

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 466

Representative Strahorn

**Cosponsors: Representatives Chandler, Dodd, Harwood, Letson,
Williams, B., Williams, S., Yates**

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A B I L L

To amend sections 109.75 and 109.77 and to enact 1
section 109.762 of the Revised Code to exempt an 2
individual who is appointed to a command position 3
with a police department of an Ohio municipal 4
corporation from Ohio's peace officer 5
certification and training requirements if the 6
individual has served in a command position with a 7
police department of a municipal corporation in 8
another state and has completed a basic training 9
program comparable to Ohio's peace officer basic 10
training program and the other state provides a 11
similar exemption. 12

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

Section 1. That sections 109.75 and 109.77 be amended and 13
section 109.762 of the Revised Code be enacted to read as follows: 14

Sec. 109.75. The executive director of the Ohio peace officer 15
training commission, on behalf of the commission, shall have the 16
following powers and duties, which shall be exercised with the 17
general advice of the commission and only in accordance with 18

section 109.751 of the Revised Code and the rules adopted pursuant 19
to that section, and with the rules adopted by the attorney 20
general pursuant to sections 109.74, 109.741, 109.742, and 109.743 21
of the Revised Code: 22

(A) To approve peace officer training schools and firearms 23
requalification programs administered by the state, counties, 24
municipal corporations, and the department of natural resources, 25
to issue certificates of approval to approved schools, and to 26
revoke an approval or certificate; 27

(B) To certify, as qualified, instructors at approved peace 28
officer training schools, to issue appropriate certificates to 29
these instructors, and to revoke for good cause shown certificates 30
of these instructors; 31

(C) To certify, as qualified, commanders at approved peace 32
officer training schools, to issue appropriate certificates to 33
these commanders, and to revoke for good cause shown certificates 34
of these commanders. As used in this division, "commander" means 35
the director or other head of an approved peace officer training 36
school. 37

(D) To certify peace officers and sheriffs who have 38
satisfactorily completed basic training programs and to issue 39
appropriate certificates to these peace officers and sheriffs; 40

(E) To cause studies and surveys to be made relating to the 41
establishment, operation, and approval of state, county, and 42
municipal peace officer training schools; 43

(F) To consult and cooperate with state, county, and 44
municipal peace officer training schools for the development of 45
advanced in-service training programs for peace officers; 46

(G) To consult and cooperate with universities, colleges, and 47
institutes for the development of specialized courses of study in 48
the state for peace officers in police science and police 49

administration;	50
(H) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer training;	51 52 53
(I) To perform any other acts that may be necessary or appropriate to carry out the executive director's powers and duties as set forth in sections 109.71 to 109.77 of the Revised Code;	54 55 56 57
(J) To report to the commission at each regular meeting of the commission and at any other times that the commission may require;	58 59 60
(K) To certify persons who have satisfactorily completed approved training programs for correction officers in full-service jails, five-day facilities, or eight-hour holding facilities or approved training programs for others who provide correction services in those jails or facilities and to issue appropriate certificates to those persons;	61 62 63 64 65 66
(L) <u>To determine if another state's basic training program is comparable to Ohio's peace officer basic training program for purposes of section 109.762 of the Revised Code;</u>	67 68 69
(M) To maintain any records associated with the powers and duties set forth in this section. Certification examinations, either before or after completion, are not public records for purposes of section 149.43 of the Revised Code, but the results of such examinations are public records under that section.	70 71 72 73 74
<u>Sec. 109.762.</u> (A) <u>The certification and training requirements of Chapter 109. of the Revised Code do not apply to a person who has served in a command position with a police department of a municipal corporation in another state if all of the following apply:</u>	75 76 77 78 79

(1) The person has completed an approved basic training program in a state for which the executive director of the Ohio peace officer training commission has determined pursuant to division (B) of this section has a basic training program that is comparable to an approved Ohio peace officer basic training program. 80
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(2) The state in which the person has completed comparable basic training provides a certification and training exemption for a person who has completed an approved Ohio peace officer basic training program and has served in a command position with a police department of an Ohio municipal corporation. 86
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(3) The person has been appointed to a command position with a police department of an Ohio municipal corporation. 91
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(B) The executive director of the Ohio peace officer training commission shall determine if any state's basic training program is comparable to Ohio's peace officer basic training program. 93
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(C) The executive director of the Ohio peace officer training commission shall award a person who has served in a command position with a police department of a municipal corporation in another state a certificate prescribed by section 109.77 of the Revised Code attesting to the person's satisfactory completion of an approved peace officer basic training program if the conditions set forth in division (A) of this section for an exemption from certification and training requirements are applicable. 96
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(D) As used in this section, "command position" means a position or rank as a member of an organized police department of a municipal corporation, the duties of which position or rank include the supervision of police officers who themselves supervise police officers of a lower rank. 104
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Sec. 109.77. (A) As used in this section, "felony" has the 109

same meaning as in section 109.511 of the Revised Code. 110

(B)(1) Notwithstanding any general, special, or local law or 111
charter to the contrary, and except as otherwise provided in this 112
section and section 109.762 of the Revised Code, no person shall 113
receive an original appointment on a permanent basis as any of the 114
following unless the person previously has been awarded a 115
certificate by the executive director of the Ohio peace officer 116
training commission attesting to the person's satisfactory 117
completion of an approved state, county, municipal, or department 118
of natural resources peace officer basic training program: 119

(a) A peace officer of any county, township, municipal 120
corporation, regional transit authority, or metropolitan housing 121
authority; 122

(b) A natural resources law enforcement staff officer, park 123
officer, forest officer, preserve officer, wildlife officer, or 124
state watercraft officer of the department of natural resources; 125

(c) An employee of a park district under section 511.232 or 126
1545.13 of the Revised Code; 127

(d) An employee of a conservancy district who is designated 128
pursuant to section 6101.75 of the Revised Code; 129

(e) A state university law enforcement officer; 130

(f) A special police officer employed by the department of 131
mental health pursuant to section 5119.14 of the Revised Code or 132
the department of mental retardation and developmental 133
disabilities pursuant to section 5123.13 of the Revised Code; 134

(g) An enforcement agent of the department of public safety 135
whom the director of public safety designates under section 136
5502.14 of the Revised Code; 137

(h) A special police officer employed by a port authority 138
under section 4582.04 or 4582.28 of the Revised Code; 139

(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or

the department of mental retardation and developmental 171
disabilities pursuant to section 5123.13 of the Revised Code; 172

(f) An enforcement agent of the department of public safety 173
whom the director of public safety designates under section 174
5502.14 of the Revised Code; 175

(g) A special police officer employed by a port authority 176
under section 4582.04 or 4582.28 of the Revised Code; 177

(h) A special police officer employed by a municipal 178
corporation at a municipal airport, or other municipal air 179
navigation facility, that has scheduled operations, as defined in 180
section 119.3 of Title 14 of the Code of Federal Regulations, 14 181
C.F.R. 119.3, as amended, and that is required to be under a 182
security program and is governed by aviation security rules of the 183
transportation security administration of the United States 184
department of transportation as provided in Parts 1542. and 1544. 185
of Title 49 of the Code of Federal Regulations, as amended. 186

(3) For purposes of division (B) of this section, a state, 187
county, municipal, or department of natural resources peace 188
officer basic training program, regardless of whether the program 189
is to be completed by peace officers appointed on a permanent or 190
temporary, probationary, or other nonpermanent basis, shall 191
include at least fifteen hours of training in the handling of the 192
offense of domestic violence, other types of domestic 193
violence-related offenses and incidents, and protection orders and 194
consent agreements issued or approved under section 2919.26 or 195
3113.31 of the Revised Code and at least six hours of crisis 196
intervention training. The requirement to complete fifteen hours 197
of training in the handling of the offense of domestic violence, 198
other types of domestic violence-related offenses and incidents, 199
and protection orders and consent agreements issued or approved 200
under section 2919.26 or 3113.31 of the Revised Code does not 201
apply to any person serving as a peace officer on March 27, 1979, 202

and the requirement to complete six hours of training in crisis 203
intervention does not apply to any person serving as a peace 204
officer on April 4, 1985. Any person who is serving as a peace 205
officer on April 4, 1985, who terminates that employment after 206
that date, and who subsequently is hired as a peace officer by the 207
same or another law enforcement agency shall complete the six 208
hours of training in crisis intervention within the time 209
prescribed by rules adopted by the attorney general pursuant to 210
section 109.742 of the Revised Code. No peace officer shall have 211
employment as a peace officer terminated and then be reinstated 212
with intent to circumvent this section. 213

(4) Division (B) of this section does not apply to any person 214
serving on a permanent basis on March 28, 1985, as a park officer, 215
forest officer, preserve officer, wildlife officer, or state 216
watercraft officer of the department of natural resources or as an 217
employee of a park district under section 511.232 or 1545.13 of 218
the Revised Code, to any person serving on a permanent basis on 219
March 6, 1986, as an employee of a conservancy district designated 220
pursuant to section 6101.75 of the Revised Code, to any person 221
serving on a permanent basis on January 10, 1991, as a preserve 222
officer of the department of natural resources, to any person 223
employed on a permanent basis on July 2, 1992, as a special police 224
officer by the department of mental health pursuant to section 225
5119.14 of the Revised Code or by the department of mental 226
retardation and developmental disabilities pursuant to section 227
5123.13 of the Revised Code, to any person serving on a permanent 228
basis on May 17, 2000, as a special police officer employed by a 229
port authority under section 4582.04 or 4582.28 of the Revised 230
Code, to any person serving on a permanent basis on ~~the effective~~ 231
~~date of this amendment~~ March 19, 2003, as a special police officer 232
employed by a municipal corporation at a municipal airport or 233
other municipal air navigation facility described in division 234
(A)(19) of section 109.71 of the Revised Code, to any person 235

serving on a permanent basis on June 19, 1978, as a state 236
university law enforcement officer pursuant to section 3345.04 of 237
the Revised Code and who, immediately prior to June 19, 1978, was 238
serving as a special police officer designated under authority of 239
that section, or to any person serving on a permanent basis on 240
September 20, 1984, as a liquor control investigator, known after 241
June 30, 1999, as an enforcement agent of the department of public 242
safety, engaged in the enforcement of Chapters 4301. and 4303. of 243
the Revised Code. 244

(5) Division (B) of this section does not apply to any person 245
who is appointed as a regional transit authority police officer 246
pursuant to division (Y) of section 306.35 of the Revised Code if, 247
on or before July 1, 1996, the person has completed satisfactorily 248
an approved state, county, municipal, or department of natural 249
resources peace officer basic training program and has been 250
awarded a certificate by the executive director of the Ohio peace 251
officer training commission attesting to the person's satisfactory 252
completion of such an approved program and if, on July 1, 1996, 253
the person is performing peace officer functions for a regional 254
transit authority. 255

(C) No person, after September 20, 1984, shall receive an 256
original appointment on a permanent basis as a veterans' home 257
police officer designated under section 5907.02 of the Revised 258
Code unless the person previously has been awarded a certificate 259
by the executive director of the Ohio peace officer training 260
commission attesting to the person's satisfactory completion of an 261
approved police officer basic training program. Every person who 262
is appointed on a temporary basis or for a probationary term or on 263
other than a permanent basis as a veterans' home police officer 264
designated under section 5907.02 of the Revised Code shall forfeit 265
that position unless the person previously has completed 266
satisfactorily or, within one year from the time of appointment, 267

satisfactorily completes an approved police officer basic training program. 268
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(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following: 270
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(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission; 276
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(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator; 283
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(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio peace officer training commission determines is equivalent to the training that otherwise is required by division (D) of this section. 286
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(E)(1) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director of the Ohio peace officer training commission shall request the person to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony. 293
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(2) Before a person seeking a certificate completes an approved peace officer basic training program, the executive director shall request a criminal history records check on the person. The executive director shall submit the person's fingerprints to the bureau of criminal identification and investigation, which shall submit the fingerprints to the federal bureau of investigation for a national criminal history records check.

Upon receipt of the executive director's request, the bureau of criminal identification and investigation and the federal bureau of investigation shall conduct a criminal history records check on the person and, upon completion of the check, shall provide a copy of the criminal history records check to the executive director. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to,

on, or after October 16, 1996, the executive director of the Ohio
peace officer training commission shall revoke any certificate
that has been awarded to a person as prescribed in this section if
the person does either of the following:

(a) Pleads guilty to a felony committed on or after January
1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after
January 1, 1997, pursuant to a negotiated plea agreement as
provided in division (D) of section 2929.43 of the Revised Code in
which the person agrees to surrender the certificate awarded to
the person under this section.

(2) The executive director of the commission shall suspend
any certificate that has been awarded to a person as prescribed in
this section if the person is convicted, after trial, of a felony
committed on or after January 1, 1997. The executive director
shall suspend the certificate pursuant to division (F)(2) of this
section pending the outcome of an appeal by the person from that
conviction to the highest court to which the appeal is taken or
until the expiration of the period in which an appeal is required
to be filed. If the person files an appeal that results in that
person's acquittal of the felony or conviction of a misdemeanor,
or in the dismissal of the felony charge against that person, the
executive director shall reinstate the certificate awarded to the
person under this section. If the person files an appeal from that
person's conviction of the felony and the conviction is upheld by
the highest court to which the appeal is taken or if the person
does not file a timely appeal, the executive director shall revoke
the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this
section and the certificate is revoked pursuant to division (E)(4)
or (F) of this section, the person shall not be eligible to
receive, at any time, a certificate attesting to the person's

satisfactory completion of a peace officer basic training program. 363

(2) The revocation or suspension of a certificate under 364
division (E)(4) or (F) of this section shall be in accordance with 365
Chapter 119. of the Revised Code. 366

(H)(1) A person who was employed as a peace officer of a 367
county, township, or municipal corporation of the state on January 368
1, 1966, and who has completed at least sixteen years of full-time 369
active service as such a peace officer may receive an original 370
appointment on a permanent basis and serve as a peace officer of a 371
county, township, or municipal corporation, or as a state 372
university law enforcement officer, without complying with the 373
requirements of division (B) of this section. 374

(2) Any person who held an appointment as a state highway 375
trooper on January 1, 1966, may receive an original appointment on 376
a permanent basis and serve as a peace officer of a county, 377
township, or municipal corporation, or as a state university law 378
enforcement officer, without complying with the requirements of 379
division (B) of this section. 380

(I) No person who is appointed as a peace officer of a 381
county, township, or municipal corporation on or after April 9, 382
1985, shall serve as a peace officer of that county, township, or 383
municipal corporation unless the person has received training in 384
the handling of missing children and child abuse and neglect cases 385
from an approved state, county, township, or municipal police 386
officer basic training program or receives the training within the 387
time prescribed by rules adopted by the attorney general pursuant 388
to section 109.741 of the Revised Code. 389

(J) No part of any approved state, county, or municipal basic 390
training program for bailiffs and deputy bailiffs of courts of 391
record and no part of any approved state, county, or municipal 392
basic training program for criminal investigators employed by the 393

state public defender shall be used as credit toward the 394
completion by a peace officer of any part of the approved state, 395
county, or municipal peace officer basic training program that the 396
peace officer is required by this section to complete 397
satisfactorily. 398

(K) This section does not apply to any member of the police 399
department of a municipal corporation in an adjoining state 400
serving in this state under a contract pursuant to section 737.04 401
of the Revised Code. 402

Section 2. That existing sections 109.75 and 109.77 of the 403
Revised Code are hereby repealed. 404

Section 3. Section 109.77 of the Revised Code is presented in 405
this act as a composite of the section as amended by Am. Sub. H.B. 406
490, Sub. H.B. 545, and H.B. 675 of the 124th General Assembly. 407
The General Assembly, applying the principle stated in division 408
(B) of section 1.52 of the Revised Code that amendments are to be 409
harmonized if reasonably capable of simultaneous operation, finds 410
that the composite is the resulting version of the section in 411
effect prior to the effective date of the section as presented in 412
this act. 413