

1 128HB1-HC2334.docx/ar

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Sub. H.B. 1
LSC 128 0516-4
HC-2334

5 _____ moved to amend as follows:

6 In line 104475, delete "\$6,594,504 \$6,602,446" and
7 insert "\$6,494,504 \$6,502,446"

8 In line 104477, delete "\$6,963,226 \$6,977,487" and
9 insert "\$7,063,226 \$7,077,487"

10 In line 104583, delete "\$2,575,641" and insert "\$2,675,641"

11 In line 104584, delete "\$2,575,966" and insert "\$2,675,966"

12 The motion was _____ agreed to.

13 SYNOPSIS

14 **Department of Education**

15 **Sections 281.10 and 281.30**

16 Decreases GRF appropriation item 935409, Technology
17 Operations, by \$100,000 in each fiscal year, increases, by the
18 same amount in each fiscal year, GRF appropriation 935411,
19 Technology Integration and Professional Development, and
20 increases the earmark from 935411 for eTech to use to contract
21 with educational television to provide Ohio's public schools
22 with instructional resources and services from \$2,575,641 to
23 \$2,675,641 in fiscal year 2010 and from \$2,575,966 to \$2,675,966
24 in fiscal year 2011.

5 _____ moved to amend as follows:

6 In line 100591, delete "\$46,499,699 \$46,499,699" and
7 insert "\$46,399,699 \$46,399,699"

8 Between lines 100591 and 100592, insert:

9 "GRF 055405 Law-Related Education \$100,000 \$100,000"

10 Between lines 100637 and 100638, insert:

11 "LAW-RELATED EDUCATION

12 The foregoing appropriation item 055405, Law-Related
13 Education, shall be distributed directly to the Ohio Center for
14 Law-Related Education for the purpose of providing continuing
15 citizenship education activities to primary and secondary
16 students, expanding delinquency prevention programs, increasing
17 activities for at-risk youth, and accessing additional public
18 and private money for new programs."

19 The motion was _____ agreed to.

20 SYNOPSIS

21 **Attorney General**

22 **Section 223.10**

23 Reduces the appropriation for GRF line item 055321,
24 Operating Expenses, by \$100,000 in each fiscal year.

25 Establishes GRF line item 055405, Law-Related Education, with an
26 appropriation of \$100,000 in each fiscal year, and earmarks that
27 amount in each fiscal year for distribution to the Ohio Center
28 for Law-Related Education.

1 128HB1-HC2339.docx/ejs

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Sub. H.B. 1
LSC 128 0516-4
HC-2339

5 _____ moved to amend as follows:

6 In line 8020, delete "granted" and insert "issued by the
7 director of development"

8 The motion was _____ agreed to.

9 SYNOPSIS

10 **Public Database of Tax Credits**

11 **R.C. 125.20**

12 Regarding the proposed public database of business tax
13 credits (and state employee wages and state expenditures),
14 specifies that the tax credits to be contained in the database
15 are those issued by the Director of Development.

Sub. H.B. 1
LSC 128 0516-4
HC-2342

_____ moved to amend as follows:

In line 331, after "109.572," insert "109.802, 109.803," 1

Between lines 1570 and 1571, insert: 2

"Sec. 109.802. (A) There is hereby created in the state 3
treasury the law enforcement assistance fund. The ~~fund~~ attorney 4
general shall ~~be used~~ use the fund to pay reimbursements for 5
continuing professional training programs for peace officers and 6
troopers as provided in this section and section 109.803 of the 7
Revised Code, ~~the~~ compensation of any employees of the attorney 8
general required to administer those sections, and any other 9
administrative costs incurred by the attorney general to 10
administer those sections. 11

(B) The attorney general shall adopt rules in accordance with 12
Chapter 119. of the Revised Code establishing application 13
procedures, standards, and guidelines, and prescribing an 14
application form, for the reimbursement of public appointing 15
authorities for the cost of continuing professional training 16
programs for their peace officers and troopers. The rules shall 17
include, but are not limited to, all of the following: 18

(1) A requirement that applications for reimbursement be 19
submitted on a calendar-year basis; 20

(2) The documentation required to substantiate any costs for which the applicant seeks reimbursement;

(3) Procedures for submitting applications for reimbursement for the cost of continuing professional training programs completed by a peace officer or trooper for whom the executive director of the Ohio peace officer training commission granted pursuant to division (A) (2) of section 109.803 of the Revised Code an extension of the time for compliance with the continuing professional training requirement specified in division (A) of that section and who complied with the requirement prior to the date on which the extension ends;

(4) Any other requirements necessary for the proper administration of the reimbursement program.

(C) The Ohio peace officer training commission shall administer a program for reimbursing public appointing authorities for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. The commission shall administer the reimbursement program in accordance with rules adopted by the attorney general pursuant to division (B) of this section.

(D) Each public appointing authority may apply each calendar year to the peace officer training commission for reimbursement for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. Each application shall be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the rules adopted by the attorney general pursuant to division (B) of this section.

(E) (1) The Ohio peace officer training commission, in accordance with rules of the attorney general adopted under division (B) of this section, shall review each application for

reimbursement made under division (D) of this section to determine
 if the applicant is entitled to reimbursement for the training
 programs for which the applicant seeks reimbursement. Except as
 provided in division (E) (2) of this section, a public appointing
 authority that complies with division (B) of section 109.761 of
the Revised Code and applies under division (D) of this section
 for reimbursement is entitled to reimbursement ~~only if all for~~
~~each~~ of the appointing authority's peace officers or troopers
~~comply who timely complies~~ with the continuing professional
 training requirement specified in division (A) (1) of section
 109.803 of the Revised Code by completing the minimum number of
 hours of training directed by the Ohio peace officer training
 commission under that division and with the other requirements
 described in that division.

~~(2) If a public appointing authority applies under division~~
~~(D) of this section for reimbursement, if one or more of its peace~~
~~officers or troopers have not complied with the continuing~~
~~professional training requirement specified in division (A) (1) of~~
~~section 109.803 of the Revised Code by completing the minimum~~
~~number of hours of training directed by the Ohio peace officer~~
~~training commission under that division, and if the executive~~
~~director of the commission granted pursuant to division (A) (2) of~~
~~section 109.803 of the Revised Code an extension of the time~~
~~within which each of those peace officers or troopers who have not~~
~~complied with the continuing professional training requirement~~
~~must comply with that requirement, notwithstanding division (E) (1)~~
~~of this section, both of the following apply:~~

~~(a) If each peace officer or trooper of the public appointing~~
~~authority for whom the executive director of the commission did~~
~~not grant an extension pursuant to division (A) (2) of section~~
~~109.803 of the Revised Code has complied with the continuing~~

~~professional training requirement and with the other requirements 83
described in division (A) (1) of section 109.803 of the Revised 84
Code, the public appointing authority is entitled to reimbursement 85
for the training programs completed by all of its peace officers 86
or troopers who have so complied with the continuing professional 87
training requirement and the other specified requirements. 88~~

(b) If a peace officer or trooper of the public appointing 89
authority for whom the executive director of the commission 90
granted an extension pursuant to division (A) (2) of section 91
109.803 of the Revised Code complies prior to the date on which 92
the extension ends with the continuing professional training 93
requirement, and if the peace officer or trooper also has complied 94
with the other requirements described in division (A) (1) of 95
section 109.803 of the Revised Code, the public appointing 96
authority is entitled to reimbursement for the training programs 97
completed by that peace officer or trooper. An application for 98
reimbursement of the type described in this division shall be made 99
in accordance with rules adopted by the attorney general pursuant 100
to division (B) of section 109.802 of the Revised Code. 101

(3) If a public appointing authority that applies under 102
division (D) of this section for reimbursement is entitled to 103
reimbursement under division (E) (1) or (2) of this section for 104
each peace officer and trooper who successfully completes a 105
training program, the commission shall approve reimbursing the 106
appointing authority for the cost of that program. The actual 107
amount of reimbursement for each authorized training program shall 108
be determined by rules adopted by the attorney general under 109
division (B) of this section. 110

If the public appointing authority is entitled to 111
reimbursement under division (E) (2) (a) of this section, payment of 112
the reimbursement shall not be withheld during the period of the 113

extension granted to the other peace officers or troopers of the 114
 authority pursuant to division (A) (2) of section 109.803 of the 115
 Revised Code, pending their compliance with the requirement. If 116
 the public appointing authority is entitled to reimbursement under 117
 division (E) (2) ~~(a)~~ of this section and if one or more of its peace 118
 officers or troopers who were granted an extension pursuant to 119
 division (A) (2) of section 109.803 of the Revised Code fails to 120
 complete prior to the date on which the extension ends the 121
 required minimum number of hours of continuing professional 122
 training set by the commission under division (A) (1) of section 123
 109.803 of the Revised Code, the failure does not affect the 124
 reimbursement made to the public appointing authority, and the 125
 public appointing authority is not required to return the 126
 reimbursement or any portion of it. 127

(F) Each public appointing authority that receives funds 128
 under this section shall keep those funds separate from any other 129
 funds of the appointing authority and shall use those funds only 130
 for paying the cost of continuing professional training programs. 131

(G) As used in this section and section 109.803 of the 132
 Revised Code: 133

(1) "Peace officer" has the same meaning as in section 109.71 134
 of the Revised Code. 135

(2) "Trooper" means an individual appointed as a state 136
 highway patrol trooper under section 5503.01 of the Revised Code. 137

(3) "Appointing authority" means any agency or entity that 138
 appoints a peace officer or trooper. 139

Sec. 109.803. (A) (1) Subject to division (A) (2) of this 140
 section, every appointing authority shall require each of its 141
 appointed peace officers and troopers to complete up to 142
 twenty-four hours of continuing professional training each 143

calendar year, as directed by the Ohio peace officer training 144
commission. The number of hours directed by the commission, up to 145
twenty-four hours, is intended to be a minimum requirement, and 146
appointing authorities are encouraged to exceed the number of 147
hours the commission directs as the minimum. The commission shall 148
set the required minimum number of hours based upon available 149
funding for reimbursement as described in this division. If no 150
funding for the reimbursement is available, no continuing 151
professional training will be required. 152

(2) An appointing authority may submit a written request to 153
the peace officer training commission that requests for a calendar 154
year because of emergency circumstances an extension of the time 155
within which one or more of its appointed peace officers or 156
troopers must complete the required minimum number of hours of 157
continuing professional training set by the commission, as 158
described in division (A)(1) of this section. A request made under 159
this division shall set forth the name of each of the appointing 160
authority's peace officers or troopers for whom an extension is 161
requested, identify the emergency circumstances related to that 162
peace officer or trooper, include documentation of those emergency 163
circumstances, and set forth the date on which the request is 164
submitted to the commission. A request shall be made under this 165
division not later than the fifteenth day of December in the 166
calendar year for which the extension is requested. 167

Upon receipt of a written request made under this division, 168
the executive director of the commission shall review the request 169
and the submitted documentation. If the executive director of the 170
commission is satisfied that emergency circumstances exist for any 171
peace officer or trooper for whom a request was made under this 172
division, the executive director may approve the request for that 173
peace officer or trooper and grant an extension of the time within 174

which that peace officer or trooper must complete the required 175
 minimum number of hours of continuing professional training set by 176
 the commission. An extension granted under this division may be 177
 for any period of time the executive director believes to be 178
 appropriate, and the executive director shall specify in the 179
 notice granting the extension the date on which the extension 180
 ends. Not later than thirty days after the date on which a request 181
 is submitted to the commission, for each peace officer and trooper 182
 for whom an extension is requested, the executive director either 183
 shall approve the request and grant an extension or deny the 184
 request and deny an extension and shall send to the appointing 185
 authority that submitted the request written notice of the 186
 executive director's decision. 187

If the executive director grants an extension of the time 188
 within which a particular appointed peace officer or trooper of an 189
 appointing authority must complete the required minimum number of 190
 hours of continuing professional training set by the commission, 191
 the appointing authority shall require that peace officer or 192
 trooper to complete the required minimum number of hours of 193
 training not later than the date on which the extension ends. 194

~~(3) (a) If a public appointing authority complies with the 195
 training requirement specified in division (A) (1) of this section 196
 by requiring each of its appointed peace officers and troopers to 197
 complete the number of hours of training the commission directs as 198
 the minimum and with division (B) of section 109.761 of the 199
 Revised Code and if the appointed peace officers and troopers of 200
 the public appointing authority comply with section 109.801 of the 201
 Revised Code to the extent that they are subject to that section 202
 and comply with all other training mandated by the general 203
 assembly or the attorney general, the attorney general shall 204
 reimburse the public appointing authority for the successful 205~~

~~training costs of each of its appointed peace officers and troopers as provided in section 109.802 of the Revised Code.~~ 206
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~~(b) If the executive director of the Ohio peace officer training commission grants pursuant to division (A)(2) of this section an extension of the time within which one or more appointed peace officers or troopers of a public appointing authority must complete the required minimum number of hours of continuing professional training set by the commission, and if the criteria set forth in division (A)(3)(a) of this section are satisfied regarding each appointed peace officer or trooper of the public appointing authority for whom such an extension was not granted, the attorney general shall reimburse the public appointing authority for the successful training costs of each of its appointed peace officers and troopers for whom such an extension was not granted, as provided in section 109.802 of the Revised Code.~~ 208
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~~If an appointed peace officer or trooper of a public appointing authority for whom the executive director granted such an extension completes prior to the date on which the extension ends the number of hours of training the commission directs as the minimum, if the officer or trooper also has complied with section 109.801 of the Revised Code to the extent that the officer or trooper is subject to that section and has complied with all other training mandated by the general assembly or the attorney general, and if the public appointing authority has complied with division (B) of section 109.761 of the Revised Code, the attorney general shall reimburse the public appointing authority for the successful training costs of that peace officer or trooper as provided in section 109.802 of the Revised Code.~~ 222
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~~(B)(1) Subject to division (B)(2) of this section, no appointed peace officer or trooper of an appointing authority who~~ 235
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~~fails to complete in any calendar year the required hours of~~ 237
~~continuing professional training the Ohio peace officer training~~ 238
~~commission directs pursuant to division (A) of this section as the~~ 239
~~minimum number of hours or who fails to comply with section~~ 240
~~109.801 of the Revised Code or any other required training shall~~ 241
~~carry a firearm during the course of official duties or perform~~ 242
~~the functions of a peace officer or trooper until evidence of the~~ 243
~~peace officer's or trooper's compliance with those requirements is~~ 244
~~filed with the executive director of the Ohio peace officer~~ 245
~~training commission.~~ 246

~~(2) If the executive director of the Ohio peace officer~~ 247
~~training commission grants pursuant to division (A)(2) of this~~ 248
~~section an extension of the time within which an appointed peace~~ 249
~~officer or trooper of an appointing authority must complete the~~ 250
~~required minimum number of hours of continuing professional~~ 251
~~training set by the commission, during the period of the extension~~ 252
~~division (B)(1) of this section does not apply to a peace officer~~ 253
~~or trooper for whom such an extension was granted, provided that~~ 254
~~peace officer or trooper has complied with section 109.801 of the~~ 255
~~Revised Code to the extent that the officer or trooper is subject~~ 256
~~to that section and has complied with all other required training.~~ 257
~~If a peace officer or trooper of an appointing authority for whom~~ 258
~~such an extension was granted fails to complete prior to the date~~ 259
~~on which the extension ends the required minimum number of hours~~ 260
~~of continuing professional training set by the commission,~~ 261
~~division (B)(1) of this section applies to that officer or trooper~~ 262
~~after the date on which the extension ends.~~ 263

~~(C)(B)~~ With the advice of the Ohio peace officer training 264
commission, the attorney general shall adopt in accordance with 265
Chapter 119. of the Revised Code rules setting forth minimum 266
standards for continuing professional training for peace officers 267

and troopers and governing the administration of continuing professional training programs for peace officers and troopers. The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state."

In line 98861, after "109.572," insert "109.802, 109.803,"

In line 1 of the title, after "109.572," insert "109.802, 108.803,"

The motion was _____ agreed to.

SYNOPSIS

Reimbursements for Continuing Professional Training for Peace Officers and Troopers

R.C. 109.802 and 109.803

Specifies that a public appointing authority that complies with the employment reporting requirements of R.C. 109.761 may be reimbursed from the Law Enforcement Assistance Fund for each peace officer or trooper who timely complies with the continuing professional training requirements, whether or not other peace officers or troopers have timely complied, eliminates the prohibition on the carrying of a firearm or carrying out duties by a peace officer or trooper who has failed to complete required continuing professional training.

Sub. H.B. 1
LSC 128 0516-4
HC-2343

_____ moved to amend as follows:

In line 331, after "109.572," insert "109.73, 109.742,
109.744, 109.751, 109.761, 109.77,"

Between lines 1570 and 1571, insert:

"Sec. 109.73. (A) The Ohio peace officer training commission
shall recommend rules to the attorney general with respect to all
of the following:

(1) The approval, or revocation of approval, of peace officer
training schools administered by the state, counties, municipal
corporations, public school districts, technical college
districts, and the department of natural resources;

(2) Minimum courses of study, attendance requirements, and
equipment and facilities to be required at approved state, county,
municipal, and department of natural resources peace officer
training schools;

(3) Minimum qualifications for instructors at approved state,
county, municipal, and department of natural resources peace
officer training schools;

(4) The requirements of minimum basic training that peace
officers appointed to probationary terms shall complete before
being eligible for permanent appointment, which requirements shall

include ~~a minimum of fifteen hours of~~ training in the handling of 21
the offense of domestic violence, other types of domestic 22
violence-related offenses and incidents, and protection orders and 23
consent agreements issued or approved under section 2919.26 or 24
3113.31 of the Revised Code; ~~a minimum of six hours of~~ crisis 25
intervention training; and ~~a specified amount of~~ training in the 26
handling of missing children and child abuse and neglect cases; 27
and the time within which such basic training shall be completed 28
following appointment to a probationary term; 29

(5) The requirements of minimum basic training that peace 30
officers not appointed for probationary terms but appointed on 31
other than a permanent basis shall complete in order to be 32
eligible for continued employment or permanent appointment, which 33
requirements shall include ~~a minimum of fifteen hours of~~ training 34
in the handling of the offense of domestic violence, other types 35
of domestic violence-related offenses and incidents, and 36
protection orders and consent agreements issued or approved under 37
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 38
~~hours of~~ crisis intervention training, and ~~a specified amount of~~ 39
training in the handling of missing children and child abuse and 40
neglect cases, and the time within which such basic training shall 41
be completed following appointment on other than a permanent 42
basis; 43

(6) Categories or classifications of advanced in-service 44
training programs for peace officers, including programs in the 45
handling of the offense of domestic violence, other types of 46
domestic violence-related offenses and incidents, and protection 47
orders and consent agreements issued or approved under section 48
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 49
and in the handling of missing children and child abuse and 50
neglect cases, and minimum courses of study and attendance 51

requirements with respect to such categories or classifications; 52

(7) Permitting persons, who are employed as members of a 53
campus police department appointed under section 1713.50 of the 54
Revised Code; who are employed as police officers by a qualified 55
nonprofit corporation police department pursuant to section 56
1702.80 of the Revised Code; who are appointed and commissioned as 57
bank, savings and loan association, savings bank, credit union, or 58
association of banks, savings and loan associations, savings 59
banks, or credit unions police officers, as railroad police 60
officers, or as hospital police officers pursuant to sections 61
4973.17 to 4973.22 of the Revised Code; or who are appointed and 62
commissioned as amusement park police officers pursuant to section 63
4973.17 of the Revised Code, to attend approved peace officer 64
training schools, including the Ohio peace officer training 65
academy, and to receive certificates of satisfactory completion of 66
basic training programs, if the private college or university that 67
established the campus police department; qualified nonprofit 68
corporation police department; bank, savings and loan association, 69
savings bank, credit union, or association of banks, savings and 70
loan associations, savings banks, or credit unions; railroad 71
company; hospital; or amusement park sponsoring the police 72
officers pays the entire cost of the training and certification 73
and if trainee vacancies are available; 74

(8) Permitting undercover drug agents to attend approved 75
peace officer training schools, other than the Ohio peace officer 76
training academy, and to receive certificates of satisfactory 77
completion of basic training programs, if, for each undercover 78
drug agent, the county, township, or municipal corporation that 79
employs that undercover drug agent pays the entire cost of the 80
training and certification; 81

(9) (a) The requirements for basic training programs for 82

bailiffs and deputy bailiffs of courts of record of this state and
 for criminal investigators employed by the state public defender
 that those persons shall complete before they may carry a firearm
 while on duty;

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

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

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

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

(B) The commission shall appoint an executive director, with
 the approval of the attorney general, who shall hold office during
 the pleasure of the commission. The executive director shall
 perform such duties assigned by the commission. The executive
 director shall receive a salary fixed pursuant to Chapter 124. of
 the Revised Code and reimbursement for expenses within the amounts
 available by appropriation. The executive director may appoint
 officers, employees, agents, and consultants as the executive
 director considers necessary, prescribe their duties, and provide
 for reimbursement of their expenses within the amounts available

for reimbursement by appropriation and with the approval of the
commission. 114
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(C) The commission may do all of the following: 116

(1) Recommend studies, surveys, and reports to be made by the
executive director regarding the carrying out of the objectives 117
and purposes of sections 109.71 to 109.77 of the Revised Code; 118
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(2) Visit and inspect any peace officer training school that 120
has been approved by the executive director or for which 121
application for approval has been made; 122

(3) Make recommendations, from time to time, to the executive 123
director, the attorney general, and the general assembly regarding 124
the carrying out of the purposes of sections 109.71 to 109.77 of 125
the Revised Code; 126

(4) Report to the attorney general from time to time, and to 127
the governor and the general assembly at least annually, 128
concerning the activities of the commission; 129

(5) Establish fees for the services the commission offers 130
under sections 109.71 to 109.79 of the Revised Code, including, 131
but not limited to, fees for training, certification, and testing; 132

(6) Perform such other acts as are necessary or appropriate 133
to carry out the powers and duties of the commission as set forth 134
in sections 109.71 to 109.77 of the Revised Code. 135

(D) In establishing the requirements, under division (A) (12) 136
of this section, the commission may consider any portions of the 137
curriculum for instruction on the topic of animal husbandry 138
practices, if any, of the Ohio state university college of 139
veterinary medicine. No person or entity that fails to provide 140
instruction on traditional animal husbandry methods and training 141
techniques, including customary owner-performed practices, shall 142
qualify to train a humane agent for appointment under section 143

1717.06 of the Revised Code. 144

Sec. 109.742. The attorney general shall adopt, in accordance 145
with Chapter 119. or pursuant to section 109.74 of the Revised 146
Code, rules governing the training of peace officers in crisis 147
intervention. The rules shall specify ~~six or more hours of that~~ 148
the amount of training necessary for the satisfactory completion 149
of basic training programs at approved peace officer training 150
schools, other than the Ohio peace officer training academy. 151
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Sec. 109.744. The attorney general shall adopt, in accordance 153
with Chapter 119. of the Revised Code or pursuant to section 154
109.74 of the Revised Code, rules governing the training of peace 155
officers in the handling of the offense of domestic violence, 156
other types of domestic violence-related offenses and incidents, 157
and protection orders and consent agreements issued or approved 158
under section 2919.26 or 3113.31 of the Revised Code. The 159
provisions of the rules shall include, but shall not be limited 160
to, all of the following: 161

(A) A ~~specification that fifteen or more hours specified~~ 162
amount of that training that is required necessary for the 163
satisfactory completion of basic training programs at approved 164
peace officer training schools, other than the Ohio peace officer 165
training academy; 166

(B) A requirement that the training include, but not be 167
limited to, training in all of the following: 168

(1) All recent amendments to domestic violence-related laws; 169

(2) Notifying a victim of domestic violence of ~~his~~ the 170
victim's rights; 171

(3) Processing protection orders and consent agreements 172

issued or approved under section 2919.26 or 3113.31 of the Revised Code. 173
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Sec. 109.751. (A) The executive director of the Ohio peace officer training commission shall neither approve nor issue a certificate of approval to a peace officer training school pursuant to section 109.75 of the Revised Code unless the school agrees to permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. The executive director shall revoke approval, and the certificate of approval of, a peace officer training school that does not permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. 175
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This division does not apply to peace officer training schools for employees of conservancy districts who are designated pursuant to section 6101.75 of the Revised Code or for a natural resources law enforcement staff officer, park officers, forest officers, preserve officers, wildlife officers, or state watercraft officers of the department of natural resources. 187
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(B) (1) A peace officer training school is not required to permit an undercover drug agent, a bailiff or deputy bailiff of a court of record of this state, or a criminal investigator employed by the state public defender to attend its basic training programs if either of the following applies: 193
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(a) In the case of the Ohio peace officer training academy, the employer county, township, municipal corporation, court, or state public defender or the particular undercover drug agent, bailiff, deputy bailiff, or criminal investigator has not paid the tuition costs of training in accordance with section 109.79 of the 198
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Revised Code;	203
(b) In the case of other peace officer training schools, the	204
employer <u>employing</u> county, township, municipal corporation, court,	205
or state public defender fails to pay the entire cost of the	206
training and certification.	207
(2) A training school shall not permit a bailiff or deputy	208
bailiff of a court of record of this state or a criminal	209
investigator employed by the state public defender to attend its	210
basic training programs unless the employing court of the bailiff	211
or deputy bailiff or the state public defender, whichever is	212
applicable, has authorized the bailiff, deputy bailiff, or	213
investigator to attend the school.	214
(C) The attorney general shall adopt, in accordance with	215
Chapter 119. or pursuant to section 109.74 of the Revised Code,	216
rules governing the attendance of undercover drug agents at	217
approved peace officer training schools, other than the Ohio peace	218
officer training academy, and the certification of the agents upon	219
their satisfactory completion of basic training programs.	220
Sec. 109.761. (A) (1) Each agency or entity that appoints or	221
employs one or more peace officers shall report to the Ohio peace	222
officer training commission all of the following that occur on or	223
after February 20, 2002:	224
(a) The appointment or employment of any person to serve the	225
agency or entity as a peace officer in any full-time, part-time,	226
reserve, auxiliary, or other capacity;	227
(b) The termination, resignation, felony conviction, or	228
<u>death, or guilty plea as specified in division (F) of section</u>	229
<u>109.77 of the Revised Code</u> of any person who has been appointed to	230
or employed by the agency or entity as a peace officer in any	231
full-time, part-time, reserve, auxiliary, or other capacity and is	232

serving the agency or entity in any of those peace officer capacities. 233
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(2) An agency or entity shall make each report required by this division not later than ten days after the occurrence of the event being reported. The agency or entity shall make the report in the manner and format prescribed by the executive director of the Ohio peace officer training commission. 235
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(B) Each agency or entity that appoints or employs one or more peace officers or state highway patrol troopers shall annually provide to the Ohio peace officer training commission a roster of all persons who have been appointed to or employed by the agency or entity as peace officers or troopers in any full-time, part-time, reserve, auxiliary, or other capacity and are serving, or during the year covered by the report have served, the agency or entity in any of those peace officer or trooper capacities. The agency or entity shall provide the roster in the manner and format, and by the date, prescribed by the executive director of the Ohio peace officer training commission. 240
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(C) The Ohio peace officer training commission shall prescribe the manner and format of making reports under division (A) of this section and providing annual rosters under division (B) of this section and shall prescribe the date by which the annual rosters must be provided. 251
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Sec. 109.77. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code. 256
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(B) (1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive 258
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director of the Ohio peace officer training commission attesting	263
to the person's satisfactory completion of an approved state,	264
county, municipal, or department of natural resources peace	265
officer basic training program:	266
(a) A peace officer of any county, township, municipal	267
corporation, regional transit authority, or metropolitan housing	268
authority;	269
(b) A natural resources law enforcement staff officer, park	270
officer, forest officer, preserve officer, wildlife officer, or	271
state watercraft officer of the department of natural resources;	272
(c) An employee of a park district under section 511.232 or	273
1545.13 of the Revised Code;	274
(d) An employee of a conservancy district who is designated	275
pursuant to section 6101.75 of the Revised Code;	276
(e) A state university law enforcement officer;	277
(f) A special police officer employed by the department of	278
mental health pursuant to section 5119.14 of the Revised Code or	279
the department of mental retardation and developmental	280
disabilities pursuant to section 5123.13 of the Revised Code;	281
(g) An enforcement agent of the department of public safety	282
whom the director of public safety designates under section	283
5502.14 of the Revised Code;	284
(h) A special police officer employed by a port authority	285
under section 4582.04 or 4582.28 of the Revised Code;	286
(i) A special police officer employed by a municipal	287
corporation at a municipal airport, or other municipal air	288
navigation facility, that has scheduled operations, as defined in	289
section 119.3 of Title 14 of the Code of Federal Regulations, 14	290
C.F.R. 119.3, as amended, and that is required to be under a	291

security program and is governed by aviation security rules of the 292
transportation security administration of the United States 293
department of transportation as provided in Parts 1542. and 1544. 294
of Title 49 of the Code of Federal Regulations, as amended. 295

(2) Every person who is appointed on a temporary basis or for 296
a probationary term or on other than a permanent basis as any of 297
the following shall forfeit the appointed position unless the 298
person previously has completed satisfactorily or, within the time 299
prescribed by rules adopted by the attorney general pursuant to 300
section 109.74 of the Revised Code, satisfactorily completes a 301
state, county, municipal, or department of natural resources peace 302
officer basic training program for temporary or probationary 303
officers and is awarded a certificate by the director attesting to 304
the satisfactory completion of the program: 305

(a) A peace officer of any county, township, municipal 306
corporation, regional transit authority, or metropolitan housing 307
authority; 308

(b) A natural resources law enforcement staff officer, park 309
officer, forest officer, preserve officer, wildlife officer, or 310
state watercraft officer of the department of natural resources; 311

(c) An employee of a park district under section 511.232 or 312
1545.13 of the Revised Code; 313

(d) An employee of a conservancy district who is designated 314
pursuant to section 6101.75 of the Revised Code; 315

(e) A special police officer employed by the department of 316
mental health pursuant to section 5119.14 of the Revised Code or 317
the department of mental retardation and developmental 318
disabilities pursuant to section 5123.13 of the Revised Code; 319

(f) An enforcement agent of the department of public safety 320
whom the director of public safety designates under section 321

5502.14 of the Revised Code; 322

(g) A special police officer employed by a port authority 323
under section 4582.04 or 4582.28 of the Revised Code; 324

(h) A special police officer employed by a municipal 325
corporation at a municipal airport, or other municipal air 326
navigation facility, that has scheduled operations, as defined in 327
section 119.3 of Title 14 of the Code of Federal Regulations, 14 328
C.F.R. 119.3, as amended, and that is required to be under a 329
security program and is governed by aviation security rules of the 330
transportation security administration of the United States 331
department of transportation as provided in Parts 1542. and 1544. 332
of Title 49 of the Code of Federal Regulations, as amended. 333

(3) For purposes of division (B) of this section, a state, 334
county, municipal, or department of natural resources peace 335
officer basic training program, regardless of whether the program 336
is to be completed by peace officers appointed on a permanent or 337
temporary, probationary, or other nonpermanent basis, shall 338
include ~~at least fifteen hours of~~ training in the handling of the 339
offense of domestic violence, other types of domestic 340
violence-related offenses and incidents, and protection orders and 341
consent agreements issued or approved under section 2919.26 or 342
3113.31 of the Revised Code and ~~at least six hours of~~ crisis 343
intervention training. The requirement to complete ~~fifteen hours~~ 344
~~of~~ training in the handling of the offense of domestic violence, 345
other types of domestic violence-related offenses and incidents, 346
and protection orders and consent agreements issued or approved 347
under section 2919.26 or 3113.31 of the Revised Code does not 348
apply to any person serving as a peace officer on March 27, 1979, 349
and the requirement to complete ~~six hours of~~ training in crisis 350
intervention does not apply to any person serving as a peace 351
officer on April 4, 1985. Any person who is serving as a peace 352

officer on April 4, 1985, who terminates that employment after 353
that date, and who subsequently is hired as a peace officer by the 354
same or another law enforcement agency shall complete ~~the six~~ 355
~~hours of~~ training in crisis intervention ~~within the time as~~ 356
prescribed by rules adopted by the attorney general pursuant to 357
section 109.742 of the Revised Code. No peace officer shall have 358
employment as a peace officer terminated and then be reinstated 359
with intent to circumvent this section. 360

(4) Division (B) of this section does not apply to any person 361
serving on a permanent basis on March 28, 1985, as a park officer, 362
forest officer, preserve officer, wildlife officer, or state 363
watercraft officer of the department of natural resources or as an 364
employee of a park district under section 511.232 or 1545.13 of 365
the Revised Code, to any person serving on a permanent basis on 366
March 6, 1986, as an employee of a conservancy district designated 367
pursuant to section 6101.75 of the Revised Code, to any person 368
serving on a permanent basis on January 10, 1991, as a preserve 369
officer of the department of natural resources, to any person 370
employed on a permanent basis on July 2, 1992, as a special police 371
officer by the department of mental health pursuant to section 372
5119.14 of the Revised Code or by the department of mental 373
retardation and developmental disabilities pursuant to section 374
5123.13 of the Revised Code, to any person serving on a permanent 375
basis on May 17, 2000, as a special police officer employed by a 376
port authority under section 4582.04 or 4582.28 of the Revised 377
Code, to any person serving on a permanent basis on ~~the effective~~ 378
~~date of this amendment~~ March 19, 2003, as a special police officer 379
employed by a municipal corporation at a municipal airport or 380
other municipal air navigation facility described in division 381
(A) (19) of section 109.71 of the Revised Code, to any person 382
serving on a permanent basis on June 19, 1978, as a state 383
university law enforcement officer pursuant to section 3345.04 of 384

the Revised Code and who, immediately prior to June 19, 1978, was 385
serving as a special police officer designated under authority of 386
that section, or to any person serving on a permanent basis on 387
September 20, 1984, as a liquor control investigator, known after 388
June 30, 1999, as an enforcement agent of the department of public 389
safety, engaged in the enforcement of Chapters 4301. and 4303. of 390
the Revised Code. 391

(5) Division (B) of this section does not apply to any person 392
who is appointed as a regional transit authority police officer 393
pursuant to division (Y) of section 306.35 of the Revised Code if, 394
on or before July 1, 1996, the person has completed satisfactorily 395
an approved state, county, municipal, or department of natural 396
resources peace officer basic training program and has been 397
awarded a certificate by the executive director of the Ohio peace 398
officer training commission attesting to the person's satisfactory 399
completion of such an approved program and if, on July 1, 1996, 400
the person is performing peace officer functions for a regional 401
transit authority. 402

(C) No person, after September 20, 1984, shall receive an 403
original appointment on a permanent basis as a veterans' home 404
police officer designated under section 5907.02 of the Revised 405
Code unless the person previously has been awarded a certificate 406
by the executive director of the Ohio peace officer training 407
commission attesting to the person's satisfactory completion of an 408
approved police officer basic training program. Every person who 409
is appointed on a temporary basis or for a probationary term or on 410
other than a permanent basis as a veterans' home police officer 411
designated under section 5907.02 of the Revised Code shall forfeit 412
that position unless the person previously has completed 413
satisfactorily or, within one year from the time of appointment, 414
satisfactorily completes an approved police officer basic training 415
program. 416

(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:

(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;

(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;

(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.

(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.

(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 448
person. The executive director shall submit the person's 449
fingerprints to the bureau of criminal identification and 450
investigation, which shall submit the fingerprints to the federal 451
bureau of investigation for a national criminal history records 452
check. 453

Upon receipt of the executive director's request, the bureau 454
of criminal identification and investigation and the federal 455
bureau of investigation shall conduct a criminal history records 456
check on the person and, upon completion of the check, shall 457
provide a copy of the criminal history records check to the 458
executive director. The executive director shall not award any 459
certificate prescribed in this section unless the executive 460
director has received a copy of the criminal history records check 461
on the person to whom the certificate is to be awarded. 462

(3) The executive director of the commission shall not award 463
a certificate prescribed in this section to a person who has been 464
convicted of or has pleaded guilty to a felony or who fails to 465
disclose any previous criminal conviction of or plea of guilty to 466
a felony as required under division (E) (1) of this section. 467

(4) The executive director of the commission shall revoke the 468
certificate awarded to a person as prescribed in this section, and 469
that person shall forfeit all of the benefits derived from being 470
certified as a peace officer under this section, if the person, 471
before completion of an approved peace officer basic training 472
program, failed to disclose any previous criminal conviction of or 473
plea of guilty to a felony as required under division (E) (1) of 474
this section. 475

(F) (1) Regardless of whether the person has been awarded the 476
certificate or has been classified as a peace officer prior to, 477
on, or after October 16, 1996, the executive director of the Ohio 478

peace officer training commission shall revoke any certificate 479
that has been awarded to a person as prescribed in this section if 480
the person does either of the following: 481

(a) Pleads guilty to a felony committed on or after January 482
1, 1997; 483

(b) Pleads guilty to a misdemeanor committed on or after 484
January 1, 1997, pursuant to a negotiated plea agreement as 485
provided in division (D) of section 2929.43 of the Revised Code in 486
which the person agrees to surrender the certificate awarded to 487
the person under this section. 488

(2) The executive director of the commission shall suspend 489
any certificate that has been awarded to a person as prescribed in 490
this section if the person is convicted, after trial, of a felony 491
committed on or after January 1, 1997. The executive director 492
shall suspend the certificate pursuant to division (F) (2) of this 493
section pending the outcome of an appeal by the person from that 494
conviction to the highest court to which the appeal is taken or 495
until the expiration of the period in which an appeal is required 496
to be filed. If the person files an appeal that results in that 497
person's acquittal of the felony or conviction of a misdemeanor, 498
or in the dismissal of the felony charge against that person, the 499
executive director shall reinstate the certificate awarded to the 500
person under this section. If the person files an appeal from that 501
person's conviction of the felony and the conviction is upheld by 502
the highest court to which the appeal is taken or if the person 503
does not file a timely appeal, the executive director shall revoke 504
the certificate awarded to the person under this section. 505

(G) (1) If a person is awarded a certificate under this 506
section and the certificate is revoked pursuant to division (E) (4) 507
or (F) of this section, the person shall not be eligible to 508
receive, at any time, a certificate attesting to the person's 509

satisfactory completion of a peace officer basic training program. 510

(2) The revocation or suspension of a certificate under 511
division (E) (4) or (F) of this section shall be in accordance with 512
Chapter 119. of the Revised Code. 513

(H) (1) A person who was employed as a peace officer of a 514
county, township, or municipal corporation of the state on January 515
1, 1966, and who has completed at least sixteen years of full-time 516
active service as such a peace officer, or equivalent service as 517
determined by the executive director of the Ohio peace officer 518
training commission, may receive an original appointment on a 519
permanent basis and serve as a peace officer of a county, 520
township, or municipal corporation, or as a state university law 521
enforcement officer, without complying with the requirements of 522
division (B) of this section. 523

(2) Any person who held an appointment as a state highway 524
trooper on January 1, 1966, may receive an original appointment on 525
a permanent basis and serve as a peace officer of a county, 526
township, or municipal corporation, or as a state university law 527
enforcement officer, without complying with the requirements of 528
division (B) of this section. 529

(I) No person who is appointed as a peace officer of a 530
county, township, or municipal corporation on or after April 9, 531
1985, shall serve as a peace officer of that county, township, or 532
municipal corporation unless the person has received training in 533
the handling of missing children and child abuse and neglect cases 534
from an approved state, county, township, or municipal police 535
officer basic training program or receives the training within the 536
time prescribed by rules adopted by the attorney general pursuant 537
to section 109.741 of the Revised Code. 538

(J) No part of any approved state, county, or municipal basic 539
training program for bailiffs and deputy bailiffs of courts of 540

record and no part of any approved state, county, or municipal
 basic training program for criminal investigators employed by the
 state public defender shall be used as credit toward the
 completion by a peace officer of any part of the approved state,
 county, or municipal peace officer basic training program that the
 peace officer is required by this section to complete
 satisfactorily.

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

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In line 98861, after "109.572," insert "109.73, 109.742,
 109.744, 109.751, 109.761, 109.77,"

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Between lines 112513 and 112514, insert:

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"Section 109.77 of the Revised Code as amended by Am. Sub.
 H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General
 Assembly."

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In line 1 of the title, after "109.572," insert "109.73,
 109.742, 109.744, 109.751, 109.761, 109.77,"

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The motion was _____ agreed to.

SYNOPSIS

Minimum Basic Training Requirements for Peace Officers 560

R.C. 109.73, 109.742, 109.744, 109.751, 109.761, and 109.77 561

(1) Removes the requirement that minimum basic peace officer
 training include a minimum of fifteen hours of training in the
 handling of the offense of domestic violence, other types of

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domestic violence-related offenses and incidents, and protection 565
orders and consent agreements and a minimum of six hours of crisis 566
intervention training from the rules the Ohio Peace Officer 567
Training Commission must recommend to the Attorney General, the 568
rules the Attorney General must adopt governing the training of 569
peace officers, and from the minimum training requirements of 570
state, county, municipal, and Department of Natural Resources 571
peace officer basic training programs with a general requirement 572
for training in those two areas. 573

(2) Requires each agency or entity that appoints or employs 574
one or more peace officers to report to the Ohio Peace Officer 575
Training Commission the guilty plea to a felony or a specified 576
misdemeanor, as specified in R.C. 109.77(F), of any person who is 577
serving the agency or entity in a peace officer capacity. 578

(3) Requires certain peace officers who terminate employment 579
and are subsequently hired as peace officers to complete an 580
unspecified amount of training in crisis intervention instead of 581
six hours of such training. 582

(4) Provides that a person who was employed as a county, 583
township, or municipal peace officer on January 1, 1966, and who 584
has completed at least 16 years of full-time service as such a 585
peace officer, or equivalent service as determined by the 586
executive director of the Ohio Peace Officer Training Commission 587
(added by the amendment), may receive an original appointment on a 588
permanent basis and serve as such a peace officer or a state 589
university law enforcement officer without complying with the 590
training requirements of R.C. 109.77(B). 591

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Sub. H.B. 1
LSC 128 0516-4
HC-2346-1

5 _____ moved to amend as follows:

6 Between lines 109558 and 109559, insert:

7 "FEE WAIVER FOR INITIAL BUSINESS FILINGS

8 Of the foregoing appropriation item 050321, Operating
9 Expenses, \$250,000 shall be used in fiscal year 2010 to pay the
10 costs of the first \$125 of fees charged and collected by the
11 Secretary of State, pursuant to section 111.16 of the Revised
12 Code, for the initial filing by new domestic or foreign business
13 entities of for-profit corporation articles, nonprofit
14 corporation articles, foreign license applications, professional
15 corporation articles, limited liability company articles,
16 partnership certificates, limited partnership certificates, and
17 limited liability partnership certificates until the earlier of
18 December 31, 2009, or when the \$250,000 is expended."

19 Delete lines 109561 through 109564 and insert:

20 "Expenses, up to \$250,000 shall be used in fiscal year 2010
21 to pay the first \$100 of costs associated with all level one
22 expedited business filings for the initial filings of new
23 domestic or foreign business entities, including for-profit

24 corporation articles, nonprofit corporation articles, foreign
25 license applications, professional corporation articles, limited
26 liability company articles, partnership certificates, limited
27 partnership certificates, and limited liability partnership
28 certificates."

29 The motion was _____ agreed to.

30 SYNOPSIS

31 **Secretary of State Business Filings**

32 **Section 387.10**

33 Requires that \$250,000 in FY 2010 from GRF appropriation
34 item 050321, Operating Expenses, be used to fund a fee waiver on
35 initial business filings until December 31, 2009 or until the
36 \$250,000 is expended, whichever is earlier.

37 Requires that up to \$250,000 in fiscal year 2010 from GRF
38 appropriation item 050321, Operating Expenses, be used to pay
39 the first \$100 of costs associated with all level one expedited
40 business filings for the initial filings of new domestic or
41 foreign business entities.

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5 _____ moved to amend as follows:

6 In line 68062, after "(e)" insert "Two individuals or
7 representatives of individuals authorized to practice any of the
8 following:

- 9 (i) Dentistry under Chapter 4715. of the Revised Code;
10 (ii) Optometry under Chapter 4725. of the Revised Code;
11 (iii) Podiatry under Chapter 4731. of the Revised Code;
12 (iv) Chiropractic under Chapter 4734. of the Revised Code.
13 (f)"

14 In line 68067, delete "(f)" and insert "(g)"

15 In line 68068, delete "(g)" and insert "(h)"

16 In line 68070, delete "(h)" and insert "(i)"

17 In line 68072, delete "(i)" and insert "(j)"

18 In line 68073, delete "(j)" and insert "(k)"

19 The motion was _____ agreed to.

20 SYNOPSIS

21 **Health Care Coverage and Quality Council Membership**

22 **R.C. 3923.90**

23 Revises the membership of the Health Care Coverage and
24 Quality Council, which the bill creates, by including two
25 individuals or representatives of individuals authorized to
26 practice any of the following: (1) dentistry, (2) optometry,
27 (3) podiatry, or (4) chiropractic.

Sub. H.B. 1
LSC 128 0516-4
HC-2349

_____ moved to amend as follows:

Between lines 99406 and 99407 insert:

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"Section 115.____. That sections 5104.01 and 5104.38 of the
Revised Code be amended to read as follows:

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Sec. 5104.01. As used in this chapter:

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(A) "Administrator" means the person responsible for the
daily operation of a center or type A home. The administrator and
the owner may be the same person.

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(B) "Approved child day camp" means a child day camp approved
pursuant to section 5104.22 of the Revised Code.

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(C) "Authorized provider" means a person authorized by a
county director of job and family services to operate a certified
type B family day-care home.

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(D) "Border state child care provider" means a child care
provider that is located in a state bordering Ohio and that is
licensed, certified, or otherwise approved by that state to
provide child care.

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(E) "Caretaker parent" means the father or mother of a child
whose presence in the home is needed as the caretaker of the
child, a person who has legal custody of a child and whose

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presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(F) "Certified type B family day-care home" and "certified type B home" mean a type B family day-care home that is certified by the director of the county department of job and family services pursuant to section 5104.11 of the Revised Code to receive public funds for providing child care pursuant to this chapter and any rules adopted under it.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool child, or school child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 1990," established in section 5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school children attend or participate, that operates for no more than seven hours per day, that operates only during one or more public school district's regular vacation periods or for no more than fifteen weeks during the summer, and that operates outdoor activities for each child who attends or participates in the program for a minimum of fifty per cent of each day that children attend or participate in the program, except for any day when hazardous weather conditions prevent the program from operating outdoor activities for a minimum of fifty per cent of that day.

For purposes of this division, the maximum seven hours of
 operation time does not include transportation time from a child's
 home to a child day camp and from a child day camp to a child's
 home.

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(K) "Child care" means administering to the needs of infants,
 toddlers, preschool children, and school children outside of
 school hours by persons other than their parents or guardians,
 custodians, or relatives by blood, marriage, or adoption for any
 part of the twenty-four-hour day in a place or residence other
 than a child's own home.

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(L) "Child day-care center" and "center" mean any place in
 which child care or publicly funded child care is provided for
 thirteen or more children at one time or any place that is not the
 permanent residence of the licensee or administrator in which
 child care or publicly funded child care is provided for seven to
 twelve children at one time. In counting children for the purposes
 of this division, any children under six years of age who are
 related to a licensee, administrator, or employee and who are on
 the premises of the center shall be counted. "Child day-care
 center" and "center" do not include any of the following:

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(1) A place located in and operated by a hospital, as defined
 in section 3727.01 of the Revised Code, in which the needs of
 children are administered to, if all the children whose needs are
 being administered to are monitored under the on-site supervision
 of a physician licensed under Chapter 4731. of the Revised Code or
 a registered nurse licensed under Chapter 4723. of the Revised
 Code, and the services are provided only for children who, in the
 opinion of the child's parent, guardian, or custodian, are
 exhibiting symptoms of a communicable disease or other illness or
 are injured;

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(2) A child day camp;

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(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	82 83
(a) An organized religious body provides the child care;	84
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	85 86 87
(c) The child care is not provided for more than thirty days a year;	88 89
(d) The child care is provided only for preschool and school children.	90 91
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	92 93 94
(N) "Child care resource and referral services" means all of the following services:	95 96
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	97 98 99
(2) Provision of individualized consumer education to families seeking child care;	100 101
(3) Provision of timely referrals of available child care providers to families seeking child care;	102 103
(4) Recruitment of child care providers;	104
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	105 106 107 108
(6) Collection and analysis of data on the supply of and	109

demand for child care in the community;	110
(7) Technical assistance concerning locally, state, and	111
federally funded child care and early childhood education	112
programs;	113
(8) Stimulation of employer involvement in making child care	114
more affordable, more available, safer, and of higher quality for	115
their employees and for the community;	116
(9) Provision of written educational materials to caretaker	117
parents and informational resources to child care providers;	118
(10) Coordination of services among child care resource and	119
referral service organizations to assist in developing and	120
maintaining a statewide system of child care resource and referral	121
services if required by the department of job and family services;	122
(11) Cooperation with the county department of job and family	123
services in encouraging the establishment of parent cooperative	124
child care centers and parent cooperative type A family day-care	125
homes.	126
(O) "Child-care staff member" means an employee of a child	127
day-care center or type A family day-care home who is primarily	128
responsible for the care and supervision of children. The	129
administrator may be a part-time child-care staff member when not	130
involved in other duties.	131
(P) "Drop-in child day-care center," "drop-in center,"	132
"drop-in type A family day-care home," and "drop-in type A home"	133
mean a center or type A home that provides child care or publicly	134
funded child care for children on a temporary, irregular basis.	135
(Q) "Employee" means a person who either:	136
(1) Receives compensation for duties performed in a child	137
day-care center or type A family day-care home;	138

(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	139
	140
(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	141
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(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	145
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(T) "Full time week" means at least thirty two and one half hours and not more than sixty hours of care in a week for licensed child care centers and licensed type A homes and at least thirty two and one half hours and not more than fifty hours of care in a week for certified type B providers.	150
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(U) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	155
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(V) <u>(U)</u> "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	159
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(W) <u>(V)</u> "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.	162
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(X) <u>(W)</u> "Infant" means a child who is less than eighteen	168

months of age. 169

~~(Y)~~(X) "In-home aide" means a person who does not reside with 170
the child but provides care in the child's home and is certified 171
by a county director of job and family services pursuant to 172
section 5104.12 of the Revised Code to provide publicly funded 173
child care to a child in a child's own home pursuant to this 174
chapter and any rules adopted under it. 175

~~(Z)~~(Y) "Instrument-based program monitoring information 176
system" means a method to assess compliance with licensing 177
requirements for child day-care centers and type A family day-care 178
homes in which each licensing requirement is assigned a weight 179
indicative of the relative importance of the requirement to the 180
health, growth, and safety of the children that is used to develop 181
an indicator checklist. 182

~~(AA)~~(Z) "License capacity" means the maximum number in each 183
age category of children who may be cared for in a child day-care 184
center or type A family day-care home at one time as determined by 185
the director of job and family services considering building 186
occupancy limits established by the department of commerce, number 187
of available child-care staff members, amount of available indoor 188
floor space and outdoor play space, and amount of available play 189
equipment, materials, and supplies. 190

~~(BB)~~(AA) "Licensed preschool program" or "licensed school 191
child program" means a preschool program or school child program, 192
as defined in section 3301.52 of the Revised Code, that is 193
licensed by the department of education pursuant to sections 194
3301.52 to 3301.59 of the Revised Code. 195

~~(CC)~~(BB) "Licensee" means the owner of a child day-care 196
center or type A family day-care home that is licensed pursuant to 197
this chapter and who is responsible for ensuring its compliance 198
with this chapter and rules adopted pursuant to this chapter. 199

(DD) (CC) "Operate a child day camp" means to operate,	200
establish, manage, conduct, or maintain a child day camp.	201
(EE) (DD) "Owner" includes a person, as defined in section	202
1.59 of the Revised Code, or government entity.	203
(FF) (EE) "Parent cooperative child day-care center," "parent	204
cooperative center," "parent cooperative type A family day-care	205
home," and "parent cooperative type A home" mean a corporation or	206
association organized for providing educational services to the	207
children of members of the corporation or association, without	208
gain to the corporation or association as an entity, in which the	209
services of the corporation or association are provided only to	210
children of the members of the corporation or association,	211
ownership and control of the corporation or association rests	212
solely with the members of the corporation or association, and at	213
least one parent-member of the corporation or association is on	214
the premises of the center or type A home during its hours of	215
operation.	216
(GG) (FF) "Part-time child day-care center," "part-time	217
center," "part-time type A family day-care home," and "part-time	218
type A home" mean a center or type A home that provides child care	219
or publicly funded child care for no more than four hours a day	220
for any child.	221
(HH) (GG) "Place of worship" means a building where activities	222
of an organized religious group are conducted and includes the	223
grounds and any other buildings on the grounds used for such	224
activities.	225
(II) (HH) "Preschool child" means a child who is three years	226
old or older but is not a school child.	227
(JJ) (II) "Protective child care" means publicly funded child	228
care for the direct care and protection of a child to whom either	229

of the following applies:

- 230
- (1) A case plan prepared and maintained for the child 231
pursuant to section 2151.412 of the Revised Code indicates a need 232
for protective care and the child resides with a parent, 233
stepparent, guardian, or another person who stands in loco 234
parentis as defined in rules adopted under section 5104.38 of the 235
Revised Code; 236
- (2) The child and the child's caretaker either temporarily 237
reside in a facility providing emergency shelter for homeless 238
families or are determined by the county department of job and 239
family services to be homeless, and are otherwise ineligible for 240
publicly funded child care. 241
- ~~(KK)~~ (JJ) "Publicly funded child care" means administering to 242
the needs of infants, toddlers, preschool children, and school 243
children under age thirteen during any part of the 244
twenty-four-hour day by persons other than their caretaker parents 245
for remuneration wholly or in part with federal or state funds, 246
including funds available under the child care block grant act, 247
Title IV-A, and Title XX, distributed by the department of job and 248
family services. 249
- ~~(LL)~~ (KK) "Religious activities" means any of the following: 250
worship or other religious services; religious instruction; Sunday 251
school classes or other religious classes conducted during or 252
prior to worship or other religious services; youth or adult 253
fellowship activities; choir or other musical group practices or 254
programs; meals; festivals; or meetings conducted by an organized 255
religious group. 256
- ~~(MM)~~ (LL) "School child" means a child who is enrolled in or 257
is eligible to be enrolled in a grade of kindergarten or above but 258
is less than fifteen years old. 259
- ~~(NN)~~ (MM) "School child day-care center," "school child 260

center," "school child type A family day-care home," and "school
 child type A family home" mean a center or type A home that
 provides child care for school children only and that does either
 or both of the following:

(1) Operates only during that part of the day that
 immediately precedes or follows the public school day of the
 school district in which the center or type A home is located;

(2) Operates only when the public schools in the school
 district in which the center or type A home is located are not
 open for instruction with pupils in attendance.

~~(OO)~~(NN) "State median income" means the state median income
 calculated by the department of development pursuant to division
 (A) (1) (g) of section 5709.61 of the Revised Code.

~~(PP)~~(OO) "Title IV-A" means Title IV-A of the "Social
 Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

~~(QQ)~~(PP) "Title XX" means Title XX of the "Social Security
 Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

~~(RR)~~(OO) "Toddler" means a child who is at least eighteen
 months of age but less than three years of age.

~~(SS)~~(RR) "Type A family day-care home" and "type A home" mean
 a permanent residence of the administrator in which child care or
 publicly funded child care is provided for seven to twelve
 children at one time or a permanent residence of the administrator
 in which child care is provided for four to twelve children at one
 time if four or more children at one time are under two years of
 age. In counting children for the purposes of this division, any
 children under six years of age who are related to a licensee,
 administrator, or employee and who are on the premises of the type
 A home shall be counted. "Type A family day-care home" and "type A
 home" do not include any child day camp.

~~(TT)~~(SS) "Type B family day-care home" and "type B home" mean 291
a permanent residence of the provider in which child care is 292
provided for one to six children at one time and in which no more 293
than three children are under two years of age at one time. In 294
counting children for the purposes of this division, any children 295
under six years of age who are related to the provider and who are 296
on the premises of the type B home shall be counted. "Type B 297
family day-care home" and "type B home" do not include any child 298
day camp. 299

Sec. 5104.38. In addition to any other rules adopted under 300
this chapter, the director of job and family services shall adopt 301
rules in accordance with Chapter 119. of the Revised Code 302
governing financial and administrative requirements for publicly 303
funded child care and establishing all of the following: 304

(A) Procedures and criteria to be used in making 305
determinations of eligibility for publicly funded child care that 306
give priority to children of families with lower incomes and 307
procedures and criteria for eligibility for publicly funded 308
protective child care. The rules shall specify the maximum amount 309
of income a family may have for initial and continued eligibility. 310
The maximum amount shall not exceed two hundred per cent of the 311
federal poverty line. 312

(B) Procedures under which a county department of job and 313
family services may, if the department, under division (A) of this 314
section, specifies a maximum amount of income a family may have 315
for eligibility for publicly funded child care that is less than 316
the maximum amount specified in that division, specify a maximum 317
amount of income a family residing in the county the county 318
department serves may have for initial and continued eligibility 319
for publicly funded child care that is higher than the amount 320
specified by the department but does not exceed the maximum amount 321

specified in division (A) of this section; 322

(C) A schedule of fees requiring all eligible caretaker 323
parents to pay a fee for publicly funded child care according to 324
income and family size, which shall be uniform for all types of 325
publicly funded child care, except as authorized by rule, and, to 326
the extent permitted by federal law, shall permit the use of state 327
and federal funds to pay the customary deposits and other advance 328
payments that a provider charges all children who receive child 329
care from that provider. The schedule of fees may not provide for 330
a caretaker parent to pay a fee that exceeds ten per cent of the 331
parent's family income. 332

(D) A formula based upon a percentage of the county's total 333
expenditures for publicly funded child care for determining the 334
maximum amount of state and federal funds appropriated for 335
publicly funded child care that a county department may use for 336
administrative purposes; 337

(E) Procedures to be followed by the department and county 338
departments in recruiting individuals and groups to become 339
providers of child care; 340

(F) Procedures to be followed in establishing state or local 341
programs designed to assist individuals who are eligible for 342
publicly funded child care in identifying the resources available 343
to them and to refer the individuals to appropriate sources to 344
obtain child care; 345

(G) Procedures to deal with fraud and abuse committed by 346
either recipients or providers of publicly funded child care; 347

(H) Procedures for establishing a child care grant or loan 348
program in accordance with the child care block grant act; 349

(I) Standards and procedures for applicants to apply for 350
grants and loans, and for the department to make grants and loans; 351

(J) A definition of "person who stands in loco parentis" for
 the purposes of division ~~(JJ)~~(II) (1) of section 5104.01 of the
 Revised Code;

(K) Procedures for a county department of job and family
 services to follow in making eligibility determinations and
 redeterminations for publicly funded child care available through
 telephone, computer, and other means at locations other than the
 county department;

(L) Any other rules necessary to carry out sections 5104.30
 to 5104.39 of the Revised Code.

Section 115. ____. That existing sections 5104.01 and 5104.38
 of the Revised Code are hereby repealed.

Section 115. ____. Sections 115. ____ and 115. ____ take effect
 July 1, 2011."

In line 319 of the title, after the semicolon insert "to
 amend sections 5104.01 and 5104.38 of the Revised Code, effective
 July 1, 2011, to revive the law as it existed prior to this act;"

The motion was _____ agreed to.

SYNOPSIS

Publicly Funded Child Care Definitions 369

R.C. 5104.01 and 5104.38 370

Automatically repeals the definition of "full-time" for
 publicly funded child care providers as being at least 32.5 hours
 per week effective July 1, 2011, and reverts the law to its
 original set of requirements. 371
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