

**As Passed by the House**

**128th General Assembly  
Regular Session  
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**Am. H. B. No. 28**

**Representative Gerberry**

**Cosponsors: Representatives Dyer, Harwood, Harris, Murray, Yuko, Bolon,  
Williams, S., Letson, Batchelder, Belcher, Blessing, Boose, Boyd, Bulp,  
Chandler, Combs, Daniels, DeBose, Derickson, Evans, Fende, Garland,  
Goyal, Hagan, Lehner, Luckie, Maag, Mallory, McClain, Mecklenborg,  
Newcomb, Phillips, Ruhl, Skindell, Szollosi, Uecker, Weddington,  
Williams, B., Winburn, Zehringer**

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**A B I L L**

To amend section 311.01 of the Revised Code to change 1  
the education and experience requirements 2  
necessary for eligibility to be a candidate for 3  
the office of sheriff. 4

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

**Section 1.** That section 311.01 of the Revised Code be amended 5  
to read as follows: 6

**Sec. 311.01.** (A) A sheriff shall be elected quadrennially in 7  
each county. A sheriff shall hold office for a term of four years, 8  
beginning on the first Monday of January next after the sheriff's 9  
election. 10

(B) Except as otherwise provided in this section, no person 11  
is eligible to be a candidate for sheriff, and no person shall be 12  
elected or appointed to the office of sheriff, unless that person 13  
meets all of the following requirements: 14

- (1) The person is a citizen of the United States. 15
- (2) The person has been a resident of the county in which the 16  
person is a candidate for or is appointed to the office of sheriff 17  
for at least one year immediately prior to the qualification date. 18
- (3) The person has the qualifications of an elector as 19  
specified in section 3503.01 of the Revised Code and has complied 20  
with all applicable election laws. 21
- (4) The person has been awarded a high school diploma or a 22  
certificate of high school equivalence issued for achievement of 23  
specified minimum scores on the general educational development 24  
test of the American council on education. 25
- (5) The person has not been convicted of or pleaded guilty to 26  
a felony or any offense involving moral turpitude under the laws 27  
of this or any other state or the United States, and has not been 28  
convicted of or pleaded guilty to an offense that is a misdemeanor 29  
of the first degree under the laws of this state or an offense 30  
under the laws of any other state or the United States that 31  
carries a penalty that is substantially equivalent to the penalty 32  
for a misdemeanor of the first degree under the laws of this 33  
state. 34
- (6) The person has been fingerprinted and has been the 35  
subject of a search of local, state, and national fingerprint 36  
files to disclose any criminal record. Such fingerprints shall be 37  
taken under the direction of the administrative judge of the court 38  
of common pleas who, prior to the applicable qualification date, 39  
shall notify the board of elections, board of county 40  
commissioners, or county central committee of the proper political 41  
party, as applicable, of the judge's findings. 42
- (7) The person has prepared a complete history of the 43  
person's places of residence for a period of six years immediately 44  
preceding the qualification date and a complete history of the 45

person's places of employment for a period of six years 46  
immediately preceding the qualification date, indicating the name 47  
and address of each employer and the period of time employed by 48  
that employer. The residence and employment histories shall be 49  
filed with the administrative judge of the court of common pleas 50  
of the county, who shall forward them with the findings under 51  
division (B)(6) of this section to the appropriate board of 52  
elections, board of county commissioners, or county central 53  
committee of the proper political party prior to the applicable 54  
qualification date. 55

(8) The person meets at least one of the following 56  
conditions: 57

(a) Has obtained or held, within the four-year period ending 58  
immediately prior to the qualification date, a valid basic peace 59  
officer certificate of training issued by the Ohio peace officer 60  
training commission or has been issued a certificate of training 61  
pursuant to section 5503.05 of the Revised Code, and, within the 62  
four-year period ending immediately prior to the qualification 63  
date, has been employed as an appointee pursuant to section 64  
5503.01 of the Revised Code or as a full-time peace officer as 65  
defined in section 109.71 of the Revised Code performing duties 66  
related to the enforcement of statutes, ordinances, or codes; 67

(b) Has obtained or held, within the three-year period ending 68  
immediately prior to the qualification date, a valid basic peace 69  
officer certificate of training issued by the Ohio peace officer 70  
training commission and has been employed for at least the last 71  
three years prior to the qualification date as a full-time law 72  
enforcement officer, as defined in division (A)(11) of section 73  
2901.01 of the Revised Code, performing duties related to the 74  
enforcement of statutes, ordinances, or codes. 75

(9) The person meets at least one of the following 76  
conditions: 77

(a) Has at least two years of supervisory experience as a 78  
peace officer at the rank of corporal, sergeant, or above, or has 79  
been appointed pursuant to section 5503.01 of the Revised Code and 80  
served at the rank of sergeant or above, in the five-year period 81  
ending immediately prior to the qualification date; 82

(b) Has completed satisfactorily, ~~at least two years of~~ 83  
~~post-secondary education or the equivalent in semester or quarter~~ 84  
~~hours~~ a minimum, a two-year associate degree in a college or 85  
university authorized to confer degrees by the Ohio board of 86  
regents or the comparable agency of another state in which the 87  
college or university is located or in a school that holds a 88  
certificate of registration issued by the state board of career 89  
colleges and schools under Chapter 3332. of the Revised Code. 90

(C) Persons who meet the requirements of division (B) of this 91  
section, except the requirement of division (B)(2) of this 92  
section, may take all actions otherwise necessary to comply with 93  
division (B) of this section. If, on the applicable qualification 94  
date, no person has met all the requirements of division (B) of 95  
this section, then persons who have complied with and meet the 96  
requirements of division (B) of this section, except the 97  
requirement of division (B)(2) of this section, shall be 98  
considered qualified candidates under division (B) of this 99  
section. 100

(D) Newly elected sheriffs shall attend a basic training 101  
course conducted by the Ohio peace officer training commission 102  
pursuant to division (A) of section 109.80 of the Revised Code. A 103  
newly elected sheriff shall complete not less than two weeks of 104  
this course before the first Monday in January next after the 105  
sheriff's election. While attending the basic training course, a 106  
newly elected sheriff may, with the approval of the board of 107  
county commissioners, receive compensation, paid for from funds 108  
established by the sheriff's county for this purpose, in the same 109

manner and amounts as if carrying out the powers and duties of the office of sheriff.

Appointed sheriffs shall attend the first basic training course conducted by the Ohio peace officer training commission pursuant to division (A) of section 109.80 of the Revised Code within six months following the date of appointment or election to the office of sheriff. While attending the basic training course, appointed sheriffs shall receive regular compensation in the same manner and amounts as if carrying out their regular powers and duties.

Five days of instruction at the basic training course shall be considered equal to one week of work. The costs of conducting the basic training course and the costs of meals, lodging, and travel of appointed and newly elected sheriffs attending the course shall be paid from state funds appropriated to the commission for this purpose.

(E) In each calendar year, each sheriff shall attend and successfully complete at least sixteen hours of continuing education approved under division (B) of section 109.80 of the Revised Code. A sheriff who receives a waiver of the continuing education requirement from the commission under division (C) of section 109.80 of the Revised Code because of medical disability or for other good cause shall complete the requirement at the earliest time after the disability or cause terminates.

(F)(1) Each person who is a candidate for election to or who is under consideration for appointment to the office of sheriff shall swear before the administrative judge of the court of common pleas as to the truth of any information the person provides to verify the person's qualifications for the office. A person who violates this requirement is guilty of falsification under section 2921.13 of the Revised Code.

(2) Each board of elections shall certify whether or not a candidate for the office of sheriff who has filed a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate meets the qualifications specified in divisions (B) and (C) of this section.

(G) The office of a sheriff who is required to comply with division (D) or (E) of this section and who fails to successfully complete the courses pursuant to those divisions is hereby deemed to be vacant.

(H) As used in this section:

(1) "Qualification date" means the last day on which a candidate for the office of sheriff can file a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office of sheriff; the last day on which a person may be appointed to fill a vacancy in a party nomination for the office of sheriff under Chapter 3513. of the Revised Code, in the case of a vacancy in the office of sheriff; or a date thirty days after the day on which a vacancy in the office of sheriff occurs, in the case of an appointment to such a vacancy under section 305.02 of the Revised Code.

(2) "Newly elected sheriff" means a person who did not hold the office of sheriff of a county on the date the person was elected sheriff of that county.

**Section 2.** That existing section 311.01 of the Revised Code is hereby repealed.