

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 611

Representative Patton

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A B I L L

To amend sections 109.572, 737.051, and 737.161 of
the Revised Code to require a criminal records
check of a person before appointment as an
auxiliary police officer of a municipal
corporation and to establish qualifications for
auxiliary police officers of municipal
corporations. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 737.051, and 737.161 of the
Revised Code be amended to read as follows: 8
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Sec. 109.572. (A)(1) Upon receipt of a request pursuant to
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code,
a completed form prescribed pursuant to division (C)(1) of this
section, and a set of fingerprint impressions obtained in the
manner described in division (C)(2) of this section, the
superintendent of the bureau of criminal identification and
investigation shall conduct a criminal records check in the manner
described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to any of the following: 10
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(a) A violation of section 2903.01, 2903.02, 2903.03, 21
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 22
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 23
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 24
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 25
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 26
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 27
2925.06, or 3716.11 of the Revised Code, felonious sexual 28
penetration in violation of former section 2907.12 of the Revised 29
Code, a violation of section 2905.04 of the Revised Code as it 30
existed prior to July 1, 1996, a violation of section 2919.23 of 31
the Revised Code that would have been a violation of section 32
2905.04 of the Revised Code as it existed prior to July 1, 1996, 33
had the violation been committed prior to that date, or a 34
violation of section 2925.11 of the Revised Code that is not a 35
minor drug possession offense; 36

(b) A violation of an existing or former law of this state, 37
any other state, or the United States that is substantially 38
equivalent to any of the offenses listed in division (A)(1)(a) of 39
this section. 40

(2) On receipt of a request pursuant to section 5123.081 of 41
the Revised Code with respect to an applicant for employment in 42
any position with the department of mental retardation and 43
developmental disabilities, pursuant to section 5126.28 of the 44
Revised Code with respect to an applicant for employment in any 45
position with a county board of mental retardation and 46
developmental disabilities, or pursuant to section 5126.281 of the 47
Revised Code with respect to an applicant for employment in a 48
direct services position with an entity contracting with a county 49
board for employment, a completed form prescribed pursuant to 50
division (C)(1) of this section, and a set of fingerprint 51
impressions obtained in the manner described in division (C)(2) of 52

this section, the superintendent of the bureau of criminal 53
identification and investigation shall conduct a criminal records 54
check. The superintendent shall conduct the criminal records check 55
in the manner described in division (B) of this section to 56
determine whether any information exists that indicates that the 57
person who is the subject of the request has been convicted of or 58
pleaded guilty to any of the following: 59

(a) A violation of section 2903.01, 2903.02, 2903.03, 60
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 61
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 62
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 63
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 64
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 65
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 66
2925.03, or 3716.11 of the Revised Code; 67

(b) An existing or former municipal ordinance or law of this 68
state, any other state, or the United States that is substantially 69
equivalent to any of the offenses listed in division (A)(2)(a) of 70
this section. 71

(3) On receipt of a request pursuant to section 173.27, 72
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 73
completed form prescribed pursuant to division (C)(1) of this 74
section, and a set of fingerprint impressions obtained in the 75
manner described in division (C)(2) of this section, the 76
superintendent of the bureau of criminal identification and 77
investigation shall conduct a criminal records check with respect 78
to any person who has applied for employment in a position for 79
which a criminal records check is required by those sections. The 80
superintendent shall conduct the criminal records check in the 81
manner described in division (B) of this section to determine 82
whether any information exists that indicates that the person who 83
is the subject of the request previously has been convicted of or 84

pleaded guilty to any of the following: 85

(a) A violation of section 2903.01, 2903.02, 2903.03, 86
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 87
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 88
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 89
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 90
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 91
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 92
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 93
2925.22, 2925.23, or 3716.11 of the Revised Code; 94

(b) An existing or former law of this state, any other state, 95
or the United States that is substantially equivalent to any of 96
the offenses listed in division (A)(3)(a) of this section. 97

(4) On receipt of a request pursuant to section 3701.881 of 98
the Revised Code with respect to an applicant for employment with 99
a home health agency as a person responsible for the care, 100
custody, or control of a child, a completed form prescribed 101
pursuant to division (C)(1) of this section, and a set of 102
fingerprint impressions obtained in the manner described in 103
division (C)(2) of this section, the superintendent of the bureau 104
of criminal identification and investigation shall conduct a 105
criminal records check. The superintendent shall conduct the 106
criminal records check in the manner described in division (B) of 107
this section to determine whether any information exists that 108
indicates that the person who is the subject of the request 109
previously has been convicted of or pleaded guilty to any of the 110
following: 111

(a) A violation of section 2903.01, 2903.02, 2903.03, 112
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 114
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 115
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 116

2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 117
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 118
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 119
violation of section 2925.11 of the Revised Code that is not a 120
minor drug possession offense; 121

(b) An existing or former law of this state, any other state, 122
or the United States that is substantially equivalent to any of 123
the offenses listed in division (A)(4)(a) of this section. 124

(5) On receipt of a request pursuant to section 5111.032, 125
5111.033, or 5111.034 of the Revised Code, a completed form 126
prescribed pursuant to division (C)(1) of this section, and a set 127
of fingerprint impressions obtained in the manner described in 128
division (C)(2) of this section, the superintendent of the bureau 129
of criminal identification and investigation shall conduct a 130
criminal records check. The superintendent shall conduct the 131
criminal records check in the manner described in division (B) of 132
this section to determine whether any information exists that 133
indicates that the person who is the subject of the request 134
previously has been convicted of, has pleaded guilty to, or has 135
been found eligible for intervention in lieu of conviction for any 136
of the following: 137

(a) A violation of section 2903.01, 2903.02, 2903.03, 138
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 139
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 140
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 141
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 142
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 143
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 144
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 145
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 146
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 147
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 148

3716.11 of the Revised Code, felonious sexual penetration in 149
violation of former section 2907.12 of the Revised Code, a 150
violation of section 2905.04 of the Revised Code as it existed 151
prior to July 1, 1996, a violation of section 2919.23 of the 152
Revised Code that would have been a violation of section 2905.04 153
of the Revised Code as it existed prior to July 1, 1996, had the 154
violation been committed prior to that date; 155

(b) An existing or former law of this state, any other state, 156
or the United States that is substantially equivalent to any of 157
the offenses listed in division (A)(5)(a) of this section. 158

(6) On receipt of a request pursuant to section 3701.881 of 159
the Revised Code with respect to an applicant for employment with 160
a home health agency in a position that involves providing direct 161
care to an older adult, a completed form prescribed pursuant to 162
division (C)(1) of this section, and a set of fingerprint 163
impressions obtained in the manner described in division (C)(2) of 164
this section, the superintendent of the bureau of criminal 165
identification and investigation shall conduct a criminal records 166
check. The superintendent shall conduct the criminal records check 167
in the manner described in division (B) of this section to 168
determine whether any information exists that indicates that the 169
person who is the subject of the request previously has been 170
convicted of or pleaded guilty to any of the following: 171

(a) A violation of section 2903.01, 2903.02, 2903.03, 172
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 173
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 174
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 175
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 176
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 177
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 178
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 179
2925.22, 2925.23, or 3716.11 of the Revised Code; 180

(b) An existing or former law of this state, any other state, 181
or the United States that is substantially equivalent to any of 182
the offenses listed in division (A)(6)(a) of this section. 183

(7) When conducting a criminal records check upon a request 184
pursuant to section 3319.39 of the Revised Code for an applicant 185
who is a teacher, in addition to the determination made under 186
division (A)(1) of this section, the superintendent shall 187
determine whether any information exists that indicates that the 188
person who is the subject of the request previously has been 189
convicted of or pleaded guilty to any offense specified in section 190
3319.31 of the Revised Code. 191

(8) On receipt of a request pursuant to section 2151.86 of 192
the Revised Code, a completed form prescribed pursuant to division 193
(C)(1) of this section, and a set of fingerprint impressions 194
obtained in the manner described in division (C)(2) of this 195
section, the superintendent of the bureau of criminal 196
identification and investigation shall conduct a criminal records 197
check in the manner described in division (B) of this section to 198
determine whether any information exists that indicates that the 199
person who is the subject of the request previously has been 200
convicted of or pleaded guilty to any of the following: 201

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 202
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 203
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 204
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 205
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 206
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 207
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 208
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 209
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 210
of the Revised Code, a violation of section 2905.04 of the Revised 211
Code as it existed prior to July 1, 1996, a violation of section 212

2919.23 of the Revised Code that would have been a violation of 213
section 2905.04 of the Revised Code as it existed prior to July 1, 214
1996, had the violation been committed prior to that date, a 215
violation of section 2925.11 of the Revised Code that is not a 216
minor drug possession offense, two or more OVI or OVUAC violations 217
committed within the three years immediately preceding the 218
submission of the application or petition that is the basis of the 219
request, or felonious sexual penetration in violation of former 220
section 2907.12 of the Revised Code; 221

(b) A violation of an existing or former law of this state, 222
any other state, or the United States that is substantially 223
equivalent to any of the offenses listed in division (A)(8)(a) of 224
this section. 225

(9) Upon receipt of a request pursuant to section 5104.012 or 226
5104.013 of the Revised Code, a completed form prescribed pursuant 227
to division (C)(1) of this section, and a set of fingerprint 228
impressions obtained in the manner described in division (C)(2) of 229
this section, the superintendent of the bureau of criminal 230
identification and investigation shall conduct a criminal records 231
check in the manner described in division (B) of this section to 232
determine whether any information exists that indicates that the 233
person who is the subject of the request has been convicted of or 234
pleaded guilty to any of the following: 235

(a) A violation of section 2903.01, 2903.02, 2903.03, 236
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 237
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 238
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 239
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 240
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 241
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 242
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 243
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 244

2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 245
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 246
3716.11 of the Revised Code, felonious sexual penetration in 247
violation of former section 2907.12 of the Revised Code, a 248
violation of section 2905.04 of the Revised Code as it existed 249
prior to July 1, 1996, a violation of section 2919.23 of the 250
Revised Code that would have been a violation of section 2905.04 251
of the Revised Code as it existed prior to July 1, 1996, had the 252
violation been committed prior to that date, a violation of 253
section 2925.11 of the Revised Code that is not a minor drug 254
possession offense, a violation of section 2923.02 or 2923.03 of 255
the Revised Code that relates to a crime specified in this 256
division, or a second violation of section 4511.19 of the Revised 257
Code within five years of the date of application for licensure or 258
certification. 259

(b) A violation of an existing or former law of this state, 260
any other state, or the United States that is substantially 261
equivalent to any of the offenses or violations described in 262
division (A)(9)(a) of this section. 263

(10) Upon receipt of a request pursuant to section 5153.111 264
of the Revised Code, a completed form prescribed pursuant to 265
division (C)(1) of this section, and a set of fingerprint 266
impressions obtained in the manner described in division (C)(2) of 267
this section, the superintendent of the bureau of criminal 268
identification and investigation shall conduct a criminal records 269
check in the manner described in division (B) of this section to 270
determine whether any information exists that indicates that the 271
person who is the subject of the request previously has been 272
convicted of or pleaded guilty to any of the following: 273

(a) A violation of section 2903.01, 2903.02, 2903.03, 274
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 275
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 276

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 277
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 278
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 279
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 280
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 281
felonious sexual penetration in violation of former section 282
2907.12 of the Revised Code, a violation of section 2905.04 of the 283
Revised Code as it existed prior to July 1, 1996, a violation of 284
section 2919.23 of the Revised Code that would have been a 285
violation of section 2905.04 of the Revised Code as it existed 286
prior to July 1, 1996, had the violation been committed prior to 287
that date, or a violation of section 2925.11 of the Revised Code 288
that is not a minor drug possession offense; 289

(b) A violation of an existing or former law of this state, 290
any other state, or the United States that is substantially 291
equivalent to any of the offenses listed in division (A)(10)(a) of 292
this section. 293

(11) On receipt of a request for a criminal records check 294
from an individual pursuant to section 4749.03 or 4749.06 of the 295
Revised Code, accompanied by a completed copy of the form 296
prescribed in division (C)(1) of this section and a set of 297
fingerprint impressions obtained in a manner described in division 298
(C)(2) of this section, the superintendent of the bureau of 299
criminal identification and investigation shall conduct a criminal 300
records check in the manner described in division (B) of this 301
section to determine whether any information exists indicating 302
that the person who is the subject of the request has been 303
convicted of or pleaded guilty to a felony in this state or in any 304
other state. If the individual indicates that a firearm will be 305
carried in the course of business, the superintendent shall 306
require information from the federal bureau of investigation as 307
described in division (B)(2) of this section. The superintendent 308

shall report the findings of the criminal records check and any 309
information the federal bureau of investigation provides to the 310
director of public safety. 311

(12) On receipt of a request pursuant to section 1322.03, 312
1322.031, or 4763.05 of the Revised Code, a completed form 313
prescribed pursuant to division (C)(1) of this section, and a set 314
of fingerprint impressions obtained in the manner described in 315
division (C)(2) of this section, the superintendent of the bureau 316
of criminal identification and investigation shall conduct a 317
criminal records check with respect to any person who has applied 318
for a license, permit, or certification from the department of 319
commerce or a division in the department. The superintendent shall 320
conduct the criminal records check in the manner described in 321
division (B) of this section to determine whether any information 322
exists that indicates that the person who is the subject of the 323
request previously has been convicted of or pleaded guilty to any 324
of the following: a violation of section 2913.02, 2913.11, 325
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 326
criminal offense involving theft, receiving stolen property, 327
embezzlement, forgery, fraud, passing bad checks, money 328
laundering, or drug trafficking, or any criminal offense involving 329
money or securities, as set forth in Chapters 2909., 2911., 2913., 330
2915., 2921., 2923., and 2925. of the Revised Code; or any 331
existing or former law of this state, any other state, or the 332
United States that is substantially equivalent to those offenses. 333

(13) On receipt of a request for a criminal records check 334
from the treasurer of state under section 113.041 of the Revised 335
Code or from an individual under section 4701.08, 4715.101, 336
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 337
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 338
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 339
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 340

4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 341
a completed form prescribed under division (C)(1) of this section 342
and a set of fingerprint impressions obtained in the manner 343
described in division (C)(2) of this section, the superintendent 344
of the bureau of criminal identification and investigation shall 345
conduct a criminal records check in the manner described in 346
division (B) of this section to determine whether any information 347
exists that indicates that the person who is the subject of the 348
request has been convicted of or pleaded guilty to any criminal 349
offense in this state or any other state. The superintendent shall 350
send the results of a check requested under section 113.041 of the 351
Revised Code to the treasurer of state and shall send the results 352
of a check requested under any of the other listed sections to the 353
licensing board specified by the individual in the request. 354

(14) On receipt of a request pursuant to section 737.051 or 356
737.161 of the Revised Code, a completed form prescribed pursuant 357
to division (C)(1) of this section, and a set of fingerprint 358
impressions obtained in the manner described in division (C)(2) of 359
this section, the superintendent of the bureau of criminal 360
identification and investigation shall conduct a criminal records 361
check. The superintendent shall conduct the criminal records check 362
in the manner described in division (B) of this section to 363
determine whether any information exists that indicates that the 364
person who is the subject of the request previously has been 365
convicted of or has pleaded guilty to any felony under an existing 366
or former law of this state, any other state, or the United 367
States. 368

(15) Not later than thirty days after the date the 369
superintendent receives a request of a type described in division 370
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or~~ 371
(12), or (14) of this section, the completed form, and the 372

fingerprint impressions, the superintendent shall send the person, 373
board, or entity that made the request any information, other than 374
information the dissemination of which is prohibited by federal 375
law, the superintendent determines exists with respect to the 376
person who is the subject of the request that indicates that the 377
person previously has been convicted of or pleaded guilty to any 378
offense listed or described in division (A)(1), (2), (3), (4), 379
(5), (6), (7), (8), (9), (10), (11), ~~or (12)~~, or (14) of this 380
section, as appropriate. The superintendent shall send the person, 381
board, or entity that made the request a copy of the list of 382
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 383
(7), (8), (9), (10), (11), ~~or (12)~~, or (14) of this section, as 384
appropriate. If the request was made under section 3701.881 of the 385
Revised Code with regard to an applicant who may be both 386
responsible for the care, custody, or control of a child and 387
involved in providing direct care to an older adult, the 388
superintendent shall provide a list of the offenses specified in 389
divisions (A)(4) and (6) of this section. 390

Not later than thirty days after the superintendent receives 391
a request for a criminal records check pursuant to section 113.041 392
of the Revised Code, the completed form, and the fingerprint 393
impressions, the superintendent shall send the treasurer of state 394
any information, other than information the dissemination of which 395
is prohibited by federal law, the superintendent determines exist 396
with respect to the person who is the subject of the request that 397
indicates that the person previously has been convicted of or 398
pleaded guilty to any criminal offense in this state or any other 399
state. 400

(B) The superintendent shall conduct any criminal records 401
check requested under section 113.041, 121.08, 173.27, 173.394, 402
737.051, 737.161, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 403
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 404

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 405
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 406
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 407
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 408
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 409
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 410
5126.281, or 5153.111 of the Revised Code as follows: 411

(1) The superintendent shall review or cause to be reviewed 413
any relevant information gathered and compiled by the bureau under 414
division (A) of section 109.57 of the Revised Code that relates to 415
the person who is the subject of the request, including any 416
relevant information contained in records that have been sealed 417
under section 2953.32 of the Revised Code; 418

(2) If the request received by the superintendent asks for 419
information from the federal bureau of investigation, the 420
superintendent shall request from the federal bureau of 421
investigation any information it has with respect to the person 422
who is the subject of the request, including fingerprint-based 423
checks of national crime information databases as described in 424
U.S.C. 671 if the request is made pursuant to section 2151.86, 425
5104.012, or 5104.013 of the Revised Code or if any other Revised 426
Code section requires fingerprint-based checks of that nature, and 427
shall review or cause to be reviewed any information the 428
superintendent receives from that bureau. 429

(3) The superintendent or the superintendent's designee may 430
request criminal history records from other states or the federal 431
government pursuant to the national crime prevention and privacy 432
compact set forth in section 109.571 of the Revised Code. 433

(C)(1) The superintendent shall prescribe a form to obtain 434
the information necessary to conduct a criminal records check from 435
any person for whom a criminal records check is requested under 436

section 113.041 of the Revised Code or required by section 121.08, 437
173.27, 173.394, 737.051, 737.161, 1322.03, 1322.031, 2151.86, 438
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 439
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 440
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 441
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 442
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 443
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 444
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 445
5126.281, or 5153.111 of the Revised Code. The form that the 446
superintendent prescribes pursuant to this division may be in a 447
tangible format, in an electronic format, or in both tangible and 448
electronic formats. 449

(2) The superintendent shall prescribe standard impression 450
sheets to obtain the fingerprint impressions of any person for 451
whom a criminal records check is requested under section 113.041 452
of the Revised Code or required by section 121.08, 173.27, 453
173.394, 737.051, 737.161, 1322.03, 1322.031, 2151.86, 3301.32, 454
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 455
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 456
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 457
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 458
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 459
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 460
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 461
5126.281, or 5153.111 of the Revised Code. Any person for whom a 462
records check is requested under or required by any of those 463
sections shall obtain the fingerprint impressions at a county 464
sheriff's office, municipal police department, or any other entity 465
with the ability to make fingerprint impressions on the standard 466
impression sheets prescribed by the superintendent. The office, 467
department, or entity may charge the person a reasonable fee for 468
making the impressions. The standard impression sheets the 469

superintendent prescribes pursuant to this division may be in a 470
tangible format, in an electronic format, or in both tangible and 471
electronic formats. 472

(3) Subject to division (D) of this section, the 474
superintendent shall prescribe and charge a reasonable fee for 475
providing a criminal records check requested under section 476
113.041, 121.08, 173.27, 173.394, 737.051, 737.161, 1322.03, 477
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 478
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 479
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 480
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 481
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 482
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 483
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 484
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 485
person making a criminal records request under any of those 486
sections shall pay the fee prescribed pursuant to this division. A 487
person making a request under section 3701.881 of the Revised Code 488
for a criminal records check for an applicant who may be both 489
responsible for the care, custody, or control of a child and 490
involved in providing direct care to an older adult shall pay one 491
fee for the request. In the case of a request under section 492
5111.032 of the Revised Code, the fee shall be paid in the manner 493
specified in that section. 494

(4) The superintendent of the bureau of criminal 496
identification and investigation may prescribe methods of 497
forwarding fingerprint impressions and information necessary to 498
conduct a criminal records check, which methods shall include, but 499
not be limited to, an electronic method. 500

(D) A determination whether any information exists that 501

indicates that a person previously has been convicted of or 502
pleaded guilty to any offense listed or described in division 503
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 504
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 505
(A)(9)(a) or (b), (A)(10)(a) or (b), ~~or~~ (A)(12), or (A)(14) of 506
this section, or that indicates that a person previously has been 507
convicted of or pleaded guilty to any criminal offense in this 508
state or any other state regarding a criminal records check of a 509
type described in division (A)(13) of this section, and that is 510
made by the superintendent with respect to information considered 511
in a criminal records check in accordance with this section is 512
valid for the person who is the subject of the criminal records 513
check for a period of one year from the date upon which the 514
superintendent makes the determination. During the period in which 515
the determination in regard to a person is valid, if another 516
request under this section is made for a criminal records check 517
for that person, the superintendent shall provide the information 518
that is the basis for the superintendent's initial determination 519
at a lower fee than the fee prescribed for the initial criminal 520
records check. 521

(E) As used in this section: 522

(1) "Criminal records check" means any criminal records check 523
conducted by the superintendent of the bureau of criminal 524
identification and investigation in accordance with division (B) 525
of this section. 526

(2) "Minor drug possession offense" has the same meaning as 527
in section 2925.01 of the Revised Code. 528

(3) "Older adult" means a person age sixty or older. 529

(4) "OVI or OVUAC violation" means a violation of section 530
4511.19 of the Revised Code or a violation of an existing or 531
former law of this state, any other state, or the United States 532

that is substantially equivalent to section 4511.19 of the Revised Code. 533
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Sec. 737.051. (A)(1) The legislative authority of a city may 535
establish, by ordinance, an auxiliary police unit within the 536
police department of the city, and provide for the regulation of 537
auxiliary police officers. The director of public safety shall be 538
the executive head of the auxiliary police unit, shall make all 539
appointments and removals of auxiliary police officers, subject to 540
any general rules prescribed by the legislative authority by 541
ordinance, and shall prescribe rules for the organization, 542
training, administration, control, and conduct of the auxiliary 543
police unit. Members of the auxiliary police unit shall not be in 544
the classified service of the city. 545

(2) Before a director of public safety appoints a person as 546
an auxiliary police officer, the director shall request a criminal 547
records check of the person from the bureau of criminal 548
identification and investigation pursuant to section 109.572 of 549
the Revised Code and shall cause a polygraph examination to be 550
administered to the person. The director shall use the results of 551
the criminal records check and the polygraph examination to assist 552
in determining whether the person qualifies to be an auxiliary 553
police officer. 554

(3) No person shall be appointed an auxiliary police officer 555
unless the director of public safety and the chief of police 556
approve the appointment and the person meets all of the following 557
criteria: 558

(a) The person is at least twenty-one years of age, is a 559
citizen of the United States, and resides in the county in which 560
the city is located or an adjoining county. 561

(b) The person has a high school or general educational 562
development diploma and has passed a civil service examination for 563

police officers. 564

(c) The person holds a valid driver's license issued under Chapter 4507. of the Revised Code. 565
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(d) The person has distant binocular acuity of at least 20/20 (Snellen test) in both eyes with or without corrective lenses and distant visual acuity of at least 20/125 (Snellen test) in each eye without corrective lenses, is in good physical health as evidenced by the results of a medical examination that includes but is not limited to a stress test, a hearing test, and a drug test, and is in good mental health as evidenced by the results of a psychological evaluation. 567
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(e) The person has not been convicted of or pleaded guilty to a felony. 575
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(f) The person is of good character, has a good reputation in the community, and possesses judgment, tact, and initiative commensurate with the position of auxiliary police officer, as determined by the director of public safety. 577
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(4) A person who is appointed as an auxiliary police officer shall, while on duty, wear a uniform that bears distinctive words or insignia clearly indicating that the person is an auxiliary officer and not a regular member of the police force. 581
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(5) Before undertaking official duties, an auxiliary police officer shall take an oath of office. 585
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(B)(1) The legislative authority of a city may establish, by ordinance, a parking enforcement unit within the police department of the city, and provide for the regulation of parking enforcement officers. The director of public safety shall be the executive head of the parking enforcement unit, shall make all appointments and removals of parking enforcement officers, subject to any general rules prescribed by the legislative authority by ordinance, and shall prescribe rules for the organization, 587
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training, administration, control, and conduct of the parking 595
enforcement unit. The director may appoint parking enforcement 596
officers who agree to serve for nominal compensation, and persons 597
with physical disabilities may receive appointments as parking 598
enforcement officers. 599

(2) The authority of the parking enforcement officers shall 600
be limited to the enforcement of ordinances governing parking in 601
handicapped parking locations and fire lanes and any other parking 602
ordinances specified in the ordinance creating the parking 603
enforcement unit. Parking enforcement officers shall have no other 604
powers. 605

(3) The training the parking enforcement officers shall 606
receive shall include instruction in general administrative rules 607
and procedures governing the parking enforcement unit, the role of 608
the judicial system as it relates to parking regulation and 609
enforcement, proper techniques and methods relating to the 610
enforcement of parking ordinances, human interaction skills, and 611
first aid. 612

Sec. 737.161. (A)(1) The legislative authority of a village 613
may establish, by ordinance, an auxiliary police unit within the 614
police department of the village, and provide for the regulation 615
of auxiliary police officers. The mayor shall be the executive 616
head of the auxiliary police unit, shall make all appointments and 617
removals of auxiliary police officers, subject to any general 618
rules prescribed by the legislative authority by ordinance, and 619
shall prescribe rules for the organization, training, 620
administration, control, and conduct of the auxiliary police unit. 621
The village marshal shall have exclusive control of the stationing 622
and transferring of all auxiliary police officers, under such 623
general rules as the mayor prescribes. 624

(2) Before a mayor appoints a person as an auxiliary police 625

officer, the mayor shall request a criminal records check of the 626
person from the bureau of criminal identification and 627
investigation pursuant to section 109.572 of the Revised Code and 628
shall cause a polygraph examination to be administered to the 629
person. The results of the criminal records check and the 630
polygraph examination shall be used to assist in determining 631
whether the person qualifies to be an auxiliary police officer. 632

(3) No person shall be appointed an auxiliary police officer 633
unless the mayor and the village marshal approve the appointment 634
and the person meets all of the following criteria: 635

(a) The person is at least twenty-one years of age, is a 636
citizen of the United States, and resides in the county in which 637
the village is located or an adjoining county. 638

(b) The person has a high school or general educational 639
development diploma and has passed a civil service examination for 640
police officers. 641

(c) The person holds a valid driver's license issued under 642
Chapter 4507. of the Revised Code. 643

(d) The person has distant binocular acuity of at least 20/20 644
(Snellen test) in both eyes with or without corrective lenses and 645
distant visual acuity of at least 20/125 (Snellen test) in each 646
eye without corrective lenses, is in good physical health as 647
evidenced by the results of a medical examination that includes 648
but is not limited to a stress test, a hearing test, and a drug 649
test, and is in good mental health as evidenced by the results of 650
a psychological evaluation. 651

(e) The person has not been convicted of or pleaded guilty to 652
a felony. 653

(f) The person is of good character, has a good reputation in 654
the community, and possesses judgment, tact, and initiative 655
commensurate with the position of auxiliary police officer, as 656

determined by the mayor. 657

(4) A person who is appointed as an auxiliary police officer shall, while on duty, wear a uniform that bears distinctive words or insignia clearly indicating that the person is an auxiliary officer and not a regular member of the police force. 658
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(5) Before undertaking official duties, an auxiliary police officer shall take an oath of office. 662
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(B)(1) The legislative authority of a village may establish, 664
by ordinance, a parking enforcement unit within the police 665
department of the village, and provide for the regulation of 666
parking enforcement officers. The mayor shall be the executive 667
head of the parking enforcement unit, shall make all appointments 668
and removals of parking enforcement officers, subject to any 669
general rules prescribed by the legislative authority by 670
ordinance, and shall prescribe rules for the organization, 671
training, administration, control, and conduct of the parking 672
enforcement unit. The mayor may appoint parking enforcement 673
officers who agree to serve for nominal compensation, and persons 674
with physical disabilities may receive appointments as parking 675
enforcement officers. 676

(2) The authority of the parking enforcement officers shall 677
be limited to the enforcement of ordinances governing parking in 678
handicapped parking locations and fire lanes and any other parking 679
ordinances specified in the ordinance creating the parking 680
enforcement unit. Parking enforcement officers shall have no other 681
powers. 682

(3) The training the parking enforcement officers shall 683
receive shall include instruction in general administrative rules 684
and procedures governing the parking enforcement unit, the role of 685
the judicial system as it relates to parking regulation and 686
enforcement, proper techniques and methods relating to the 687

enforcement of parking ordinances, human interaction skills, and 688
first aid. 689

Section 2. That existing sections 109.572, 737.051, and 690
737.161 of the Revised Code are hereby repealed. 691