

As Reported by the House Criminal Justice Committee

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H. B. No. 306

Representative Latta

Cosponsors: Representatives Evans, Seitz, Webster, Combs, Collier, Sears

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A B I L L

To amend sections 109.58, 109.60, and 109.61 of the 1
Revised Code to require all law enforcement 2
agencies to take and process the fingerprints of 3
persons arrested for specified offenses and to 4
amend the court's role in ordering fingerprints to 5
be taken from persons who were not fingerprinted 6
when arrested or taken into custody. 7

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

Section 1. That sections 109.58, 109.60, and 109.61 of the 8
Revised Code be amended to read as follows: 9

Sec. 109.58. The superintendent of the bureau of criminal 10
identification and investigation shall prepare standard impression 11
sheets on which fingerprints may be made in accordance with the 12
fingerprint system of identification. The impression sheets may 13
provide for other descriptive matter that the superintendent may 14
prescribe. The superintendent shall furnish the impression sheets 15
to each sheriff, chief of police, and chief administrative officer 16
of any other law enforcement agency and to each person in charge 17
of every county, multicounty, municipal, municipal-county, or 18
multicounty-municipal jail or workhouse, community-based 19

correctional facility, halfway house, alternative residential 20
facility, or state correctional institution within the state. Upon 21
the request of the board of education of a school district or of 22
the principal or chief administrative officer of a nonpublic 23
school, the superintendent shall provide standard impression 24
sheets to the district or school for use in their fingerprinting 25
programs under section 3313.96 of the Revised Code. 26

Sec. 109.60. (A)(1) ~~The sheriffs of the several counties and~~ 27
~~the chiefs sheriff, chief of police of cities, or chief~~ 28
administrative officer of another law enforcement agency, 29
immediately upon the arrest of any person for any felony, ~~on~~ 30
~~suspicion of any felony,~~ for a crime constituting a misdemeanor on 31
the first offense and a felony on subsequent offenses, or for any 32
misdemeanor described in division (A)(1)(a) or (A)(10)(a) of 33
section 109.572 of the Revised Code, and immediately upon the 34
arrest or taking into custody of any child ~~under eighteen years of~~ 35
~~age~~ for committing an act that would be a felony or an offense of 36
violence if committed by an adult or upon probable cause to 37
believe that a child ~~of that age~~ may have committed an act that 38
would be a felony or an offense of violence if committed by an 39
adult, shall take the person's or child's fingerprints, or cause 40
the same to be taken, according to the fingerprint system of 41
identification on the forms furnished by the superintendent of the 42
bureau of criminal identification and investigation, and 43
immediately shall forward copies of the completed forms, any other 44
description that may be required, and the history of the offense 45
committed to the bureau to be classified and filed and to the 46
clerk of the court having jurisdiction over the prosecution of the 47
offense or over the adjudication relative to the act. 48

(2) If a ~~sheriff or chief of police has not taken, or caused~~ 49
~~to be taken,~~ court learns at any time that a person's or child's 50
fingerprints have not been taken in accordance with division 51

~~(A)(1) of this section by the time of the arraignment or first appearance of the person or child, the court shall order the person or child to appear before the sheriff or, chief of police, or chief administrative officer of another law enforcement agency within twenty-four hours to have the person's or child's fingerprints taken and processed in accordance with division (A)(1) of this section. The sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation and, immediately after the person's or child's arraignment or first appearance, forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court.~~

~~(3) Every court with jurisdiction over a case involving a person or child with respect to whom division (A)(1) of this section requires a sheriff or chief of police to take the person's or child's fingerprints shall inquire at the time of the person's or child's sentencing or adjudication whether or not the person or child has been fingerprinted pursuant to division (A)(1) or (2) of this section for the original arrest upon which the sentence or adjudication is based. If the person or child was not fingerprinted for the original arrest upon which the sentence or adjudication is based, the court shall order the person or child to appear before the sheriff or chief of police within twenty four hours to have the person's or child's fingerprints taken. The sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation and immediately forward copies of the completed forms, any other description that may be required, and the history~~

~~of the offense committed to the bureau to be classified and filed 85
and to the clerk of the court. 86~~

~~(4) If a person or child described in division (A)(1) of this 87
section is in the custody of a law enforcement agency or a 88
detention facility, as defined in section 2921.01 of the Revised 89
Code, and the ~~chief law enforcement officer or chief 90~~
~~administrative officer~~ person in charge of the detention facility 91
discovers that a warrant has been issued or a bill of information 92
has been filed alleging the person or child to have committed an 93
offense or act other than the offense or act for which the person 94
or child is in custody, and the other alleged offense or act is 95
one for which fingerprints are to be taken pursuant to division 96
(A)(1) of this section, the ~~law enforcement agency or~~ person in 97
charge of the detention facility shall take the fingerprints of 98
the person or child, or cause the fingerprints to be taken, 99
~~according to the fingerprint system of identification on the forms 100~~
~~furnished by the superintendent of the bureau of criminal 101~~
~~identification and investigation and immediately forward copies of 102~~
~~the completed forms, any other description that may be required, 103~~
~~and the history of the offense committed to the bureau to be 104~~
~~classified and filed and to the clerk of the court that issued the 105~~
~~warrant or with which the bill of information was filed and 106~~
processed in accordance with division (A)(1) of this section. 107~~

~~(5)(4) If an accused is found not guilty of the offense 108
charged or a nolle prosequi is entered in any case, or if any 109
accused child ~~under eighteen years of age~~ is found not to be a 110
delinquent child for committing an act that would be a felony or 111
an offense of violence if committed by an adult or not guilty of 112
the felony or offense of violence charged or a nolle prosequi is 113
entered in that case, the fingerprints and description shall be 114
given to the accused upon the accused's request. 115~~

~~(6)(5) The superintendent shall compare the description 116~~

received with those already on file in the bureau, and, if the 117
superintendent finds that the person arrested or taken into 118
custody has a criminal record or a record as a delinquent child 119
for having committed an act that would be a felony or an offense 120
of violence if committed by an adult or is a fugitive from justice 121
or wanted by any jurisdiction in this or another state, the United 122
States, or a foreign country for any offense, the superintendent 123
at once shall inform the arresting officer, the officer taking the 124
person into custody, or the chief administrative officer of the 125
county, multicounty, municipal, municipal-county, or 126
multicounty-municipal jail or workhouse, community-based 127
correctional facility, halfway house, alternative residential 128
facility, or state correctional institution in which the person or 129
child is in custody of that fact and give appropriate notice to 130
the proper authorities in the jurisdiction in which the person is 131
wanted, or, if that jurisdiction is a foreign country, give 132
appropriate notice to federal authorities for transmission to the 133
foreign country. The names, under which each person whose 134
identification is filed is known, shall be alphabetically indexed 135
by the superintendent. 136

(B) Division (A) of this section does not apply to a violator 137
of a ~~city~~ municipal ordinance unless the officers have reason to 138
believe that the violator is a past offender or the crime is one 139
constituting a misdemeanor on the first offense and a felony on 140
subsequent offenses, or unless it is advisable for the purpose of 141
subsequent identification. This section does not apply to any 142
child ~~under eighteen years of age~~ who was not arrested or 143
otherwise taken into custody for committing an act that would be a 144
felony or an offense of violence if committed by an adult or upon 145
probable cause to believe that a child ~~of that age~~ may have 146
committed an act that would be a felony or an offense of violence 147
if committed by an adult, except as provided in section 2151.313 148
of the Revised Code. 149

(C)(1) For purposes of division (C) of this section, a law enforcement agency shall be considered to have arrested a person if any law enforcement officer who is employed by, appointed by, or serves that agency arrests the person. As used in division (C) of this section:

(a) "Illegal methamphetamine manufacturing laboratory" has the same meaning as in section 3745.13 of the Revised Code.

(b) "Methamphetamine or a methamphetamine product" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(2) Each law enforcement agency that, in any calendar year, arrests any person for a violation of section 2925.04 of the Revised Code that is based on the manufacture of methamphetamine or a methamphetamine product, a violation of section 2925.041 of the Revised Code that is based on the possession of chemicals sufficient to produce methamphetamine or a methamphetamine product, or a violation of any other provision of Chapter 2925. or 3719. of the Revised Code that is based on the possession of chemicals sufficient to produce methamphetamine or a methamphetamine product shall prepare an annual report covering the calendar year that contains the information specified in division (C)(3) of this section relative to all arrests for violations of those sections committed under those circumstances during that calendar year and relative to illegal methamphetamine manufacturing laboratories, dump sites, and chemical caches as specified in that division and shall send the annual report, not later than the first day of March in the calendar year following the calendar year covered by the report, to the bureau of criminal identification and investigation.

The law enforcement agency shall write any annual report

prepared and filed under this division on the standard forms 182
furnished by the superintendent of the bureau of criminal 183
identification and investigation pursuant to division (C)(4) of 184
this section. The annual report shall be a statistical report, and 185
nothing in the report or in the information it contains shall 186
identify, or enable the identification of, any person who was 187
arrested and whose arrest is included in the information contained 188
in the report. The annual report in the possession of the bureau 189
and the information it contains are public records for the purpose 190
of section 149.43 of the Revised Code. 191

(3) The annual report prepared and filed by a law enforcement 192
agency under division (C)(2) of this section shall contain all of 193
the following information for the calendar year covered by the 194
report: 195

(a) The total number of arrests made by the agency in that 196
calendar year for a violation of section 2925.04 of the Revised 197
Code that is based on the manufacture of methamphetamine or a 198
methamphetamine product, a violation of section 2925.041 of the 199
Revised Code that is based on the possession of chemicals 200
sufficient to produce methamphetamine or a methamphetamine 201
product, or a violation of any other provision of Chapter 2925. or 202
3719. of the Revised Code that is based on the possession of 203
chemicals sufficient to produce methamphetamine or a 204
methamphetamine product; 205

(b) The total number of illegal methamphetamine manufacturing 206
laboratories at which one or more of the arrests reported under 207
division (C)(3)(a) of this section occurred, or that were 208
discovered in that calendar year within the territory served by 209
the agency but at which none of the arrests reported under 210
division (C)(3)(a) of this section occurred; 211

(c) The total number of dump sites and chemical caches that 212
are, or that are reasonably believed to be, related to illegal 213

methamphetamine manufacturing and that were discovered in that 214
calendar year within the territory served by the agency. 215

(4) The superintendent of the bureau of criminal 216
identification and investigation shall prepare and furnish to each 217
law enforcement agency in this state standard forms for making the 218
annual reports required by division (C)(2) of this section. The 219
standard forms that the superintendent prepares pursuant to this 220
division may be in a tangible format, in an electronic format, or 221
in both a tangible format and an electronic format. 222

(5) The annual report required by division (C)(2) of this 223
section is separate from, and in addition to, any report, 224
materials, or information required under division (A) of this 225
section or under any other provision of sections 109.57 to 109.62 226
of the Revised Code. 227

(D) As used in this section and sections 109.58 and 109.61 of 228
the Revised Code, "law enforcement agency" means any organization 229
or unit comprised of law enforcement officers, as defined in 230
section 2901.01 of the Revised Code. 231

Sec. 109.61. Each sheriff ~~or~~, chief of police, or chief 232
administrative officer of another law enforcement agency shall 233
furnish the bureau of criminal identification and investigation 234
with descriptions, fingerprints, photographs, and measurements of 235
the following: 236

(A)(1) Persons arrested who in ~~that~~ the sheriff's ~~or~~, chief 237
of police's, or chief administrative officer's judgment are wanted 238
for serious offenses, are fugitives from justice, or in whose 239
possession at the time of arrest are found goods or property 240
reasonably believed to have been stolen; 241

(2) Children arrested or otherwise taken into custody who in 242
~~that~~ the sheriff's ~~or~~, chief of police's, or chief administrative 243

officer's judgment are under eighteen years of age and have 244
committed an act that would be a felony or an offense of violence 245
if committed by an adult. 246

(B) All persons in whose possession are found burglar 247
outfits, burglar tools, or burglar keys, or who have in their 248
possession high power explosives reasonably believed to be 249
intended to be used for unlawful purposes; 250

(C) Persons who are in possession of infernal machines or 251
other contrivances in whole or in part and reasonably believed ~~by~~ 252
~~the sheriff or chief of police~~ to be intended to be used for 253
unlawful purposes; 254

(D) All persons carrying concealed firearms or other deadly 255
weapons reasonably believed to be carried for unlawful purposes; 256

(E) All persons who have in their possession inks, dies, 257
paper, or other articles necessary in the making of counterfeit 258
bank notes or in the alteration of bank notes, or dies, molds, or 259
other articles necessary in the making of counterfeit money and 260
reasonably believed to be intended to be used by them for those 261
types of unlawful purposes. 262

Section 2. That existing sections 109.58, 109.60, and 109.61 263
of the Revised Code are hereby repealed. 264