by the Ohio Peace Officer Training Commission if the 1185
Commission determines that, prior to the effective date of this 1186
section, the person completed training equivalent to that required 1187
under section 109.782 of the Revised Code and rules adopted under 1188
section 109.781 of the Revised Code for issuance of the 1189

qualification statement. The person shall apply and pay a fee for 1190
the qualification statement in the same manner as required under 1191
division (B) of section 109.781 of the Revised Code for persons 1192
completing a training program approved by the Commission. In 1193
addition, the person shall provide any information requested by 1194
the Commission relative to the person's training. 1195

1196

(B) Continued employment of a person described in division 1197
(A) of this section by the school district or educational service 1198
center employing that person on the effective date of this section 1199
shall be subject to division (B) of section 3319.39 of the Revised 1200
Code. 1201

(C) Notwithstanding division (B) of section 3313.176 of the 1202
Revised Code, the board of education of a school district or the 1203
governing board of an educational service center may, for twelve 1204
months after the effective date of this section, continue to 1205
employ as a school security personnel officer any person who is 1206
employed in such a position by the board on that date and who 1207
fails to obtain a school security personnel officer qualification 1208
statement under either division (A) of this section or section 1209
109.781 of the Revised Code, provided that employment of the 1210
person does not violate division (B) of section 3319.39 of the 1211
Revised Code. 1212

Section 4. Section 109.572 of the Revised Code is presented 1213
in this act as a composite of the section as amended by both Am. 1214
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 1215
The General Assembly, applying the principle stated in division 1216
(B) of section 1.52 of the Revised Code that amendments are to be 1217
harmonized if reasonably capable of simultaneous operation, finds 1218
that the composite is the resulting version of the section in 1219
effect prior to the effective date of the section as presented in 1220
this act. 1221