

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 164**

**Representative Miller**

**Cosponsors: Representatives Luckie, Pryor**

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**A B I L L**

To amend sections 109.57, 109.71, 109.77, 145.01, 1  
145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2  
2935.24 and to enact section 3313.175 of the 3  
Revised Code to authorize a board of education of 4  
a school district or governing board of an 5  
educational service center to employ public high 6  
school law enforcement officers, to provide that 7  
public high school law enforcement officers are 8  
members of the Ohio Public Employees Retirement 9  
System, to prohibit the impersonation of a public 10  
high school law enforcement officer, and to 11  
specify the powers of arrest and citation of 12  
public high school law enforcement officers. 13

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

**Section 1.** That sections 109.57, 109.71, 109.77, 145.01, 14  
145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2935.24 be 15  
amended and section 3313.175 of the Revised Code be enacted to 16  
read as follows: 17

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 18  
criminal identification and investigation shall procure from 19

wherever procurable and file for record photographs, pictures, 20  
descriptions, fingerprints, measurements, and other information 21  
that may be pertinent of all persons who have been convicted of 22  
committing within this state a felony, any crime constituting a 23  
misdemeanor on the first offense and a felony on subsequent 24  
offenses, or any misdemeanor described in division (A)(1)(a), 25  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 26  
of all children under eighteen years of age who have been 27  
adjudicated delinquent children for committing within this state 28  
an act that would be a felony or an offense of violence if 29  
committed by an adult or who have been convicted of or pleaded 30  
guilty to committing within this state a felony or an offense of 31  
violence, and of all well-known and habitual criminals. The person 32  
in charge of any county, multicounty, municipal, municipal-county, 33  
or multicounty-municipal jail or workhouse, community-based 34  
correctional facility, halfway house, alternative residential 35  
facility, or state correctional institution and the person in 36  
charge of any state institution having custody of a person 37  
suspected of having committed a felony, any crime constituting a 38  
misdemeanor on the first offense and a felony on subsequent 39  
offenses, or any misdemeanor described in division (A)(1)(a), 40  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 41  
having custody of a child under eighteen years of age with respect 42  
to whom there is probable cause to believe that the child may have 43  
committed an act that would be a felony or an offense of violence 44  
if committed by an adult shall furnish such material to the 45  
superintendent of the bureau. Fingerprints, photographs, or other 46  
descriptive information of a child who is under eighteen years of 47  
age, has not been arrested or otherwise taken into custody for 48  
committing an act that would be a felony or an offense of violence 49  
who is not in any other category of child specified in this 50  
division, if committed by an adult, has not been adjudicated a 51  
delinquent child for committing an act that would be a felony or 52

an offense of violence if committed by an adult, has not been 53  
convicted of or pleaded guilty to committing a felony or an 54  
offense of violence, and is not a child with respect to whom there 55  
is probable cause to believe that the child may have committed an 56  
act that would be a felony or an offense of violence if committed 57  
by an adult shall not be procured by the superintendent or 58  
furnished by any person in charge of any county, multicounty, 59  
municipal, municipal-county, or multicounty-municipal jail or 60  
workhouse, community-based correctional facility, halfway house, 61  
alternative residential facility, or state correctional 62  
institution, except as authorized in section 2151.313 of the 63  
Revised Code. 64

(2) Every clerk of a court of record in this state, other 65  
than the supreme court or a court of appeals, shall send to the 66  
superintendent of the bureau a weekly report containing a summary 67  
of each case involving a felony, involving any crime constituting 68  
a misdemeanor on the first offense and a felony on subsequent 69  
offenses, involving a misdemeanor described in division (A)(1)(a), 70  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 71  
or involving an adjudication in a case in which a child under 72  
eighteen years of age was alleged to be a delinquent child for 73  
committing an act that would be a felony or an offense of violence 74  
if committed by an adult. The clerk of the court of common pleas 75  
shall include in the report and summary the clerk sends under this 76  
division all information described in divisions (A)(2)(a) to (f) 77  
of this section regarding a case before the court of appeals that 78  
is served by that clerk. The summary shall be written on the 79  
standard forms furnished by the superintendent pursuant to 80  
division (B) of this section and shall include the following 81  
information: 82

(a) The incident tracking number contained on the standard 83  
forms furnished by the superintendent pursuant to division (B) of 84

this section;	85
(b) The style and number of the case;	86
(c) The date of arrest, offense, summons, or arraignment;	87
(d) The date that the person was convicted of or pleaded	88
guilty to the offense, adjudicated a delinquent child for	89
committing the act that would be a felony or an offense of	90
violence if committed by an adult, found not guilty of the	91
offense, or found not to be a delinquent child for committing an	92
act that would be a felony or an offense of violence if committed	93
by an adult, the date of an entry dismissing the charge, an entry	94
declaring a mistrial of the offense in which the person is	95
discharged, an entry finding that the person or child is not	96
competent to stand trial, or an entry of a nolle prosequi, or the	97
date of any other determination that constitutes final resolution	98
of the case;	99
(e) A statement of the original charge with the section of	100
the Revised Code that was alleged to be violated;	101
(f) If the person or child was convicted, pleaded guilty, or	102
was adjudicated a delinquent child, the sentence or terms of	103
probation imposed or any other disposition of the offender or the	104
delinquent child.	105
If the offense involved the disarming of a law enforcement	106
officer or an attempt to disarm a law enforcement officer, the	107
clerk shall clearly state that fact in the summary, and the	108
superintendent shall ensure that a clear statement of that fact is	109
placed in the bureau's records.	110
(3) The superintendent shall cooperate with and assist	111
sheriffs, chiefs of police, and other law enforcement officers in	112
the establishment of a complete system of criminal identification	113
and in obtaining fingerprints and other means of identification of	114
all persons arrested on a charge of a felony, any crime	115

constituting a misdemeanor on the first offense and a felony on 116  
subsequent offenses, or a misdemeanor described in division 117  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 118  
Revised Code and of all children under eighteen years of age 119  
arrested or otherwise taken into custody for committing an act 120  
that would be a felony or an offense of violence if committed by 121  
an adult. The superintendent also shall file for record the 122  
fingerprint impressions of all persons confined in a county, 123  
multicounty, municipal, municipal-county, or multicounty-municipal 124  
jail or workhouse, community-based correctional facility, halfway 125  
house, alternative residential facility, or state correctional 126  
institution for the violation of state laws and of all children 127  
under eighteen years of age who are confined in a county, 128  
multicounty, municipal, municipal-county, or multicounty-municipal 129  
jail or workhouse, community-based correctional facility, halfway 130  
house, alternative residential facility, or state correctional 131  
institution or in any facility for delinquent children for 132  
committing an act that would be a felony or an offense of violence 133  
if committed by an adult, and any other information that the 134  
superintendent may receive from law enforcement officials of the 135  
state and its political subdivisions. 136

(4) The superintendent shall carry out Chapter 2950. of the 137  
Revised Code with respect to the registration of persons who are 138  
convicted of or plead guilty to a sexually oriented offense or a 139  
child-victim oriented offense and with respect to all other duties 140  
imposed on the bureau under that chapter. 141

(5) The bureau shall perform centralized recordkeeping 142  
functions for criminal history records and services in this state 143  
for purposes of the national crime prevention and privacy compact 144  
set forth in section 109.571 of the Revised Code and is the 145  
criminal history record repository as defined in that section for 146  
purposes of that compact. The superintendent or the 147

superintendent's designee is the compact officer for purposes of 148  
that compact and shall carry out the responsibilities of the 149  
compact officer specified in that compact. 150

(B) The superintendent shall prepare and furnish to every 151  
county, multicounty, municipal, municipal-county, or 152  
multicounty-municipal jail or workhouse, community-based 153  
correctional facility, halfway house, alternative residential 154  
facility, or state correctional institution and to every clerk of 155  
a court in this state specified in division (A)(2) of this section 156  
standard forms for reporting the information required under 157  
division (A) of this section. The standard forms that the 158  
superintendent prepares pursuant to this division may be in a 159  
tangible format, in an electronic format, or in both tangible 160  
formats and electronic formats. 161

(C)(1) The superintendent may operate a center for 162  
electronic, automated, or other data processing for the storage 163  
and retrieval of information, data, and statistics pertaining to 164  
criminals and to children under eighteen years of age who are 165  
adjudicated delinquent children for committing an act that would 166  
be a felony or an offense of violence if committed by an adult, 167  
criminal activity, crime prevention, law enforcement, and criminal 168  
justice, and may establish and operate a statewide communications 169  
network to gather and disseminate information, data, and 170  
statistics for the use of law enforcement agencies and for other 171  
uses specified in this division. The superintendent may gather, 172  
store, retrieve, and disseminate information, data, and statistics 173  
that pertain to children who are under eighteen years of age and 174  
that are gathered pursuant to sections 109.57 to 109.61 of the 175  
Revised Code together with information, data, and statistics that 176  
pertain to adults and that are gathered pursuant to those 177  
sections. 178

(2) The superintendent or the superintendent's designee shall 179

gather information of the nature described in division (C)(1) of 180  
this section that pertains to the offense and delinquency history 181  
of a person who has been convicted of, pleaded guilty to, or been 182  
adjudicated a delinquent child for committing a sexually oriented 183  
offense or a child-victim oriented offense for inclusion in the 184  
state registry of sex offenders and child-victim offenders 185  
maintained pursuant to division (A)(1) of section 2950.13 of the 186  
Revised Code and in the internet database operated pursuant to 187  
division (A)(13) of that section and for possible inclusion in the 188  
internet database operated pursuant to division (A)(11) of that 189  
section. 190

(3) In addition to any other authorized use of information, 191  
data, and statistics of the nature described in division (C)(1) of 192  
this section, the superintendent or the superintendent's designee 193  
may provide and exchange the information, data, and statistics 194  
pursuant to the national crime prevention and privacy compact as 195  
described in division (A)(5) of this section. 196

(D) The information and materials furnished to the 197  
superintendent pursuant to division (A) of this section and 198  
information and materials furnished to any board or person under 199  
division (F) or (G) of this section are not public records under 200  
section 149.43 of the Revised Code. The superintendent or the 201  
superintendent's designee shall gather and retain information so 202  
furnished under division (A) of this section that pertains to the 203  
offense and delinquency history of a person who has been convicted 204  
of, pleaded guilty to, or been adjudicated a delinquent child for 205  
committing a sexually oriented offense or a child-victim oriented 206  
offense for the purposes described in division (C)(2) of this 207  
section. 208

(E) The attorney general shall adopt rules, in accordance 209  
with Chapter 119. of the Revised Code, setting forth the procedure 210  
by which a person may receive or release information gathered by 211

the superintendent pursuant to division (A) of this section. A 212  
reasonable fee may be charged for this service. If a temporary 213  
employment service submits a request for a determination of 214  
whether a person the service plans to refer to an employment 215  
position has been convicted of or pleaded guilty to an offense 216  
listed in division (A)(1), (3), (4), (5), or (6) of section 217  
109.572 of the Revised Code, the request shall be treated as a 218  
single request and only one fee shall be charged. 219

(F)(1) As used in division (F)(2) of this section, "head 220  
start agency" means an entity in this state that has been approved 221  
to be an agency for purposes of subchapter II of the "Community 222  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 223  
as amended. 224

(2)(a) In addition to or in conjunction with any request that 225  
is required to be made under section 109.572, 2151.86, 3301.32, 226  
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 227  
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 228  
Code or that is made under section 3314.41, 3319.392, or 3326.25 229  
of the Revised Code, the board of education of any school 230  
district; the director of mental retardation and developmental 231  
disabilities; any county board of mental retardation and 232  
developmental disabilities; any entity under contract with a 233  
county board of mental retardation and developmental disabilities; 234  
the chief administrator of any chartered nonpublic school; the 235  
chief administrator of any home health agency; the chief 236  
administrator of or person operating any child day-care center, 237  
type A family day-care home, or type B family day-care home 238  
licensed or certified under Chapter 5104. of the Revised Code; the 239  
administrator of any type C family day-care home certified 240  
pursuant to Section 1 of Sub. H.B. 62 of the 121st general 241  
assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general 242  
assembly; the chief administrator of any head start agency; the 243

executive director of a public children services agency; a private 244  
company described in section 3314.41, 3319.392, or 3326.25 of the 245  
Revised Code; or an employer described in division (J)(2) of 246  
section 3327.10 of the Revised Code may request that the 247  
superintendent of the bureau investigate and determine, with 248  
respect to any individual who has applied for employment in any 249  
position after October 2, 1989, or any individual wishing to apply 250  
for employment with a board of education may request, with regard 251  
to the individual, whether the bureau has any information gathered 252  
under division (A) of this section that pertains to that 253  
individual. On receipt of the request, the superintendent shall 254  
determine whether that information exists and, upon request of the 255  
person, board, or entity requesting information, also shall 256  
request from the federal bureau of investigation any criminal 257  
records it has pertaining to that individual. The superintendent 258  
or the superintendent's designee also may request criminal history 259  
records from other states or the federal government pursuant to 260  
the national crime prevention and privacy compact set forth in 261  
section 109.571 of the Revised Code. Within thirty days of the 262  
date that the superintendent receives a request, the 263  
superintendent shall send to the board, entity, or person a report 264  
of any information that the superintendent determines exists, 265  
including information contained in records that have been sealed 266  
under section 2953.32 of the Revised Code, and, within thirty days 267  
of its receipt, shall send the board, entity, or person a report 268  
of any information received from the federal bureau of 269  
investigation, other than information the dissemination of which 270  
is prohibited by federal law. 271

272

(b) When a board of education is required to receive 273  
information under this section as a prerequisite to employment of 274  
an individual pursuant to section 3319.39 of the Revised Code, 275  
except for employment of an individual as a public high school law 276

enforcement officer under section 3313.175 of the Revised Code, it 277  
may accept a certified copy of records that were issued by the 278  
bureau of criminal identification and investigation and that are 279  
presented by an individual applying for employment with the 280  
district in lieu of requesting that information itself. In such a 281  
case, the board shall accept the certified copy issued by the 282  
bureau in order to make a photocopy of it for that individual's 283  
employment application documents and shall return the certified 284  
copy to the individual. In a case of that nature, a district only 285  
shall accept a certified copy of records of that nature within one 286  
year after the date of their issuance by the bureau. 287

(3) The state board of education may request, with respect to 288  
any individual who has applied for employment after October 2, 289  
1989, in any position with the state board or the department of 290  
education, any information that a school district board of 291  
education is authorized to request under division (F)(2) of this 292  
section, and the superintendent of the bureau shall proceed as if 293  
the request has been received from a school district board of 294  
education under division (F)(2) of this section. 295

(4) When the superintendent of the bureau receives a request 296  
for information under section 3319.291 of the Revised Code, the 297  
superintendent shall proceed as if the request has been received 298  
from a school district board of education under division (F)(2) of 299  
this section. 300

(5) When a recipient of a classroom reading improvement grant 301  
paid under section 3301.86 of the Revised Code requests, with 302  
respect to any individual who applies to participate in providing 303  
any program or service funded in whole or in part by the grant, 304  
the information that a school district board of education is 305  
authorized to request under division (F)(2)(a) of this section, 306  
the superintendent of the bureau shall proceed as if the request 307  
has been received from a school district board of education under 308

division (F)(2)(a) of this section. 309

(G) In addition to or in conjunction with any request that is 310  
required to be made under section 3701.881, 3712.09, 3721.121, or 311  
3722.151 of the Revised Code with respect to an individual who has 312  
applied for employment in a position that involves providing 313  
direct care to an older adult, the chief administrator of a home 314  
health agency, hospice care program, home licensed under Chapter 315  
3721. of the Revised Code, adult day-care program operated 316  
pursuant to rules adopted under section 3721.04 of the Revised 317  
Code, or adult care facility may request that the superintendent 318  
of the bureau investigate and determine, with respect to any 319  
individual who has applied after January 27, 1997, for employment 320  
in a position that does not involve providing direct care to an 321  
older adult, whether the bureau has any information gathered under 322  
division (A) of this section that pertains to that individual. 323

In addition to or in conjunction with any request that is 324  
required to be made under section 173.27 of the Revised Code with 325  
respect to an individual who has applied for employment in a 326  
position that involves providing ombudsperson services to 327  
residents of long-term care facilities or recipients of 328  
community-based long-term care services, the state long-term care 329  
ombudsperson, ombudsperson's designee, or director of health may 330  
request that the superintendent investigate and determine, with 331  
respect to any individual who has applied for employment in a 332  
position that does not involve providing such ombudsperson 333  
services, whether the bureau has any information gathered under 334  
division (A) of this section that pertains to that applicant. 335

In addition to or in conjunction with any request that is 336  
required to be made under section 173.394 of the Revised Code with 337  
respect to an individual who has applied for employment in a 338  
position that involves providing direct care to an individual, the 339  
chief administrator of a community-based long-term care agency may 340

request that the superintendent investigate and determine, with 341  
respect to any individual who has applied for employment in a 342  
position that does not involve providing direct care, whether the 343  
bureau has any information gathered under division (A) of this 344  
section that pertains to that applicant. 345

On receipt of a request under this division, the 346  
superintendent shall determine whether that information exists 347  
and, on request of the individual requesting information, shall 348  
also request from the federal bureau of investigation any criminal 349  
records it has pertaining to the applicant. The superintendent or 350  
the superintendent's designee also may request criminal history 351  
records from other states or the federal government pursuant to 352  
the national crime prevention and privacy compact set forth in 353  
section 109.571 of the Revised Code. Within thirty days of the 354  
date a request is received, the superintendent shall send to the 355  
requester a report of any information determined to exist, 356  
including information contained in records that have been sealed 357  
under section 2953.32 of the Revised Code, and, within thirty days 358  
of its receipt, shall send the requester a report of any 359  
information received from the federal bureau of investigation, 360  
other than information the dissemination of which is prohibited by 361  
federal law. 362

(H) Information obtained by a government entity or person 363  
under this section is confidential and shall not be released or 364  
disseminated. 365

(I) The superintendent may charge a reasonable fee for 366  
providing information or criminal records under division (F)(2) or 367  
(G) of this section. 368

(J) As used in this section, "sexually oriented offense" and 369  
"child-victim oriented offense" have the same meanings as in 370  
section 2950.01 of the Revised Code. 371

**Sec. 109.71.** There is hereby created in the office of the 372  
attorney general the Ohio peace officer training commission. The 373  
commission shall consist of nine members appointed by the governor 374  
with the advice and consent of the senate and selected as follows: 375  
one member representing the public; two members who are incumbent 376  
sheriffs; two members who are incumbent chiefs of police; one 377  
member from the bureau of criminal identification and 378  
investigation; one member from the state highway patrol; one 379  
member who is the special agent in charge of a field office of the 380  
federal bureau of investigation in this state; and one member from 381  
the department of education, trade and industrial education 382  
services, law enforcement training. 383

This section does not confer any arrest authority or any 384  
ability or authority to detain a person, write or issue any 385  
citation, or provide any disposition alternative, as granted under 386  
Chapter 2935. of the Revised Code. 387

As used in sections 109.71 to 109.801 of the Revised Code: 388

(A) "Peace officer" means: 389

(1) A deputy sheriff, marshal, deputy marshal, member of the 390  
organized police department of a township or municipal 391  
corporation, member of a township police district or joint 392  
township police district police force, member of a police force 393  
employed by a metropolitan housing authority under division (D) of 394  
section 3735.31 of the Revised Code, or township constable, who is 395  
commissioned and employed as a peace officer by a political 396  
subdivision of this state or by a metropolitan housing authority, 397  
and whose primary duties are to preserve the peace, to protect 398  
life and property, and to enforce the laws of this state, 399  
ordinances of a municipal corporation, resolutions of a township, 400  
or regulations of a board of county commissioners or board of 401  
township trustees, or any of those laws, ordinances, resolutions, 402

or regulations;	403
(2) A police officer who is employed by a railroad company	404
and appointed and commissioned by the secretary of state pursuant	405
to sections 4973.17 to 4973.22 of the Revised Code;	406
(3) Employees of the department of taxation engaged in the	407
enforcement of Chapter 5743. of the Revised Code and designated by	408
the tax commissioner for peace officer training for purposes of	409
the delegation of investigation powers under section 5743.45 of	410
the Revised Code;	411
(4) An undercover drug agent;	412
(5) Enforcement agents of the department of public safety	413
whom the director of public safety designates under section	414
5502.14 of the Revised Code;	415
(6) An employee of the department of natural resources who is	416
a natural resources law enforcement staff officer designated	417
pursuant to section 1501.013, a park officer designated pursuant	418
to section 1541.10, a forest officer designated pursuant to	419
section 1503.29, a preserve officer designated pursuant to section	420
1517.10, a wildlife officer designated pursuant to section	421
1531.13, or a state watercraft officer designated pursuant to	422
section 1547.521 of the Revised Code;	423
(7) An employee of a park district who is designated pursuant	424
to section 511.232 or 1545.13 of the Revised Code;	425
(8) An employee of a conservancy district who is designated	426
pursuant to section 6101.75 of the Revised Code;	427
(9) A police officer who is employed by a hospital that	428
employs and maintains its own proprietary police department or	429
security department, and who is appointed and commissioned by the	430
secretary of state pursuant to sections 4973.17 to 4973.22 of the	431
Revised Code;	432

(10) Veterans' homes police officers designated under section	433
5907.02 of the Revised Code;	434
(11) A police officer who is employed by a qualified	435
nonprofit corporation police department pursuant to section	436
1702.80 of the Revised Code;	437
(12) A state university law enforcement officer appointed	438
under section 3345.04 of the Revised Code or a person serving as a	439
state university law enforcement officer on a permanent basis on	440
June 19, 1978, who has been awarded a certificate by the executive	441
director of the Ohio peace officer training commission attesting	442
to the person's satisfactory completion of an approved state,	443
county, municipal, or department of natural resources peace	444
officer basic training program;	445
(13) A special police officer employed by the department of	446
mental health pursuant to section 5119.14 of the Revised Code or	447
the department of mental retardation and developmental	448
disabilities pursuant to section 5123.13 of the Revised Code;	449
(14) A member of a campus police department appointed under	450
section 1713.50 of the Revised Code;	451
(15) A member of a police force employed by a regional	452
transit authority under division (Y) of section 306.35 of the	453
Revised Code;	454
(16) Investigators appointed by the auditor of state pursuant	455
to section 117.091 of the Revised Code and engaged in the	456
enforcement of Chapter 117. of the Revised Code;	457
(17) A special police officer designated by the	458
superintendent of the state highway patrol pursuant to section	459
5503.09 of the Revised Code or a person who was serving as a	460
special police officer pursuant to that section on a permanent	461
basis on October 21, 1997, and who has been awarded a certificate	462
by the executive director of the Ohio peace officer training	463

commission attesting to the person's satisfactory completion of an 464  
approved state, county, municipal, or department of natural 465  
resources peace officer basic training program; 466

(18) A special police officer employed by a port authority 467  
under section 4582.04 or 4582.28 of the Revised Code or a person 468  
serving as a special police officer employed by a port authority 469  
on a permanent basis on May 17, 2000, who has been awarded a 470  
certificate by the executive director of the Ohio peace officer 471  
training commission attesting to the person's satisfactory 472  
completion of an approved state, county, municipal, or department 473  
of natural resources peace officer basic training program; 474

(19) A special police officer employed by a municipal 475  
corporation who has been awarded a certificate by the executive 476  
director of the Ohio peace officer training commission for 477  
satisfactory completion of an approved peace officer basic 478  
training program and who is employed on a permanent basis on or 479  
after March 19, 2003, at a municipal airport, or other municipal 480  
air navigation facility, that has scheduled operations, as defined 481  
in section 119.3 of Title 14 of the Code of Federal Regulations, 482  
14 C.F.R. 119.3, as amended, and that is required to be under a 483  
security program and is governed by aviation security rules of the 484  
transportation security administration of the United States 485  
department of transportation as provided in Parts 1542. and 1544. 486  
of Title 49 of the Code of Federal Regulations, as amended; 487

(20) A police officer who is employed by an owner or operator 488  
of an amusement park that has an average yearly attendance in 489  
excess of six hundred thousand guests and that employs and 490  
maintains its own proprietary police department or security 491  
department, and who is appointed and commissioned by a judge of 492  
the appropriate municipal court or county court pursuant to 493  
section 4973.17 of the Revised Code; 494

(21) A police officer who is employed by a bank, savings and 495

loan association, savings bank, credit union, or association of 496  
banks, savings and loan associations, savings banks, or credit 497  
unions, who has been appointed and commissioned by the secretary 498  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 499  
Code, and who has been awarded a certificate by the executive 500  
director of the Ohio peace officer training commission attesting 501  
to the person's satisfactory completion of a state, county, 502  
municipal, or department of natural resources peace officer basic 503  
training program; 504

(22) An investigator, as defined in section 109.541 of the 505  
Revised Code, of the bureau of criminal identification and 506  
investigation who is commissioned by the superintendent of the 507  
bureau as a special agent for the purpose of assisting law 508  
enforcement officers or providing emergency assistance to peace 509  
officers pursuant to authority granted under that section; 510

(23) A state fire marshal law enforcement officer appointed 511  
under section 3737.22 of the Revised Code or a person serving as a 512  
state fire marshal law enforcement officer on a permanent basis on 513  
or after July 1, 1982, who has been awarded a certificate by the 514  
executive director of the Ohio peace officer training commission 515  
attesting to the person's satisfactory completion of an approved 516  
state, county, municipal, or department of natural resources peace 517  
officer basic training program; 518

(24) A public high school law enforcement officer employed 519  
under section 3313.175 of the Revised Code. 520

(B) "Undercover drug agent" has the same meaning as in 521  
division (B)(2) of section 109.79 of the Revised Code. 522

(C) "Crisis intervention training" means training in the use 523  
of interpersonal and communication skills to most effectively and 524  
sensitively interview victims of rape. 525

(D) "Missing children" has the same meaning as in section 526

2901.30 of the Revised Code.	527
<b>Sec. 109.77.</b> (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.	528 529
(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 director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	530 531 532 533 534 535 536 537 538
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	539 540 541
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	542 543 544
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	545 546
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	547 548
(e) A state university law enforcement officer;	549
(f) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	550 551 552 553
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	554 555 556

(h) A special police officer employed by a port authority 557  
under section 4582.04 or 4582.28 of the Revised Code; 558

(i) A special police officer employed by a municipal 559  
corporation at a municipal airport, or other municipal air 560  
navigation facility, that has scheduled operations, as defined in 561  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 562  
C.F.R. 119.3, as amended, and that is required to be under a 563  
security program and is governed by aviation security rules of the 564  
transportation security administration of the United States 565  
department of transportation as provided in Parts 1542. and 1544. 566  
of Title 49 of the Code of Federal Regulations, as amended; 567

(j) A public high school law enforcement officer. 568

(2) Every person who is appointed on a temporary basis or for 569  
a probationary term or on other than a permanent basis as any of 570  
the following shall forfeit the appointed position unless the 571  
person previously has completed satisfactorily or, within the time 572  
prescribed by rules adopted by the attorney general pursuant to 573  
section 109.74 of the Revised Code, satisfactorily completes a 574  
state, county, municipal, or department of natural resources peace 575  
officer basic training program for temporary or probationary 576  
officers and is awarded a certificate by the director attesting to 577  
the satisfactory completion of the program: 578

(a) A peace officer of any county, township, municipal 579  
corporation, regional transit authority, or metropolitan housing 580  
authority; 581

(b) A natural resources law enforcement staff officer, park 582  
officer, forest officer, preserve officer, wildlife officer, or 583  
state watercraft officer of the department of natural resources; 584

(c) An employee of a park district under section 511.232 or 585  
1545.13 of the Revised Code; 586

(d) An employee of a conservancy district who is designated 587

pursuant to section 6101.75 of the Revised Code; 588

(e) A special police officer employed by the department of 589  
mental health pursuant to section 5119.14 of the Revised Code or 590  
the department of mental retardation and developmental 591  
disabilities pursuant to section 5123.13 of the Revised Code; 592

(f) An enforcement agent of the department of public safety 593  
whom the director of public safety designates under section 594  
5502.14 of the Revised Code; 595

(g) A special police officer employed by a port authority 596  
under section 4582.04 or 4582.28 of the Revised Code; 597

(h) A special police officer employed by a municipal 598  
corporation at a municipal airport, or other municipal air 599  
navigation facility, that has scheduled operations, as defined in 600  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 601  
C.F.R. 119.3, as amended, and that is required to be under a 602  
security program and is governed by aviation security rules of the 603  
transportation security administration of the United States 604  
department of transportation as provided in Parts 1542. and 1544. 605  
of Title 49 of the Code of Federal Regulations, as amended. 606

(3) For purposes of division (B) of this section, a state, 607  
county, municipal, or department of natural resources peace 608  
officer basic training program, regardless of whether the program 609  
is to be completed by peace officers appointed on a permanent or 610  
temporary, probationary, or other nonpermanent basis, shall 611  
include at least fifteen hours of training in the handling of the 612  
offense of domestic violence, other types of domestic 613  
violence-related offenses and incidents, and protection orders and 614  
consent agreements issued or approved under section 2919.26 or 615  
3113.31 of the Revised Code and at least six hours of crisis 616  
intervention training. The requirement to complete fifteen hours 617  
of training in the handling of the offense of domestic violence, 618

other types of domestic violence-related offenses and incidents, 619  
and protection orders and consent agreements issued or approved 620  
under section 2919.26 or 3113.31 of the Revised Code does not 621  
apply to any person serving as a peace officer on March 27, 1979, 622  
and the requirement to complete six hours of training in crisis 623  
intervention does not apply to any person serving as a peace 624  
officer on April 4, 1985. Any person who is serving as a peace 625  
officer on April 4, 1985, who terminates that employment after 626  
that date, and who subsequently is hired as a peace officer by the 627  
same or another law enforcement agency shall complete the six 628  
hours of training in crisis intervention within the time 629  
prescribed by rules adopted by the attorney general pursuant to 630  
section 109.742 of the Revised Code. No peace officer shall have 631  
employment as a peace officer terminated and then be reinstated 632  
with intent to circumvent this section. 633

(4) Division (B) of this section does not apply to any person 634  
serving on a permanent basis on March 28, 1985, as a park officer, 635  
forest officer, preserve officer, wildlife officer, or state 636  
watercraft officer of the department of natural resources or as an 637  
employee of a park district under section 511.232 or 1545.13 of 638  
the Revised Code, to any person serving on a permanent basis on 639  
March 6, 1986, as an employee of a conservancy district designated 640  
pursuant to section 6101.75 of the Revised Code, to any person 641  
serving on a permanent basis on January 10, 1991, as a preserve 642  
officer of the department of natural resources, to any person 643  
employed on a permanent basis on July 2, 1992, as a special police 644  
officer by the department of mental health pursuant to section 645  
5119.14 of the Revised Code or by the department of mental 646  
retardation and developmental disabilities pursuant to section 647  
5123.13 of the Revised Code, to any person serving on a permanent 648  
basis on May 17, 2000, as a special police officer employed by a 649  
port authority under section 4582.04 or 4582.28 of the Revised 650  
Code, to any person serving on a permanent basis on ~~the effective~~ 651

~~date of this amendment~~ March 19, 2003, as a special police officer 652  
employed by a municipal corporation at a municipal airport or 653  
other municipal air navigation facility described in division 654  
(A)(19) of section 109.71 of the Revised Code, to any person 655  
serving on a permanent basis on June 19, 1978, as a state 656  
university law enforcement officer pursuant to section 3345.04 of 657  
the Revised Code and who, immediately prior to June 19, 1978, was 658  
serving as a special police officer designated under authority of 659  
that section, or to any person serving on a permanent basis on 660  
September 20, 1984, as a liquor control investigator, known after 661  
June 30, 1999, as an enforcement agent of the department of public 662  
safety, engaged in the enforcement of Chapters 4301. and 4303. of 663  
the Revised Code. 664

(5) Division (B) of this section does not apply to any person 665  
who is appointed as a regional transit authority police officer 666  
pursuant to division (Y) of section 306.35 of the Revised Code if, 667  
on or before July 1, 1996, the person has completed satisfactorily 668  
an approved state, county, municipal, or department of natural 669  
resources peace officer basic training program and has been 670  
awarded a certificate by the executive director of the Ohio peace 671  
officer training commission attesting to the person's satisfactory 672  
completion of such an approved program and if, on July 1, 1996, 673  
the person is performing peace officer functions for a regional 674  
transit authority. 675

(C) No person, after September 20, 1984, shall receive an 676  
original appointment on a permanent basis as a veterans' home 677  
police officer designated under section 5907.02 of the Revised 678  
Code unless the person previously has been awarded a certificate 679  
by the executive director of the Ohio peace officer training 680  
commission attesting to the person's satisfactory completion of an 681  
approved police officer basic training program. Every person who 682  
is appointed on a temporary basis or for a probationary term or on 683

other than a permanent basis as a veterans' home police officer 684  
designated under section 5907.02 of the Revised Code shall forfeit 685  
that position unless the person previously has completed 686  
satisfactorily or, within one year from the time of appointment, 687  
satisfactorily completes an approved police officer basic training 688  
program. 689

(D) No bailiff or deputy bailiff of a court of record of this 690  
state and no criminal investigator who is employed by the state 691  
public defender shall carry a firearm, as defined in section 692  
2923.11 of the Revised Code, while on duty unless the bailiff, 693  
deputy bailiff, or criminal investigator has done or received one 694  
of the following: 695

(1) Has been awarded a certificate by the executive director 696  
of the Ohio peace officer training commission, which certificate 697  
attests to satisfactory completion of an approved state, county, 698  
or municipal basic training program for bailiffs and deputy 699  
bailiffs of courts of record and for criminal investigators 700  
employed by the state public defender that has been recommended by 701  
the Ohio peace officer training commission; 702

(2) Has successfully completed a firearms training program 703  
approved by the Ohio peace officer training commission prior to 704  
employment as a bailiff, deputy bailiff, or criminal investigator; 705

(3) Prior to June 6, 1986, was authorized to carry a firearm 706  
by the court that employed the bailiff or deputy bailiff or, in 707  
the case of a criminal investigator, by the state public defender 708  
and has received training in the use of firearms that the Ohio 709  
peace officer training commission determines is equivalent to the 710  
training that otherwise is required by division (D) of this 711  
section. 712

(E)(1) Before a person seeking a certificate completes an 713  
approved peace officer basic training program, the executive 714

director of the Ohio peace officer training commission shall 715  
request the person to disclose, and the person shall disclose, any 716  
previous criminal conviction of or plea of guilty of that person 717  
to a felony. 718

(2) Before a person seeking a certificate completes an 719  
approved peace officer basic training program, the executive 720  
director shall request a criminal history records check on the 721  
person. The executive director shall submit the person's 722  
fingerprints to the bureau of criminal identification and 723  
investigation, which shall submit the fingerprints to the federal 724  
bureau of investigation for a national criminal history records 725  
check. 726

Upon receipt of the executive director's request, the bureau 727  
of criminal identification and investigation and the federal 728  
bureau of investigation shall conduct a criminal history records 729  
check on the person and, upon completion of the check, shall 730  
provide a copy of the criminal history records check to the 731  
executive director. The executive director shall not award any 732  
certificate prescribed in this section unless the executive 733  
director has received a copy of the criminal history records check 734  
on the person to whom the certificate is to be awarded. 735

(3) The executive director of the commission shall not award 736  
a certificate prescribed in this section to a person who has been 737  
convicted of or has pleaded guilty to a felony or who fails to 738  
disclose any previous criminal conviction of or plea of guilty to 739  
a felony as required under division (E)(1) of this section. 740

(4) The executive director of the commission shall revoke the 741  
certificate awarded to a person as prescribed in this section, and 742  
that person shall forfeit all of the benefits derived from being 743  
certified as a peace officer under this section, if the person, 744  
before completion of an approved peace officer basic training 745  
program, failed to disclose any previous criminal conviction of or 746

plea of guilty to a felony as required under division (E)(1) of 747  
this section. 748

(F)(1) Regardless of whether the person has been awarded the 749  
certificate or has been classified as a peace officer prior to, 750  
on, or after October 16, 1996, the executive director of the Ohio 751  
peace officer training commission shall revoke any certificate 752  
that has been awarded to a person as prescribed in this section if 753  
the person does either of the following: 754

(a) Pleads guilty to a felony committed on or after January 755  
1, 1997; 756

(b) Pleads guilty to a misdemeanor committed on or after 757  
January 1, 1997, pursuant to a negotiated plea agreement as 758  
provided in division (D) of section 2929.43 of the Revised Code in 759  
which the person agrees to surrender the certificate awarded to 760  
the person under this section. 761

(2) The executive director of the commission shall suspend 762  
any certificate that has been awarded to a person as prescribed in 763  
this section if the person is convicted, after trial, of a felony 764  
committed on or after January 1, 1997. The executive director 765  
shall suspend the certificate pursuant to division (F)(2) of this 766  
section pending the outcome of an appeal by the person from that 767  
conviction to the highest court to which the appeal is taken or 768  
until the expiration of the period in which an appeal is required 769  
to be filed. If the person files an appeal that results in that 770  
person's acquittal of the felony or conviction of a misdemeanor, 771  
or in the dismissal of the felony charge against that person, the 772  
executive director shall reinstate the certificate awarded to the 773  
person under this section. If the person files an appeal from that 774  
person's conviction of the felony and the conviction is upheld by 775  
the highest court to which the appeal is taken or if the person 776  
does not file a timely appeal, the executive director shall revoke 777  
the certificate awarded to the person under this section. 778

(G)(1) If a person is awarded a certificate under this 779  
section and the certificate is revoked pursuant to division (E)(4) 780  
or (F) of this section, the person shall not be eligible to 781  
receive, at any time, a certificate attesting to the person's 782  
satisfactory completion of a peace officer basic training program. 783

(2) The revocation or suspension of a certificate under 784  
division (E)(4) or (F) of this section shall be in accordance with 785  
Chapter 119. of the Revised Code. 786

(H)(1) A person who was employed as a peace officer of a 787  
county, township, or municipal corporation of the state on January 788  
1, 1966, and who has completed at least sixteen years of full-time 789  
active service as such a peace officer may receive an original 790  
appointment on a permanent basis and serve as a peace officer of a 791  
county, township, or municipal corporation, or as a state 792  
university law enforcement officer, without complying with the 793  
requirements of division (B) of this section. 794

(2) Any person who held an appointment as a state highway 795  
trooper on January 1, 1966, may receive an original appointment on 796  
a permanent basis and serve as a peace officer of a county, 797  
township, or municipal corporation, or as a state university law 798  
enforcement officer, without complying with the requirements of 799  
division (B) of this section. 800

(I) No person who is appointed as a peace officer of a 801  
county, township, or municipal corporation on or after April 9, 802  
1985, shall serve as a peace officer of that county, township, or 803  
municipal corporation unless the person has received training in 804  
the handling of missing children and child abuse and neglect cases 805  
from an approved state, county, township, or municipal police 806  
officer basic training program or receives the training within the 807  
time prescribed by rules adopted by the attorney general pursuant 808  
to section 109.741 of the Revised Code. 809

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

(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.

**Sec. 145.01.** As used in this chapter:

(A) "Public employee" means:

(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in division (A)(1) of this section, or employed and paid in whole or in part by the state or any of the authorities named in division (A)(1) of this section in any capacity not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

(2) A person who is a member of the public employees retirement system and who continues to perform the same or similar

duties under the direction of a contractor who has contracted to 841  
take over what before the date of the contract was a publicly 842  
operated function. The governmental unit with which the contract 843  
has been made shall be deemed the employer for the purposes of 844  
administering this chapter. 845

(3) Any person who is an employee of a public employer, 846  
notwithstanding that the person's compensation for that employment 847  
is derived from funds of a person or entity other than the 848  
employer. Credit for such service shall be included as total 849  
service credit, provided that the employee makes the payments 850  
required by this chapter, and the employer makes the payments 851  
required by sections 145.48 and 145.51 of the Revised Code. 852

(4) A person who elects in accordance with section 145.015 of 853  
the Revised Code to remain a contributing member of the public 854  
employees retirement system. 855

In all cases of doubt, the public employees retirement board 856  
shall determine whether any person is a public employee, and its 857  
decision is final. 858

(B) "Member" means any public employee, other than a public 859  
employee excluded or exempted from membership in the retirement 860  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 861  
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 862  
retirant who becomes a member under division (C) of section 145.38 863  
of the Revised Code. "Member" also includes a disability benefit 864  
recipient. 865

(C) "Head of the department" means the elective or appointive 866  
head of the several executive, judicial, and administrative 867  
departments, institutions, boards, and commissions of the state 868  
and local government as the same are created and defined by the 869  
laws of this state or, in case of a charter government, by that 870  
charter. 871

(D) "Employer" or "public employer" means the state or any 872  
county, township, municipal corporation, park district, 873  
conservancy district, sanitary district, health district, 874  
metropolitan housing authority, state retirement board, Ohio 875  
historical society, public library, county law library, union 876  
cemetery, joint hospital, institutional commissary, state medical 877  
college, state university, or board, bureau, commission, council, 878  
committee, authority, or administrative body as the same are, or 879  
have been, created by action of the general assembly or by the 880  
legislative authority of any of the units of local government 881  
named in this division not covered by section 742.01, 3307.01, 882  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 883  
means the employer of any public employee. 884

(E) "Prior service" means all service as a public employee 885  
rendered before January 1, 1935, and all service as an employee of 886  
any employer who comes within the state teachers retirement system 887  
or of the school employees retirement system or of any other 888  
retirement system established under the laws of this state 889  
rendered prior to January 1, 1935, provided that if the employee 890  
claiming the service was employed in any capacity covered by that 891  
other system after that other system was established, credit for 892  
the service may be allowed by the public employees retirement 893  
system only when the employee has made payment, to be computed on 894  
the salary earned from the date of appointment to the date 895  
membership was established in the public employees retirement 896  
system, at the rate in effect at the time of payment, and the 897  
employer has made payment of the corresponding full liability as 898  
provided by section 145.44 of the Revised Code. "Prior service" 899  
also means all service credited for active duty with the armed 900  
forces of the United States as provided in section 145.30 of the 901  
Revised Code. 902

If an employee who has been granted prior service credit by 903

the public employees retirement system for service rendered prior 904  
to January 1, 1935, as an employee of a board of education 905  
establishes, before retirement, one year or more of contributing 906  
service in the state teachers retirement system or school 907  
employees retirement system, then the prior service ceases to be 908  
the liability of this system. 909

If the board determines that a position of any member in any 910  
calendar year prior to January 1, 1935, was a part-time position, 911  
the board shall determine what fractional part of a year's credit 912  
shall be allowed by the following formula: 913

(1) When the member has been either elected or appointed to 914  
an office the term of which was two or more years and for which an 915  
annual salary is established, the fractional part of the year's 916  
credit shall be computed as follows: 917

First, when the member's annual salary is one thousand 918  
dollars or less, the service credit for each such calendar year 919  
shall be forty per cent of a year. 920

Second, for each full one hundred dollars of annual salary 921  
above one thousand dollars, the member's service credit for each 922  
such calendar year shall be increased by two and one-half per 923  
cent. 924

(2) When the member is paid on a per diem basis, the service 925  
credit for any single year of the service shall be determined by 926  
using the number of days of service for which the compensation was 927  
received in any such year as a numerator and using two hundred 928  
fifty days as a denominator. 929

(3) When the member is paid on an hourly basis, the service 930  
credit for any single year of the service shall be determined by 931  
using the number of hours of service for which the compensation 932  
was received in any such year as a numerator and using two 933  
thousand hours as a denominator. 934

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's prior service credit; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. In addition, "total service credit" includes any period, not in excess of three years, during which a member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that

all employees of that municipal retirement plan who have eighteen 967  
or more months of such employment, upon establishing membership in 968  
the public employees retirement system, shall make a payment of 969  
the contributions they would have paid had they been members of 970  
this system for the eighteen months of employment preceding the 971  
date membership was established. When that payment has been made 972  
by all such employee members, a corresponding payment shall be 973  
paid into the employers' accumulation fund by that municipal 974  
corporation as the employer of the employees. 975

(3) Where a member also is a member of the state teachers 976  
retirement system or the school employees retirement system, or 977  
both, except in cases of retirement on a combined basis pursuant 978  
to section 145.37 of the Revised Code or as provided in section 979  
145.383 of the Revised Code, service credit for any period shall 980  
be credited on the basis of the ratio that contributions to the 981  
public employees retirement system bear to total contributions in 982  
all state retirement systems. 983

(4) Not more than one year of credit may be given for any 984  
period of twelve months. 985

(5) "Ohio service credit" means credit for service that was 986  
rendered to the state or any of its political subdivisions or any 987  
employer. 988

(I) "Regular interest" means interest at any rates for the 989  
respective funds and accounts as the public employees retirement 990  
board may determine from time to time. 991

(J) "Accumulated contributions" means the sum of all amounts 992  
credited to a contributor's individual account in the employees' 993  
savings fund together with any interest credited to the 994  
contributor's account under section 145.471 or 145.472 of the 995  
Revised Code. 996

(K)(1) "Final average salary" means the quotient obtained by 997

dividing by three the sum of the three full calendar years of 998  
contributing service in which the member's earnable salary was 999  
highest, except that if the member has a partial year of 1000  
contributing service in the year the member's employment 1001  
terminates and the member's earnable salary for the partial year 1002  
is higher than for any comparable period in the three years, the 1003  
member's earnable salary for the partial year shall be substituted 1004  
for the member's earnable salary for the comparable period during 1005  
the three years in which the member's earnable salary was lowest. 1006

(2) If a member has less than three years of contributing 1007  
service, the member's final average salary shall be the member's 1008  
total earnable salary divided by the total number of years, 1009  
including any fraction of a year, of the member's contributing 1010  
service. 1011

(3) For the purpose of calculating benefits payable to a 1012  
member qualifying for service credit under division (Z) of this 1013  
section, "final average salary" means the total earnable salary on 1014  
which contributions were made divided by the total number of years 1015  
during which contributions were made, including any fraction of a 1016  
year. If contributions were made for less than twelve months, 1017  
"final average salary" means the member's total earnable salary. 1018

(L) "Annuity" means payments for life derived from 1019  
contributions made by a contributor and paid from the annuity and 1020  
pension reserve fund as provided in this chapter. All annuities 1021  
shall be paid in twelve equal monthly installments. 1022

(M) "Annuity reserve" means the present value, computed upon 1023  
the basis of the mortality and other tables adopted by the board, 1024  
of all payments to be made on account of any annuity, or benefit 1025  
in lieu of any annuity, granted to a retirant as provided in this 1026  
chapter. 1027

(N)(1) "Disability retirement" means retirement as provided 1028

in section 145.36 of the Revised Code. 1029

(2) "Disability allowance" means an allowance paid on account 1030  
of disability under section 145.361 of the Revised Code. 1031

(3) "Disability benefit" means a benefit paid as disability 1032  
retirement under section 145.36 of the Revised Code, as a 1033  
disability allowance under section 145.361 of the Revised Code, or 1034  
as a disability benefit under section 145.37 of the Revised Code. 1035

(4) "Disability benefit recipient" means a member who is 1036  
receiving a disability benefit. 1037

(O) "Age and service retirement" means retirement as provided 1038  
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 1039  
the Revised Code. 1040

(P) "Pensions" means annual payments for life derived from 1041  
contributions made by the employer that at the time of retirement 1042  
are credited into the annuity and pension reserve fund from the 1043  
employers' accumulation fund and paid from the annuity and pension 1044  
reserve fund as provided in this chapter. All pensions shall be 1045  
paid in twelve equal monthly installments. 1046

(Q) "Retirement allowance" means the pension plus that 1047  
portion of the benefit derived from contributions made by the 1048  
member. 1049

(R)(1) Except as otherwise provided in division (R) of this 1050  
section, "earnable salary" means all salary, wages, and other 1051  
earnings paid to a contributor by reason of employment in a 1052  
position covered by the retirement system. The salary, wages, and 1053  
other earnings shall be determined prior to determination of the 1054  
amount required to be contributed to the employees' savings fund 1055  
under section 145.47 of the Revised Code and without regard to 1056  
whether any of the salary, wages, or other earnings are treated as 1057  
deferred income for federal income tax purposes. "Earnable salary" 1058  
includes the following: 1059

(a) Payments made by the employer in lieu of salary, wages,	1060
or other earnings for sick leave, personal leave, or vacation used	1061
by the contributor;	1062
(b) Payments made by the employer for the conversion of sick	1063
leave, personal leave, and vacation leave accrued, but not used if	1064
the payment is made during the year in which the leave is accrued,	1065
except that payments made pursuant to section 124.383 or 124.386	1066
of the Revised Code are not earnable salary;	1067
(c) Allowances paid by the employer for full maintenance,	1068
consisting of housing, laundry, and meals, as certified to the	1069
retirement board by the employer or the head of the department	1070
that employs the contributor;	1071
(d) Fees and commissions paid under section 507.09 of the	1072
Revised Code;	1073
(e) Payments that are made under a disability leave program	1074
sponsored by the employer and for which the employer is required	1075
by section 145.296 of the Revised Code to make periodic employer	1076
and employee contributions;	1077
(f) Amounts included pursuant to divisions (K)(3) and (Y) of	1078
this section.	1079
(2) "Earnable salary" does not include any of the following:	1080
(a) Fees and commissions, other than those paid under section	1081
507.09 of the Revised Code, paid as sole compensation for personal	1082
services and fees and commissions for special services over and	1083
above services for which the contributor receives a salary;	1084
(b) Amounts paid by the employer to provide life insurance,	1085
sickness, accident, endowment, health, medical, hospital, dental,	1086
or surgical coverage, or other insurance for the contributor or	1087
the contributor's family, or amounts paid by the employer to the	1088
contributor in lieu of providing the insurance;	1089

(c) Incidental benefits, including lodging, food, laundry,	1090
parking, or services furnished by the employer, or use of the	1091
employer's property or equipment, or amounts paid by the employer	1092
to the contributor in lieu of providing the incidental benefits;	1093
(d) Reimbursement for job-related expenses authorized by the	1094
employer, including moving and travel expenses and expenses	1095
related to professional development;	1096
(e) Payments for accrued but unused sick leave, personal	1097
leave, or vacation that are made at any time other than in the	1098
year in which the sick leave, personal leave, or vacation was	1099
accrued;	1100
(f) Payments made to or on behalf of a contributor that are	1101
in excess of the annual compensation that may be taken into	1102
account by the retirement system under division (a)(17) of section	1103
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	1104
U.S.C.A. 401(a)(17), as amended;	1105
(g) Payments made under division (B), (C), or (E) of section	1106
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	1107
No. 3 of the 119th general assembly, Section 3 of Amended	1108
Substitute Senate Bill No. 164 of the 124th general assembly, or	1109
Amended Substitute House Bill No. 405 of the 124th general	1110
assembly;	1111
(h) Anything of value received by the contributor that is	1112
based on or attributable to retirement or an agreement to retire,	1113
except that payments made on or before January 1, 1989, that are	1114
based on or attributable to an agreement to retire shall be	1115
included in earnable salary if both of the following apply:	1116
(i) The payments are made in accordance with contract	1117
provisions that were in effect prior to January 1, 1986;	1118
(ii) The employer pays the retirement system an amount	1119
specified by the retirement board equal to the additional	1120

liability resulting from the payments. 1121

(3) The retirement board shall determine by rule whether any 1122  
compensation not enumerated in division (R) of this section is 1123  
earnable salary, and its decision shall be final. 1124

(S) "Pension reserve" means the present value, computed upon 1125  
the basis of the mortality and other tables adopted by the board, 1126  
of all payments to be made on account of any retirement allowance 1127  
or benefit in lieu of any retirement allowance, granted to a 1128  
member or beneficiary under this chapter. 1129

(T)(1) "Contributing service" means all service credited to a 1130  
member of the system since January 1, 1935, for which 1131  
contributions are made as required by sections 145.47, 145.48, and 1132  
145.483 of the Revised Code. In any year subsequent to 1934, 1133  
credit for any service shall be allowed by the following formula: 1134

(a) For each month for which the member's earnable salary is 1135  
two hundred fifty dollars or more, allow one month's credit. 1136

(b) For each month for which the member's earnable salary is 1137  
less than two hundred fifty dollars, allow a fraction of a month's 1138  
credit. The numerator of this fraction shall be the earnable 1139  
salary during the month, and the denominator shall be two hundred 1140  
fifty dollars, except that if the member's annual earnable salary 1141  
is less than six hundred dollars, the member's credit shall not be 1142  
reduced below twenty per cent of a year for a calendar year of 1143  
employment during which the member worked each month. Division 1144  
(T)(1)(b) of this section shall not reduce any credit earned 1145  
before January 1, 1985. 1146

(2) Notwithstanding division (T)(1) of this section, an 1147  
elected official who prior to January 1, 1980, was granted a full 1148  
year of credit for each year of service as an elected official 1149  
shall be considered to have earned a full year of credit for each 1150  
year of service regardless of whether the service was full-time or 1151

part-time. The public employees retirement board has no authority 1152  
to reduce the credit. 1153

(U) "State retirement board" means the public employees 1154  
retirement board, the school employees retirement board, or the 1155  
state teachers retirement board. 1156

(V) "Retirant" means any former member who retires and is 1157  
receiving a monthly allowance as provided in sections 145.32, 1158  
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 1159

(W) "Employer contribution" means the amount paid by an 1160  
employer as determined under section 145.48 of the Revised Code. 1161

(X) "Public service terminates" means the last day for which 1162  
a public employee is compensated for services performed for an 1163  
employer or the date of the employee's death, whichever occurs 1164  
first. 1165

(Y) When a member has been elected or appointed to an office, 1166  
the term of which is two or more years, for which an annual salary 1167  
is established, and in the event that the salary of the office is 1168  
increased and the member is denied the additional salary by reason 1169  
of any constitutional provision prohibiting an increase in salary 1170  
during a term of office, the member may elect to have the amount 1171  
of the member's contributions calculated upon the basis of the 1172  
increased salary for the office. At the member's request, the 1173  
board shall compute the total additional amount the member would 1174  
have contributed, or the amount by which each of the member's 1175  
contributions would have increased, had the member received the 1176  
increased salary for the office the member holds. If the member 1177  
elects to have the amount by which the member's contribution would 1178  
have increased withheld from the member's salary, the member shall 1179  
notify the employer, and the employer shall make the withholding 1180  
and transmit it to the retirement system. A member who has not 1181  
elected to have that amount withheld may elect at any time to make 1182

a payment to the retirement system equal to the additional amount 1183  
the member's contribution would have increased, plus interest on 1184  
that contribution, compounded annually at a rate established by 1185  
the board and computed from the date on which the last 1186  
contribution would have been withheld from the member's salary to 1187  
the date of payment. A member may make a payment for part of the 1188  
period for which the increased contribution was not withheld, in 1189  
which case the interest shall be computed from the date the last 1190  
contribution would have been withheld for the period for which the 1191  
payment is made. Upon the payment of the increased contributions 1192  
as provided in this division, the increased annual salary as 1193  
provided by law for the office for the period for which the member 1194  
paid increased contributions thereon shall be used in determining 1195  
the member's earnable salary for the purpose of computing the 1196  
member's final average salary. 1197

(Z) "Five years of service credit," for the exclusive purpose 1198  
of satisfying the service credit requirements and of determining 1199  
eligibility for benefits under section 145.33 of the Revised Code, 1200  
means employment covered under this chapter or under a former 1201  
retirement plan operated, recognized, or endorsed by the employer 1202  
prior to coverage under this chapter or under a combination of the 1203  
coverage. 1204

(AA) "Deputy sheriff" means any person who is commissioned 1205  
and employed as a full-time peace officer by the sheriff of any 1206  
county, and has been so employed since on or before December 31, 1207  
1965, and whose primary duties are to preserve the peace, to 1208  
protect life and property, and to enforce the laws of this state; 1209  
any person who is or has been commissioned and employed as a peace 1210  
officer by the sheriff of any county since January 1, 1966, and 1211  
who has received a certificate attesting to the person's 1212  
satisfactory completion of the peace officer training school as 1213  
required by section 109.77 of the Revised Code and whose primary 1214

duties are to preserve the peace, protect life and property, and 1215  
enforce the laws of this state; or any person deputized by the 1216  
sheriff of any county and employed pursuant to section 2301.12 of 1217  
the Revised Code as a criminal bailiff or court constable who has 1218  
received a certificate attesting to the person's satisfactory 1219  
completion of the peace officer training school as required by 1220  
section 109.77 of the Revised Code and whose primary duties are to 1221  
preserve the peace, protect life and property, and enforce the 1222  
laws of this state. 1223

(BB) "Township constable or police officer in a township 1224  
police department or district" means any person who is 1225  
commissioned and employed as a full-time peace officer pursuant to 1226  
Chapter 505. or 509. of the Revised Code, who has received a 1227  
certificate attesting to the person's satisfactory completion of 1228  
the peace officer training school as required by section 109.77 of 1229  
the Revised Code, and whose primary duties are to preserve the 1230  
peace, protect life and property, and enforce the laws of this 1231  
state. 1232

(CC) "Drug agent" means any person who is either of the 1233  
following: 1234

(1) Employed full-time as a narcotics agent by a county 1235  
narcotics agency created pursuant to section 307.15 of the Revised 1236  
Code and has received a certificate attesting to the satisfactory 1237  
completion of the peace officer training school as required by 1238  
section 109.77 of the Revised Code; 1239

(2) Employed full-time as an undercover drug agent as defined 1240  
in section 109.79 of the Revised Code and is in compliance with 1241  
section 109.77 of the Revised Code. 1242

(DD) "Department of public safety enforcement agent" means a 1243  
full-time employee of the department of public safety who is 1244  
designated under section 5502.14 of the Revised Code as an 1245

enforcement agent and who is in compliance with section 109.77 of 1246  
the Revised Code. 1247

(EE) "Natural resources law enforcement staff officer" means 1248  
a full-time employee of the department of natural resources who is 1249  
designated a natural resources law enforcement staff officer under 1250  
section 1501.013 of the Revised Code and is in compliance with 1251  
section 109.77 of the Revised Code. 1252

(FF) "Park officer" means a full-time employee of the 1253  
department of natural resources who is designated a park officer 1254  
under section 1541.10 of the Revised Code and is in compliance 1255  
with section 109.77 of the Revised Code. 1256

(GG) "Forest officer" means a full-time employee of the 1257  
department of natural resources who is designated a forest officer 1258  
under section 1503.29 of the Revised Code and is in compliance 1259  
with section 109.77 of the Revised Code. 1260

(HH) "Preserve officer" means a full-time employee of the 1261  
department of natural resources who is designated a preserve 1262  
officer under section 1517.10 of the Revised Code and is in 1263  
compliance with section 109.77 of the Revised Code. 1264

(II) "Wildlife officer" means a full-time employee of the 1265  
department of natural resources who is designated a wildlife 1266  
officer under section 1531.13 of the Revised Code and is in 1267  
compliance with section 109.77 of the Revised Code. 1268

(JJ) "State watercraft officer" means a full-time employee of 1269  
the department of natural resources who is designated a state 1270  
watercraft officer under section 1547.521 of the Revised Code and 1271  
is in compliance with section 109.77 of the Revised Code. 1272

(KK) "Park district police officer" means a full-time 1273  
employee of a park district who is designated pursuant to section 1274  
511.232 or 1545.13 of the Revised Code and is in compliance with 1275  
section 109.77 of the Revised Code. 1276

(LL) "Conservancy district officer" means a full-time 1277  
employee of a conservancy district who is designated pursuant to 1278  
section 6101.75 of the Revised Code and is in compliance with 1279  
section 109.77 of the Revised Code. 1280

(MM) "Municipal police officer" means a member of the 1281  
organized police department of a municipal corporation who is 1282  
employed full-time, is in compliance with section 109.77 of the 1283  
Revised Code, and is not a member of the Ohio police and fire 1284  
pension fund. 1285

(NN) "Veterans' home police officer" means any person who is 1286  
employed at a veterans' home as a police officer pursuant to 1287  
section 5907.02 of the Revised Code and is in compliance with 1288  
section 109.77 of the Revised Code. 1289

(OO) "Special police officer for a mental health institution" 1290  
means any person who is designated as such pursuant to section 1291  
5119.14 of the Revised Code and is in compliance with section 1292  
109.77 of the Revised Code. 1293

(PP) "Special police officer for an institution for the 1294  
mentally retarded and developmentally disabled" means any person 1295  
who is designated as such pursuant to section 5123.13 of the 1296  
Revised Code and is in compliance with section 109.77 of the 1297  
Revised Code. 1298

(QQ) "State university law enforcement officer" means any 1299  
person who is employed full-time as a state university law 1300  
enforcement officer pursuant to section 3345.04 of the Revised 1301  
Code and who is in compliance with section 109.77 of the Revised 1302  
Code. 1303

(RR) "House sergeant at arms" means any person appointed by 1304  
the speaker of the house of representatives under division (B)(1) 1305  
of section 101.311 of the Revised Code who has arrest authority 1306  
under division (E)(1) of that section. 1307

(SS) "Assistant house sergeant at arms" means any person 1308  
appointed by the house sergeant at arms under division (C)(1) of 1309  
section 101.311 of the Revised Code. 1310

(TT) "Regional transit authority police officer" means a 1311  
person who is employed full time as a regional transit authority 1312  
police officer under division (Y) of section 306.35 of the Revised 1313  
Code and is in compliance with section 109.77 of the Revised Code. 1314

(UU) "State highway patrol police officer" means a special 1315  
police officer employed full time and designated by the 1316  
superintendent of the state highway patrol pursuant to section 1317  
5503.09 of the Revised Code or a person serving full time as a 1318  
special police officer pursuant to that section on a permanent 1319  
basis on October 21, 1997, who is in compliance with section 1320  
109.77 of the Revised Code. 1321

(VV) "Municipal public safety director" means a person who 1322  
serves ~~full time~~ full time as the public safety director of a 1323  
municipal corporation with the duty of directing the activities of 1324  
the municipal corporation's police department and fire department. 1325

(WW) Notwithstanding section 2901.01 of the Revised Code, 1326  
"PERS law enforcement officer" means a sheriff, deputy sheriff, 1327  
township constable or police officer in a township police 1328  
department or district, drug agent, municipal public safety 1329  
director, department of public safety enforcement agent, natural 1330  
resources law enforcement staff officer, park officer, forest 1331  
officer, preserve officer, wildlife officer, state watercraft 1332  
officer, park district police officer, conservancy district 1333  
officer, veterans' home police officer, special police officer for 1334  
a mental health institution, special police officer for an 1335  
institution for the mentally retarded and developmentally 1336  
disabled, state university law enforcement officer, public high 1337  
school law enforcement officer, municipal police officer, house 1338  
sergeant at arms, assistant house sergeant at arms, regional 1339

transit authority police officer, or state highway patrol police officer. 1340  
1341

(XX) "Hamilton county municipal court bailiff" means a person 1342  
appointed by the clerk of courts of the Hamilton county municipal 1343  
court under division (A)(3) of section 1901.32 of the Revised Code 1344  
who is employed full time as a bailiff or deputy bailiff, who has 1345  
received a certificate attesting to the person's satisfactory 1346  
completion of the peace officer basic training described in 1347  
division (D)(1) of section 109.77 of the Revised Code, and whose 1348  
primary duties are to preserve the peace, to protect life and 1349  
property, and to enforce the laws of this state. 1350

(YY) "Fiduciary" means a person who does any of the 1351  
following: 1352

(1) Exercises any discretionary authority or control with 1353  
respect to the management of the system or with respect to the 1354  
management or disposition of its assets; 1355

(2) Renders investment advice for a fee, direct or indirect, 1356  
with respect to money or property of the system; 1357

(3) Has any discretionary authority or responsibility in the 1358  
administration of the system. 1359

(ZZ) "Actuary" means an individual who satisfies all of the 1360  
following requirements: 1361

(1) Is a member of the American academy of actuaries; 1362

(2) Is an associate or fellow of the society of actuaries; 1363

(3) Has a minimum of five years' experience in providing 1364  
actuarial services to public retirement plans. 1365

(AAA) "PERS defined benefit plan" means the plan described in 1366  
sections 145.201 to 145.79 of the Revised Code. 1367

(BBB) "PERS defined contribution plans" means the plan or 1368  
plans established under section 145.81 of the Revised Code. 1369

(CCC) "Public high school law enforcement officer" means any person who is employed fulltime as a public high school law enforcement officer pursuant to section 3313.175 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

**Sec. 145.33.** (A) Except as provided in division (B) or (C) of this section, a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(2) A pension equal to the annuity provided by division (A)(1) of this section;

(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;

(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.

(5) When a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount adjusted in accordance with division (A)(5) of this section and determined by multiplying the member's total service credit by the greater of the following:

(a) Eighty-six dollars; 1400

(b) Two and two-tenths per cent of the member's final average 1401  
salary for each of the first thirty years of service plus two and 1402  
one-half per cent of the member's final average salary for each 1403  
subsequent year of service. 1404

The allowance shall be adjusted by the factors of attained 1405  
age or years of service to provide the greater amount as 1406  
determined by the following schedule: 1407

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	1411
59		26	80	1412
60		27	85	1413
61			88	1414
		28	90	1415
62			91	1416
63			94	1417
		29	95	1418
64			97	1419
65		30 or more	100	1420

Members shall vest the right to a benefit in accordance with 1421  
the following schedule, based on the member's attained age by 1422  
September 1, 1976: 1423

Attained Birthday	Percentage of Base Amount	
66	102	1427
67	104	1428
68	106	1429
69	108	1430
70 or more	110	1431

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed the lesser of one hundred per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(B)(1) For the purposes of divisions (B) to (G) of this section, "total service credit as a PERS law enforcement officer" and "total service credit as a PERS public safety officer" include credit for military service to the extent permitted by division (E)(2) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by divisions (E)(3) and (4) of this section.

(2) A member who meets the conditions in division (B)(2)(a), (b), or (c) of this section may apply for an age and service retirement benefit under this division:

(a) The member has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer;

(b) The member has attained age fifty-two, and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;

(c) The member has attained age sixty-two and has at least fifteen years of total service credit as either of the following:

(i) A PERS law enforcement officer;

(ii) A PERS public safety officer.

(3) A benefit paid under division (B)(2) of this section shall consist of an annual single lifetime allowance equal to the

sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the member's total service credit in excess of twenty-five years.

(4) A member with at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

(C)(1) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(2)(b) of this section had the member attained age fifty-two and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after the date of attaining forty-eight years of age, but before the date of attaining fifty-two years of age, may elect to receive a reduced benefit as determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section

50	86% of the benefit payable under	1494
	division (B)(3) of this section	1495
51	93% of the benefit payable under	1496
	division (B)(3) of this section	1497

(2) If a member elects to receive a reduced benefit after 1498  
attaining age forty-eight the reduced benefit is payable from the 1499  
later of the date of the member's most recent birthday or the date 1500  
the member becomes eligible to receive the reduced benefit. 1501

(3) Once a member elects to receive a reduced benefit 1502  
determined by the schedule in division (C)(1) of this section and 1503  
has received a payment, the member may not reelect to change that 1504  
election. 1505

(4) If a member who has resigned or been discharged has left 1506  
on deposit the member's accumulated contributions in the 1507  
employees' savings fund and has not elected to receive a reduced 1508  
benefit determined by the schedule in division (C)(1) of this 1509  
section, upon attaining fifty-two years of age, the member shall 1510  
be entitled to receive a benefit computed and paid under division 1511  
(B)(3) of this section. 1512

(D) A benefit paid under division (B) or (C) of this section 1513  
shall not exceed the lesser of ninety per cent of the member's 1514  
final average salary or the limit established by section 415 of 1515  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1516  
415, as amended. 1517

(E)(1) A member with service credit as a PERS law enforcement 1518  
officer or a PERS public safety officer and other service credit 1519  
under this chapter may elect one of the following: 1520

(a) To have all the member's service credit under this 1521  
chapter, including credit for service as a PERS law enforcement 1522  
officer or PERS public safety officer, used in calculating a 1523  
retirement allowance under division (A) of this section if the 1524

member qualifies for an allowance under that division; 1525

(b) If the member qualifies for an allowance under division 1526  
(B)(2)(a) of this section, to have the member's service credit as 1527  
a PERS law enforcement officer used in calculating a benefit under 1528  
that division and the member's credit for all service other than 1529  
PERS law enforcement service used in calculating a benefit 1530  
consisting of a single life annuity having a reserve equal to the 1531  
amount of the member's accumulated contributions for all service 1532  
other than PERS law enforcement service and an equal amount of 1533  
employer contributions. 1534

(c) If the member qualifies for an allowance under division 1535  
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 1536  
member's service credit as a PERS law enforcement officer or PERS 1537  
public safety officer used in calculating a benefit under the 1538  
appropriate division and the member's credit for all service other 1539  
than PERS law enforcement service or service as a PERS public 1540  
safety officer under this chapter used in calculating a benefit 1541  
consisting of a single life annuity having a reserve equal to the 1542  
amount of the member's accumulated contributions for all service 1543  
other than PERS law enforcement service or PERS public safety 1544  
officer service and an equal amount of the employer's 1545  
contributions. 1546

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 1547  
Code, no more than four years of military service credit granted 1548  
under section 145.30 of the Revised Code and five years of 1549  
military service credit purchased under section 145.301 or 145.302 1550  
of the Revised Code shall be used in calculating service as a PERS 1551  
law enforcement officer or PERS public safety officer or the total 1552  
service credit of that person. 1553

(3) Only credit for the member's service as a PERS law 1554  
enforcement officer, PERS public safety officer, or service credit 1555  
obtained as a police officer or state highway patrol trooper shall 1556

be used in computing the benefit of a member who qualifies for a 1557  
benefit under division (B) or (C) of this section for the 1558  
following: 1559

(a) Any person who originally is commissioned and employed as 1560  
a deputy sheriff by the sheriff of any county, or who originally 1561  
is elected sheriff, on or after January 1, 1975; 1562

(b) Any deputy sheriff who originally is employed as a 1563  
criminal bailiff or court constable on or after April 16, 1993; 1564

(c) Any person who originally is appointed as a township 1565  
constable or police officer in a township police department or 1566  
district on or after January 1, 1981; 1567

(d) Any person who originally is employed as a county 1568  
narcotics agent on or after September 26, 1984; 1569

(e) Any person who originally is employed as an undercover 1570  
drug agent as defined in section 109.79 of the Revised Code, 1571  
department of public safety enforcement agent who prior to June 1572  
30, 1999, was a liquor control investigator, park officer, forest 1573  
officer, wildlife officer, state watercraft officer, park district 1574  
police officer, conservancy district officer, veterans' home 1575  
police officer, special police officer for a mental health 1576  
institution, special police officer for an institution for the 1577  
mentally retarded and developmentally disabled, or municipal 1578  
police officer on or after December 15, 1988; 1579

(f) Any person who originally is employed as a state 1580  
university law enforcement officer on or after November 6, 1996; 1581

(g) Any person who is originally employed as a state 1582  
university law enforcement officer by the university of Akron on 1583  
or after September 16, 1998; 1584

(h) Any person who originally is employed as a preserve 1585  
officer on or after March 18, 1999; 1586

(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	1587 1588 1589
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	1590 1591
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	1592 1593 1594
(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;	1595 1596 1597
(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than <del>the effective date of this amendment</del> <u>March 24, 2009</u> ;	1598 1599 1600
<u>(n) Any person who originally is employed as a public high school law enforcement officer on or after the effective date of this amendment.</u>	1601 1602 1603
(4) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(b) or (c)(ii) or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.	1604 1605 1606 1607 1608 1609 1610 1611
(F) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.	1612 1613
(G) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law	1614 1615 1616

enforcement officer. 1617

**Sec. 2921.51.** (A) As used in this section: 1618

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 1619  
deputy marshal, member of the organized police department of a 1620  
municipal corporation, or township constable, who is employed by a 1621  
political subdivision of this state, a member of a police force 1622  
employed by a metropolitan housing authority under division (D) of 1623  
section 3735.31 of the Revised Code, a member of a police force 1624  
employed by a regional transit authority under division (Y) of 1625  
section 306.35 of the Revised Code, a state university law 1626  
enforcement officer appointed under section 3345.04 of the Revised 1627  
Code, a public high school law enforcement officer employed under 1628  
section 3313.175 of the Revised Code, a veterans' home police 1629  
officer appointed under section 5907.02 of the Revised Code, a 1630  
special police officer employed by a port authority under section 1631  
4582.04 or 4582.28 of the Revised Code, or a state highway patrol 1632  
trooper and whose primary duties are to preserve the peace, to 1633  
protect life and property, and to enforce the laws, ordinances, or 1634  
rules of the state or any of its political subdivisions. 1635

(2) "Private police officer" means any security guard, 1636  
special police officer, private detective, or other person who is 1637  
privately employed in a police capacity. 1638

(3) "Federal law enforcement officer" means an employee of 1639  
the United States who serves in a position the duties of which are 1640  
primarily the investigation, apprehension, or detention of 1641  
individuals suspected or convicted of offenses under the criminal 1642  
laws of the United States. 1643

(4) "Impersonate" means to act the part of, assume the 1644  
identity of, wear the uniform or any part of the uniform of, or 1645  
display the identification of a particular person or of a member 1646  
of a class of persons with purpose to make another person believe 1647

that the actor is that particular person or is a member of that 1648  
class of persons. 1649

(5) "Investigator of the bureau of criminal identification 1650  
and investigation" has the same meaning as in section 2903.11 of 1651  
the Revised Code. 1652

(B) No person shall impersonate a peace officer, private 1653  
police officer, ~~or~~ a federal law enforcement officer, or 1654  
investigator of the bureau of criminal identification and 1655  
investigation. 1656

(C) No person, by impersonating a peace officer, private 1657  
police officer, ~~or~~ a federal law enforcement officer, or 1658  
investigator of the bureau of criminal identification and 1659  
investigation, shall arrest or detain any person, search any 1660  
person, or search the property of any person. 1661

(D) No person, with purpose to commit or facilitate the 1662  
commission of an offense, shall impersonate a peace officer, 1663  
private police officer, a federal law enforcement officer, 1664  
officer, agent, or employee of the state, or investigator of the 1665  
bureau of criminal identification and investigation. 1666

(E) No person shall commit a felony while impersonating a 1667  
peace officer, private police officer, a federal law enforcement 1668  
officer, officer, agent, or employee of the state, or investigator 1669  
of the bureau of criminal identification and investigation. 1670  
1671

(F) It is an affirmative defense to a charge under division 1672  
(B) of this section that the impersonation of the peace officer, 1673  
private police officer, or investigator of the bureau of criminal 1674  
identification and investigation was for a lawful purpose. 1675

(G) Whoever violates division (B) of this section is guilty 1676  
of a misdemeanor of the fourth degree. Whoever violates division 1677  
(C) or (D) of this section is guilty of a misdemeanor of the first 1678

degree. If the purpose of a violation of division (D) of this 1679  
section is to commit or facilitate the commission of a felony, a 1680  
violation of division (D) is a felony of the fourth degree. 1681  
Whoever violates division (E) of this section is guilty of a 1682  
felony of the third degree. 1683

**Sec. 2935.01.** As used in this chapter: 1684

(A) "Magistrate" has the same meaning as in section 2931.01 1685  
of the Revised Code. 1686

(B) "Peace officer" includes, except as provided in section 1687  
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 1688  
deputy marshal; member of the organized police department of any 1689  
municipal corporation, including a member of the organized police 1690  
department of a municipal corporation in an adjoining state 1691  
serving in Ohio under a contract pursuant to section 737.04 of the 1692  
Revised Code; member of a police force employed by a metropolitan 1693  
housing authority under division (D) of section 3735.31 of the 1694  
Revised Code; member of a police force employed by a regional 1695  
transit authority under division (Y) of section 306.05 of the 1696  
Revised Code; state university law enforcement officer appointed 1697  
under section 3345.04 of the Revised Code; public high school law 1698  
enforcement officer employed under section 3313.175 of the Revised 1699  
Code; enforcement agent of the department of public safety 1700  
designated under section 5502.14 of the Revised Code; employee of 1701  
the department of taxation to whom investigation powers have been 1702  
delegated under section 5743.45 of the Revised Code; employee of 1703  
the department of natural resources who is a natural resources law 1704  
enforcement staff officer designated pursuant to section 1501.013 1705  
of the Revised Code, a forest officer designated pursuant to 1706  
section 1503.29 of the Revised Code, a preserve officer designated 1707  
pursuant to section 1517.10 of the Revised Code, a wildlife 1708  
officer designated pursuant to section 1531.13 of the Revised 1709

Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; police constable of any township; police officer of a township or joint township police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; and an assistant house of representatives sergeant at arms; officer or employee of the bureau of criminal identification and investigation established pursuant to section 109.51 of the Revised Code who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the officer's or employee's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who is providing assistance upon request to a law enforcement officer or emergency assistance to a peace officer pursuant to section 109.54 or 109.541 of the Revised Code; a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code; and, for the purpose of

arrests within those areas, for the purposes of Chapter 5503. of 1743  
the Revised Code, and the filing of and service of process 1744  
relating to those offenses witnessed or investigated by them, the 1745  
superintendent and troopers of the state highway patrol. 1746

(C) "Prosecutor" includes the county prosecuting attorney and 1747  
any assistant prosecutor designated to assist the county 1748  
prosecuting attorney, and, in the case of courts inferior to 1749  
courts of common pleas, includes the village solicitor, city 1750  
director of law, or similar chief legal officer of a municipal 1751  
corporation, any such officer's assistants, or any attorney 1752  
designated by the prosecuting attorney of the county to appear for 1753  
the prosecution of a given case. 1754

(D) "Offense," except where the context specifically 1755  
indicates otherwise, includes felonies, misdemeanors, and 1756  
violations of ordinances of municipal corporations and other 1757  
public bodies authorized by law to adopt penal regulations. 1758

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 1759  
deputy marshal, municipal police officer, township constable, 1760  
police officer of a township or joint township police district, 1761  
member of a police force employed by a metropolitan housing 1762  
authority under division (D) of section 3735.31 of the Revised 1763  
Code, member of a police force employed by a regional transit 1764  
authority under division (Y) of section 306.35 of the Revised 1765  
Code, state university law enforcement officer appointed under 1766  
section 3345.04 of the Revised Code, public high school law 1767  
enforcement officer employed under section 3313.175 of the Revised 1768  
Code, veterans' home police officer appointed under section 1769  
5907.02 of the Revised Code, special police officer employed by a 1770  
port authority under section 4582.04 or 4582.28 of the Revised 1771  
Code, or a special police officer employed by a municipal 1772  
corporation at a municipal airport, or other municipal air 1773

navigation facility, that has scheduled operations, as defined in 1774  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1775  
C.F.R. 119.3, as amended, and that is required to be under a 1776  
security program and is governed by aviation security rules of the 1777  
transportation security administration of the United States 1778  
department of transportation as provided in Parts 1542. and 1544. 1779  
of Title 49 of the Code of Federal Regulations, as amended, shall 1780  
arrest and detain, until a warrant can be obtained, a person found 1781  
violating, within the limits of the political subdivision, 1782  
metropolitan housing authority housing project, regional transit 1783  
authority facilities or areas of a municipal corporation that have 1784  
been agreed to by a regional transit authority and a municipal 1785  
corporation located within its territorial jurisdiction, college, 1786  
university, veterans' home operated under Chapter 5907. of the 1787  
Revised Code, port authority, or municipal airport or other 1788  
municipal air navigation facility, in which the peace officer is 1789  
appointed, employed, or elected, a law of this state, an ordinance 1790  
of a municipal corporation, or a resolution of a township. 1791

1792

(2) A peace officer of the department of natural resources, a 1793  
state fire marshal law enforcement officer described in division 1794  
(A)(23) of section 109.71 of the Revised Code, or an individual 1795  
designated to perform law enforcement duties under section 1796  
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 1797  
detain, until a warrant can be obtained, a person found violating, 1798  
within the limits of the peace officer's, state fire marshal law 1799  
enforcement officer's, or individual's territorial jurisdiction, a 1800  
law of this state. 1801

(3) The house sergeant at arms if the house sergeant at arms 1802  
has arrest authority pursuant to division (E)(1) of section 1803  
101.311 of the Revised Code and an assistant house sergeant at 1804  
arms shall arrest and detain, until a warrant can be obtained, a 1805

person found violating, within the limits of the sergeant at 1806  
arms's or assistant sergeant at arms's territorial jurisdiction 1807  
specified in division (D)(1)(a) of section 101.311 of the Revised 1808  
Code or while providing security pursuant to division (D)(1)(f) of 1809  
section 101.311 of the Revised Code, a law of this state, an 1810  
ordinance of a municipal corporation, or a resolution of a 1811  
township. 1812

(B)(1) When there is reasonable ground to believe that an 1813  
offense of violence, the offense of criminal child enticement as 1814  
defined in section 2905.05 of the Revised Code, the offense of 1815  
public indecency as defined in section 2907.09 of the Revised 1816  
Code, the offense of domestic violence as defined in section 1817  
2919.25 of the Revised Code, the offense of violating a protection 1818  
order as defined in section 2919.27 of the Revised Code, the 1819  
offense of menacing by stalking as defined in section 2903.211 of 1820  
the Revised Code, the offense of aggravated trespass as defined in 1821  
section 2911.211 of the Revised Code, a theft offense as defined 1822  
in section 2913.01 of the Revised Code, or a felony drug abuse 1823  
offense as defined in section 2925.01 of the Revised Code, has 1824  
been committed within the limits of the political subdivision, 1825  
metropolitan housing authority housing project, regional transit 1826  
authority facilities or those areas of a municipal corporation 1827  
that have been agreed to by a regional transit authority and a 1828  
municipal corporation located within its territorial jurisdiction, 1829  
college, university, veterans' home operated under Chapter 5907. 1830  
of the Revised Code, port authority, or municipal airport or other 1831  
municipal air navigation facility, in which the peace officer is 1832  
appointed, employed, or elected or within the limits of the 1833  
territorial jurisdiction of the peace officer, a peace officer 1834  
described in division (A) of this section may arrest and detain 1835  
until a warrant can be obtained any person who the peace officer 1836  
has reasonable cause to believe is guilty of the violation. 1837

(2) For purposes of division (B)(1) of this section, the  
execution of any of the following constitutes reasonable ground to  
believe that the offense alleged in the statement was committed  
and reasonable cause to believe that the person alleged in the  
statement to have committed the offense is guilty of the  
violation:

(a) A written statement by a person alleging that an alleged  
offender has committed the offense of menacing by stalking or  
aggravated trespass;

(b) A written statement by the administrator of the  
interstate compact on mental health appointed under section  
5119.51 of the Revised Code alleging that a person who had been  
hospitalized, institutionalized, or confined in any facility under  
an order made pursuant to or under authority of section 2945.37,  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the  
Revised Code has escaped from the facility, from confinement in a  
vehicle for transportation to or from the facility, or from  
supervision by an employee of the facility that is incidental to  
hospitalization, institutionalization, or confinement in the  
facility and that occurs outside of the facility, in violation of  
section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility  
in which a person has been hospitalized, institutionalized, or  
confined under an order made pursuant to or under authority of  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or  
2945.402 of the Revised Code alleging that the person has escaped  
from the facility, from confinement in a vehicle for  
transportation to or from the facility, or from supervision by an  
employee of the facility that is incidental to hospitalization,  
institutionalization, or confinement in the facility and that  
occurs outside of the facility, in violation of section 2921.34 of  
the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order.

(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of

domestic violence or the offense of violating a protection order 1902  
has been committed and reasonable cause to believe that a 1903  
particular person is guilty of committing the offense, it is the 1904  
preferred course of action in this state that the officer arrest 1905  
and detain that person pursuant to division (B)(1) of this section 1906  
until a warrant can be obtained. 1907

If pursuant to division (B)(3)(a) of this section a peace 1908  
officer has reasonable grounds to believe that the offense of 1909  
domestic violence or the offense of violating a protection order 1910  
has been committed and reasonable cause to believe that family or 1911  
household members have committed the offense against each other, 1912  
it is the preferred course of action in this state that the 1913  
officer, pursuant to division (B)(1) of this section, arrest and 1914  
detain until a warrant can be obtained the family or household 1915  
member who committed the offense and whom the officer has 1916  
reasonable cause to believe is the primary physical aggressor. 1917  
There is no preferred course of action in this state regarding any 1918  
other family or household member who committed the offense and 1919  
whom the officer does not have reasonable cause to believe is the 1920  
primary physical aggressor, but, pursuant to division (B)(1) of 1921  
this section, the peace officer may arrest and detain until a 1922  
warrant can be obtained any other family or household member who 1923  
committed the offense and whom the officer does not have 1924  
reasonable cause to believe is the primary physical aggressor. 1925

(c) If a peace officer described in division (A) of this 1926  
section does not arrest and detain a person whom the officer has 1927  
reasonable cause to believe committed the offense of domestic 1928  
violence or the offense of violating a protection order when it is 1929  
the preferred course of action in this state pursuant to division 1930  
(B)(3)(b) of this section that the officer arrest that person, the 1931  
officer shall articulate in the written report of the incident 1932  
required by section 2935.032 of the Revised Code a clear statement 1933

of the officer's reasons for not arresting and detaining that 1934  
person until a warrant can be obtained. 1935

(d) In determining for purposes of division (B)(3)(b) of this 1936  
section which family or household member is the primary physical 1937  
aggressor in a situation in which family or household members have 1938  
committed the offense of domestic violence or the offense of 1939  
violating a protection order against each other, a peace officer 1940  
described in division (A) of this section, in addition to any 1941  
other relevant circumstances, should consider all of the 1942  
following: 1943

(i) Any history of domestic violence or of any other violent 1944  
acts by either person involved in the alleged offense that the 1945  
officer reasonably can ascertain; 1946

(ii) If violence is alleged, whether the alleged violence was 1947  
caused by a person acting in self-defense; 1948

(iii) Each person's fear of physical harm, if any, resulting 1949  
from the other person's threatened use of force against any person 1950  
or resulting from the other person's use or history of the use of 1951  
force against any person, and the reasonableness of that fear; 1952

(iv) The comparative severity of any injuries suffered by the 1953  
persons involved in the alleged offense. 1954

(e)(i) A peace officer described in division (A) of this 1955  
section shall not require, as a prerequisite to arresting or 1956  
charging a person who has committed the offense of domestic 1957  
violence or the offense of violating a protection order, that the 1958  
victim of the offense specifically consent to the filing of 1959  
charges against the person who has committed the offense or sign a 1960  
complaint against the person who has committed the offense. 1961

(ii) If a person is arrested for or charged with committing 1962  
the offense of domestic violence or the offense of violating a 1963  
protection order and if the victim of the offense does not 1964

cooperate with the involved law enforcement or prosecuting 1965  
authorities in the prosecution of the offense or, subsequent to 1966  
the arrest or the filing of the charges, informs the involved law 1967  
enforcement or prosecuting authorities that the victim does not 1968  
wish the prosecution of the offense to continue or wishes to drop 1969  
charges against the alleged offender relative to the offense, the 1970  
involved prosecuting authorities, in determining whether to 1971  
continue with the prosecution of the offense or whether to dismiss 1972  
charges against the alleged offender relative to the offense and 1973  
notwithstanding the victim's failure to cooperate or the victim's 1974  
wishes, shall consider all facts and circumstances that are 1975  
relevant to the offense, including, but not limited to, the 1976  
statements and observations of the peace officers who responded to 1977  
the incident that resulted in the arrest or filing of the charges 1978  
and of all witnesses to that incident. 1979

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1980  
this section whether to arrest a person pursuant to division 1981  
(B)(1) of this section, a peace officer described in division (A) 1982  
of this section shall not consider as a factor any possible 1983  
shortage of cell space at the detention facility to which the 1984  
person will be taken subsequent to the person's arrest or any 1985  
possibility that the person's arrest might cause, contribute to, 1986  
or exacerbate overcrowding at that detention facility or at any 1987  
other detention facility. 1988

(g) If a peace officer described in division (A) of this 1989  
section intends pursuant to divisions (B)(3)(a) to (g) of this 1990  
section to arrest a person pursuant to division (B)(1) of this 1991  
section and if the officer is unable to do so because the person 1992  
is not present, the officer promptly shall seek a warrant for the 1993  
arrest of the person. 1994

(h) If a peace officer described in division (A) of this 1995  
section responds to a report of an alleged incident of the offense 1996

of domestic violence or an alleged incident of the offense of 1997  
violating a protection order and if the circumstances of the 1998  
incident involved the use or threatened use of a deadly weapon or 1999  
any person involved in the incident brandished a deadly weapon 2000  
during or in relation to the incident, the deadly weapon that was 2001  
used, threatened to be used, or brandished constitutes contraband, 2002  
and, to the extent possible, the officer shall seize the deadly 2003  
weapon as contraband pursuant to Chapter 2981. of the Revised 2004  
Code. Upon the seizure of a deadly weapon pursuant to division 2005  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 2006  
shall apply regarding the treatment and disposition of the deadly 2007  
weapon. For purposes of that section, the "underlying criminal 2008  
offense" that was the basis of the seizure of a deadly weapon 2009  
under division (B)(3)(h) of this section and to which the deadly 2010  
weapon had a relationship is any of the following that is 2011  
applicable: 2012

(i) The alleged incident of the offense of domestic violence 2013  
or the alleged incident of the offense of violating a protection 2014  
order to which the officer who seized the deadly weapon responded; 2015

(ii) Any offense that arose out of the same facts and 2016  
circumstances as the report of the alleged incident of the offense 2017  
of domestic violence or the alleged incident of the offense of 2018  
violating a protection order to which the officer who seized the 2019  
deadly weapon responded. 2020

(4) If, in the circumstances described in divisions (B)(3)(a) 2021  
to (g) of this section, a peace officer described in division (A) 2022  
of this section arrests and detains a person pursuant to division 2023  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 2024  
this section, a peace officer described in division (A) of this 2025  
section seizes a deadly weapon, the officer, to the extent 2026  
described in and in accordance with section 9.86 or 2744.03 of the 2027  
Revised Code, is immune in any civil action for damages for 2028

injury, death, or loss to person or property that arises from or 2029  
is related to the arrest and detention or the seizure. 2030

(C) When there is reasonable ground to believe that a 2031  
violation of division (A)(1), (2), (3), (4), or (5) of section 2032  
4506.15 or a violation of section 4511.19 of the Revised Code has 2033  
been committed by a person operating a motor vehicle subject to 2034  
regulation by the public utilities commission of Ohio under Title 2035  
XLIX of the Revised Code, a peace officer with authority to 2036  
enforce that provision of law may stop or detain the person whom 2037  
the officer has reasonable cause to believe was operating the 2038  
motor vehicle in violation of the division or section and, after 2039  
investigating the circumstances surrounding the operation of the 2040  
vehicle, may arrest and detain the person. 2041

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 2042  
municipal police officer, member of a police force employed by a 2043  
metropolitan housing authority under division (D) of section 2044  
3735.31 of the Revised Code, member of a police force employed by 2045  
a regional transit authority under division (Y) of section 306.35 2046  
of the Revised Code, special police officer employed by a port 2047  
authority under section 4582.04 or 4582.28 of the Revised Code, 2048  
special police officer employed by a municipal corporation at a 2049  
municipal airport or other municipal air navigation facility 2050  
described in division (A) of this section, township constable, 2051  
police officer of a township or joint township police district, 2052  
state university law enforcement officer appointed under section 2053  
3345.04 of the Revised Code, public high school law enforcement 2054  
officer employed under section 3313.175 of the Revised Code, peace 2055  
officer of the department of natural resources, individual 2056  
designated to perform law enforcement duties under section 2057  
511.232, 1545.13, or 6101.75 of the Revised Code, the house 2058  
sergeant at arms if the house sergeant at arms has arrest 2059  
authority pursuant to division (E)(1) of section 101.311 of the 2060

Revised Code, or an assistant house sergeant at arms is authorized 2061  
by division (A) or (B) of this section to arrest and detain, 2062  
within the limits of the political subdivision, metropolitan 2063  
housing authority housing project, regional transit authority 2064  
facilities or those areas of a municipal corporation that have 2065  
been agreed to by a regional transit authority and a municipal 2066  
corporation located within its territorial jurisdiction, port 2067  
authority, municipal airport or other municipal air navigation 2068  
facility, college, or university in which the officer is 2069  
appointed, employed, or elected or within the limits of the 2070  
territorial jurisdiction of the peace officer, a person until a 2071  
warrant can be obtained, the peace officer, outside the limits of 2072  
that territory, may pursue, arrest, and detain that person until a 2073  
warrant can be obtained if all of the following apply: 2074

(1) The pursuit takes place without unreasonable delay after 2075  
the offense is committed; 2076

(2) The pursuit is initiated within the limits of the 2077  
political subdivision, metropolitan housing authority housing 2078  
project, regional transit authority facilities or those areas of a 2079  
municipal corporation that have been agreed to by a regional 2080  
transit authority and a municipal corporation located within its 2081  
territorial jurisdiction, port authority, municipal airport or 2082  
other municipal air navigation facility, college, or university in 2083  
which the peace officer is appointed, employed, or elected or 2084  
within the limits of the territorial jurisdiction of the peace 2085  
officer; 2086

(3) The offense involved is a felony, a misdemeanor of the 2087  
first degree or a substantially equivalent municipal ordinance, a 2088  
misdemeanor of the second degree or a substantially equivalent 2089  
municipal ordinance, or any offense for which points are 2090  
chargeable pursuant to section 4510.036 of the Revised Code. 2091

(E) In addition to the authority granted under division (A) 2092

or (B) of this section: 2093

(1) A sheriff or deputy sheriff may arrest and detain, until 2094  
a warrant can be obtained, any person found violating section 2095  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 2096  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 2097  
portion of any street or highway that is located immediately 2098  
adjacent to the boundaries of the county in which the sheriff or 2099  
deputy sheriff is elected or appointed. 2100

(2) A member of the police force of a township police 2101  
district created under section 505.48 of the Revised Code, a 2102  
member of the police force of a joint township police district 2103  
created under section 505.481 of the Revised Code, or a township 2104  
constable appointed in accordance with section 509.01 of the 2105  
Revised Code, who has received a certificate from the Ohio peace 2106  
officer training commission under section 109.75 of the Revised 2107  
Code, may arrest and detain, until a warrant can be obtained, any 2108  
person found violating any section or chapter of the Revised Code 2109  
listed in division (E)(1) of this section, other than sections 2110  
4513.33 and 4513.34 of the Revised Code, on the portion of any 2111  
street or highway that is located immediately adjacent to the 2112  
boundaries of the township police district or joint township 2113  
police district, in the case of a member of a township police 2114  
district or joint township police district police force, or the 2115  
unincorporated territory of the township, in the case of a 2116  
township constable. However, if the population of the township 2117  
that created the township police district served by the member's 2118  
police force, or the townships that created the joint township 2119  
police district served by the member's police force, or the 2120  
township that is served by the township constable, is sixty 2121  
thousand or less, the member of the township police district or 2122  
joint police district police force or the township constable may 2123  
not make an arrest under division (E)(2) of this section on a 2124

state highway that is included as part of the interstate system. 2125

(3) A police officer or village marshal appointed, elected, 2126  
or employed by a municipal corporation may arrest and detain, 2127  
until a warrant can be obtained, any person found violating any 2128  
section or chapter of the Revised Code listed in division (E)(1) 2129  
of this section on the portion of any street or highway that is 2130  
located immediately adjacent to the boundaries of the municipal 2131  
corporation in which the police officer or village marshal is 2132  
appointed, elected, or employed. 2133

(4) A peace officer of the department of natural resources, a 2134  
state fire marshal law enforcement officer described in division 2135  
(A)(23) of section 109.71 of the Revised Code, or an individual 2136  
designated to perform law enforcement duties under section 2137  
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 2138  
detain, until a warrant can be obtained, any person found 2139  
violating any section or chapter of the Revised Code listed in 2140  
division (E)(1) of this section, other than sections 4513.33 and 2141  
4513.34 of the Revised Code, on the portion of any street or 2142  
highway that is located immediately adjacent to the boundaries of 2143  
the lands and waters that constitute the territorial jurisdiction 2144  
of the peace officer or state fire marshal law enforcement 2145  
officer. 2146

(F)(1) A department of mental health special police officer 2147  
or a department of mental retardation and developmental 2148  
disabilities special police officer may arrest without a warrant 2149  
and detain until a warrant can be obtained any person found 2150  
committing on the premises of any institution under the 2151  
jurisdiction of the particular department a misdemeanor under a 2152  
law of the state. 2153

A department of mental health special police officer or a 2154  
department of mental retardation and developmental disabilities 2155  
special police officer may arrest without a warrant and detain 2156

until a warrant can be obtained any person who has been 2157  
hospitalized, institutionalized, or confined in an institution 2158  
under the jurisdiction of the particular department pursuant to or 2159  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2160  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 2161  
found committing on the premises of any institution under the 2162  
jurisdiction of the particular department a violation of section 2163  
2921.34 of the Revised Code that involves an escape from the 2164  
premises of the institution. 2165

(2)(a) If a department of mental health special police 2166  
officer or a department of mental retardation and developmental 2167  
disabilities special police officer finds any person who has been 2168  
hospitalized, institutionalized, or confined in an institution 2169  
under the jurisdiction of the particular department pursuant to or 2170  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2171  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 2172  
violation of section 2921.34 of the Revised Code that involves an 2173  
escape from the premises of the institution, or if there is 2174  
reasonable ground to believe that a violation of section 2921.34 2175  
of the Revised Code has been committed that involves an escape 2176  
from the premises of an institution under the jurisdiction of the 2177  
department of mental health or the department of mental 2178  
retardation and developmental disabilities and if a department of 2179  
mental health special police officer or a department of mental 2180  
retardation and developmental disabilities special police officer 2181  
has reasonable cause to believe that a particular person who has 2182  
been hospitalized, institutionalized, or confined in the 2183  
institution pursuant to or under authority of section 2945.37, 2184  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 2185  
Revised Code is guilty of the violation, the special police 2186  
officer, outside of the premises of the institution, may pursue, 2187  
arrest, and detain that person for that violation of section 2188  
2921.34 of the Revised Code, until a warrant can be obtained, if 2189

both of the following apply: 2190

(i) The pursuit takes place without unreasonable delay after 2191  
the offense is committed; 2192

(ii) The pursuit is initiated within the premises of the 2193  
institution from which the violation of section 2921.34 of the 2194  
Revised Code occurred. 2195

(b) For purposes of division (F)(2)(a) of this section, the 2196  
execution of a written statement by the administrator of the 2197  
institution in which a person had been hospitalized, 2198  
institutionalized, or confined pursuant to or under authority of 2199  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2200  
2945.402 of the Revised Code alleging that the person has escaped 2201  
from the premises of the institution in violation of section 2202  
2921.34 of the Revised Code constitutes reasonable ground to 2203  
believe that the violation was committed and reasonable cause to 2204  
believe that the person alleged in the statement to have committed 2205  
the offense is guilty of the violation. 2206

(G) As used in this section: 2207

(1) A "department of mental health special police officer" 2208  
means a special police officer of the department of mental health 2209  
designated under section 5119.14 of the Revised Code who is 2210  
certified by the Ohio peace officer training commission under 2211  
section 109.77 of the Revised Code as having successfully 2212  
completed an approved peace officer basic training program. 2213

(2) A "department of mental retardation and developmental 2214  
disabilities special police officer" means a special police 2215  
officer of the department of mental retardation and developmental 2216  
disabilities designated under section 5123.13 of the Revised Code 2217  
who is certified by the Ohio peace officer training council under 2218  
section 109.77 of the Revised Code as having successfully 2219  
completed an approved peace officer basic training program. 2220

(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	2221 2222
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	2223 2224
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	2225 2226
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	2227 2228
(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	2229 2230 2231 2232 2233 2234 2235 2236 2237 2238
(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.	2239 2240 2241
<b>Sec. 2935.031.</b> Any agency, instrumentality, or political subdivision of the state that employs a sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer, member of a metropolitan housing authority police force, state university law enforcement officer, <u>public high school law enforcement officer</u> , or veterans' home police officer with arrest authority under section 2935.03 of the Revised Code or that employs other persons with arrest authority under the Revised Code, shall adopt a policy for the pursuit in a motor vehicle of any person who violates a	2242 2243 2244 2245 2246 2247 2248 2249 2250

law of this state or an ordinance of a municipal corporation. The 2251  
chief law enforcement officer or other chief official of the 2252  
agency, instrumentality, or political subdivision shall formally 2253  
advise each peace officer or other person with arrest authority it 2254  
employs of the pursuit policy adopted by that agency, 2255  
instrumentality, or political subdivision pursuant to this 2256  
section. 2257

**Sec. 2935.24.** A judge of a court of record may, by an 2258  
endorsement under ~~his~~ the judge's hand upon a warrant of arrest, 2259  
authorize the service thereof by telegraph, teletype, wire photo, 2260  
or other means whereby a written or facsimile copy may be 2261  
transmitted, and thereafter a copy of such warrant may be sent by 2262  
any such means to any law enforcement officer. Such copy is 2263  
effectual in the hands of any law enforcement officer and ~~he~~ the 2264  
law enforcement officer shall proceed in the same manner under it 2265  
as though ~~he~~ the law enforcement officer held the ~~original~~ original 2266  
warrant issued by the court making the endorsement, except that a 2267  
state university law enforcement officer or public high school law 2268  
enforcement officer shall not arrest for a minor misdemeanor on 2269  
the basis of a written or facsimile copy of a warrant of arrest. 2270  
Every officer causing copies of warrants to be sent pursuant to 2271  
this section, shall certify as correct and file in the office from 2272  
which such warrant was sent, a copy of such warrant and 2273  
endorsement thereon, and shall return the original with a 2274  
statement of ~~his~~ the officer's action thereunder. 2275

**Sec. 3313.175.** (A) As used in this section: 2276

(1) "Felony" has the same meaning as in section 109.511 of 2277  
the Revised Code. 2278

(2) "School grounds or premises" means any real or personal 2279  
property that serves high school students and is owned by a city, 2280

exempted village, local, or joint vocational school district or an 2281  
educational service center or that is under the control of any 2282  
board of education of a city, exempted village, local, or joint 2283  
vocational school district or governing board of an educational 2284  
service center. 2285

(B)(1) Subject to division (C) of this section, the board of 2286  
education of a city, local, exempted village, or joint vocational 2287  
school district or the governing board of an educational service 2288  
center may employ one or more public high school law enforcement 2289  
officers subject to section 109.77 of the Revised Code to maintain 2290  
the safety and welfare of its students and employees on school 2291  
grounds or premises it owns or controls, to maintain the safety 2292  
and welfare of other persons authorized under rules adopted by the 2293  
board under division (A) of section 3313.20 of the Revised Code to 2294  
be present on school grounds or premises it owns or controls, to 2295  
protect property it owns or controls, and to protect student and 2296  
employee property located on school grounds or premises it owns or 2297  
controls. In addition to any powers provided and duties required 2298  
elsewhere by law, a public high school law enforcement officer 2299  
shall, to the extent required by the officer's contract of 2300  
employment or rules adopted by the board that employs the officer, 2301  
enforce all rules, regulations, and written policies adopted by 2302  
that board. 2303

(2) A public high school law enforcement officer shall take 2304  
an oath of office, wear the badge of office, serve as a peace 2305  
officer for the school district or educational service center, and 2306  
give bond to the board of education or governing board that 2307  
employs the officer for the proper and faithful discharge of the 2308  
officer's duties in the amount that the board of education or 2309  
governing board requires. 2310

(C)(1) The board of education or governing board shall not 2311  
employ as a public high school law enforcement officer on a 2312

permanent basis, on a temporary basis, for a probationary term, or 2313  
on other than a permanent basis a person who previously has been 2314  
convicted of or has pleaded guilty to a felony. 2315

(2)(a) The board of education or governing board shall 2316  
terminate the employment of a public high school law enforcement 2317  
officer if that officer does either of the following: 2318

(i) Pleads guilty to a felony; 2319

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2320  
plea agreement as provided in division (D) of section 2929.43 of 2321  
the Revised Code in which the employee agrees to surrender the 2322  
certificate awarded to the employee under section 109.77 of the 2323  
Revised Code. 2324

(b) The board of education or governing board shall suspend 2325  
from employment a public high school law enforcement officer who 2326  
is convicted, after trial, of a felony. If the public high school 2327  
law enforcement officer files an appeal from that conviction and 2328  
the conviction is upheld by the highest court to which the appeal 2329  
is taken or if the public high school law enforcement officer does 2330  
not file a timely appeal, the board of education or governing 2331  
board shall terminate the employment of that public high school 2332  
law enforcement officer. If the public high school law enforcement 2333  
officer files an appeal that results in that officer's acquittal 2334  
of the felony or conviction of a misdemeanor, or in the dismissal 2335  
of the felony charge against that officer, the board of education 2336  
or governing board shall reinstate that public high school law 2337  
enforcement officer. A public high school law enforcement officer 2338  
who is reinstated under division (C)(2)(b) of this section shall 2339  
not receive any back pay unless that officer's conviction of the 2340  
felony was reversed on appeal, or the felony charge was dismissed, 2341  
because the court found insufficient evidence to convict the 2342  
officer of the felony. 2343

(3) Division (C) of this section does not apply to an offense 2344  
that was committed prior to January 1, 1997. 2345

(4) The suspension from employment, or the termination of the 2346  
employment, of a public high school law enforcement officer under 2347  
division (C)(2) of this section shall be in accordance with 2348  
Chapter 119. of the Revised Code. 2349

**Section 2.** That existing sections 109.57, 109.71, 109.77, 2350  
145.01, 145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2935.24 2351  
of the Revised Code are hereby repealed. 2352

**Section 3.** Section 109.57 of the Revised Code is presented in 2353  
this act as a composite of the section as amended by both Sub. 2354  
H.B. 428 and Sub. S.B. 163 of the 127th General Assembly. Section 2355  
109.77 of the Revised Code is presented in this act as a composite 2356  
of the section as amended by Am. Sub. H.B. 490, Sub. H.B. 545, and 2357  
H.B. 675 of the 124th General Assembly. Section 2921.51 of the 2358  
Revised Code is presented in this act as a composite of the 2359  
section as amended by both Sub. H.B. 259 and Sub. S.B. 281 of the 2360  
126th General Assembly. The General Assembly, applying the 2361  
principle stated in division (B) of section 1.52 of the Revised 2362  
Code that amendments are to be harmonized if reasonably capable of 2363  
simultaneous operation, finds that the composites are the 2364  
resulting versions of the sections in effect prior to the 2365  
effective date of the sections as presented in this act. 2366  
2367