



Sub. S.B. 281*

126th General Assembly

(As Reported by H. State Government)

Sens. Stivers, Padgett, Mumper, Goodman, Austria, Spada, Zurz

BILL SUMMARY

- Repeals the existing program administered by the Ohio Peace Officer Training Commission (OPOTC) for the reimbursement, out of the Law Enforcement Assistance Fund, of (1) sheriffs, constables, and chiefs of police of municipal and township police departments, township police district police forces, and university and college police departments for the costs of peace officer basic training programs, advanced peace officer training programs, basic jailer training programs, and firearms requalification training programs successfully completed by them or by peace officers under their supervision, (2) the Superintendent of the State Highway Patrol and the Director of the Department of Natural Resources for the costs of peace officer basic training programs, advanced peace officer training programs, and basic jailer training programs successfully completed by them or the peace officers under their supervision, and (3) the Chief of the Adult Parole Authority and the chief probation officer of a county probation department, multicounty probation department, or municipal court department of probation for the costs of basic firearm training programs and firearms requalification programs successfully completed by them or by parole or probation officers under their supervision.
- Replaces the repealed program with a program administered by the OPOTC for the reimbursement, out of the Law Enforcement Assistance Fund, of public appointing authorities of peace officers or troopers for the

** This analysis was prepared before the report of the House State Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

costs of *continuing professional training* that is successfully completed by their peace officers and troopers.

- Provides that a public appointing authority that applies for such reimbursement is entitled to reimbursement (1) for the training programs completed by all of its peace officers or troopers who complied with the continuing professional training and other requirements and (2) for the training programs completed by its peace officers or troopers who (a) were granted an extension of time to comply with the training and other requirements and (b) complied with those requirements before the end of the extension period.
- Precludes withholding payment of any reimbursement to which a public appointing authority is entitled during the period of any extension granted to a peace officer or trooper, and provides that failure by the peace officer or trooper to comply with the training and other requirements before the end of the extension period does not affect the reimbursement already made to the appointing authority.
- Requires every appointing authority to require each of its peace officers and troopers to complete up to 24 hours of continuing professional training each calendar year, and provides that a peace officer or trooper who fails to complete the minimum required hours of that training in any calendar year or who fails to comply with the existing firearms requalification law or any other required training cannot carry a firearm during the course of official duties or perform the functions of a peace officer or trooper until evidence of the peace officer's or trooper's compliance with those requirements is filed with the OPOTC.
- Prescribes procedures (1) for an appointing authority to request the OPOTC, because of emergency circumstances, for an extension of the time within which one or more of its peace officers or troopers must complete the required minimum number of hours of continuing professional training and (2) for the OPOTC's Executive Director to review the application and either grant or deny the request.
- Provides that a peace officer or trooper who fails to complete the required minimum number of hours of continuing professional training before the end of such an extension period cannot carry a firearm during the course of official duties or perform the functions of a peace officer or trooper after the end of the extension period.

- Requires each agency or entity that appoints or employs one or more State Highway Patrol troopers to annually provide to the OPOTC a roster of all troopers in any full-time, part-time, reserve, auxiliary, or other capacity who are serving, or during the year covered by the report have served, the agency or entity in any of those capacities.
- Prohibits any person (1) from impersonating an investigator of the Bureau of Criminal Identification and Investigation (BCII), (2) by impersonating a BCII investigator, from arresting or detaining any person, searching any person, or searching the property of any person, (3) with purpose to commit or facilitate the commission of an offense, from impersonating a BCII investigator, or (4) from committing a felony while impersonating a BCII investigator.
- Imposes a mandatory prison term for aggravated vehicular homicide if the victim of the offense is a BCII investigator.
- Makes an appropriation.

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CONTENT AND OPERATION

Background

Training requirement for appointments

Under existing law, no person may receive an *original appointment on a permanent basis* to any of a list of specified law enforcement positions unless the person has been awarded a certificate by the Executive Director of the Ohio Peace Officer Training Commission (OPOTC) attesting to the person's satisfactory completion of an approved state, county, municipal, or Department of Natural Resources (DNR) peace officer basic training program. The provision applies regarding a "peace officer" of a county, township, municipal corporation, regional transit authority, or metropolitan housing authority; a DNR natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer; an employee of a township or metropolitan park district; a specified type of employee of a conservancy district; a state university law enforcement officer; a Department of Mental Health or Department of Mental Retardation and Developmental Disabilities special police officer; a Department of Public Safety enforcement agent in a designated position; a port authority special police officer; and a special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility of a specified nature. A similar training requirement applies regarding the continued employment of a person *appointed on a temporary basis*, for a *probationary term*, or on *other than a permanent basis* to any of the specified law enforcement positions, other than a state university law enforcement officer. Law enforcement officers serving in certain of the specified positions prior to a specified date are exempt from the training requirements. The provision also imposes certain training requirements regarding veterans' home police officers, bailiffs and deputy bailiffs of a court of record, and State Public Defender criminal investigators. (R.C. 109.71 and 109.77--not in the bill.)

Advanced training

Existing law specifies that the OPOTC's Executive Director has certain specified powers and duties that must be exercised with the general advice of the OPOTC and only in accordance with specified statutory provisions and rules. The powers and duties include, among others, consulting and cooperating with state, county, and municipal peace officer training schools *for the development of*

advanced in-service training programs for peace officers (R.C. 109.75--not in the bill).

Firearms requalification programs

Existing law provides that, each year, any person serving in any of a list of specified law enforcement positions must complete successfully a firearms requalification program approved by the OPOTC's Executive Director in accordance with rules adopted by the Attorney General (AG). The provision applies to any sheriff, deputy sheriff, marshal, deputy marshal, township constable, chief of police or member of an organized police department of a municipal corporation or township, chief of police or member of a township police district police force, Superintendent, trooper, or special police officer of the State Highway Patrol, Department of Public Safety enforcement agent, or chief of police of a university or college police department or state university law enforcement officer; any parole or probation officer who carries a firearm in the course of official duties; any DNR natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer who carries a firearm in the course of official duties; the House of Representatives Sergeant at Arms if he or she has arrest authority; any assistant House of Representatives Sergeant at Arms; any Department of Youth Services employee designated as being authorized to carry a firearm while on duty; and any special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility. No person included in that list may carry a firearm during the course of official duties if the person does not comply with the training requirements described in this paragraph. (R.C. 109.801--not in the bill.)

Law Enforcement Assistance Fund

Existing law

Existing law creates in the state treasury the Law Enforcement Assistance Fund. The Fund is used to pay reimbursements for law enforcement training as described in the analysis' **COMMENT**, the compensation of any AG employees required to administer those provisions, and any other administrative costs the AG incurs to administer those provisions. (R.C. 109.802.)

Changes proposed by the bill

In general. The bill retains the Law Enforcement Assistance Fund in the state treasury but replaces the current uses that may be made of the Fund and the current reimbursement program with a new use and a new reimbursement program (see **COMMENT** for the replaced uses and program). Under the bill, the Fund

may be used to pay reimbursements for specified *continuing professional training* for peace officers and troopers (see below), the compensation of any AG employees required to administer the provisions, and any other administrative costs the AG incurs to administer the provisions. The AG must adopt rules in accordance with the Administrative Procedure Act establishing application procedures, standards, and guidelines, and prescribing an application form, for the reimbursement of public appointing authorities for the cost of continuing professional training for their peace officers or troopers. The rules must include, but are not limited to, all of the following: (1) a requirement that applications for reimbursement be submitted on a *calendar-year basis*, (2) the documentation required to substantiate any costs for which the applicant seeks reimbursement, (3) procedures for submitting applications for reimbursement for the cost of continuing professional training programs completed by a peace officer or trooper for whom the OPOTC's Executive Director grants an extension of time for compliance with the bill's training requirement (see below) and who complies with the requirement before the extension ends, and (4) any other requirements necessary for the proper administration of the reimbursement program. (R.C. 109.802(A) and (B).)

OPOTC reimbursement program. The bill repeals the existing OPOTC reimbursement program (repeal of current R.C. 109.803 in Section 2 of the bill) and replaces it with a new program. The bill requires the OPOTC to administer a program for reimbursing public appointing authorities for the costs of continuing professional training that is successfully completed by their peace officers or troopers. The OPOTC must administer the reimbursement program in accordance with the rules adopted by the AG as described in the preceding paragraph. (R.C. 109.803(C).)

Each public appointing authority may apply each calendar year to the OPOTC for reimbursement for the costs of continuing professional training programs that are successfully completed by its peace officers or troopers. Each application must be made in accordance with, be on an application form prescribed in, and be supported by the documentation required by, the AG's rules. The OPOTC, in accordance with the AG's rules, must review each application to determine if the applicant is entitled to reimbursement for the training programs for which the applicant seeks it. (R.C. 109.802(D) and (E)(1).)

As a *general rule*, a public appointing authority that applies for reimbursement is entitled to it only if *all of the appointing authority's peace officers or troopers comply* with (1) the continuing professional training requirement by completing the minimum number of hours of training directed by the OPOTC and (2) other related requirements. If the applicant is entitled to reimbursement for each peace officer or trooper who successfully completes a

training program, the OPOTC must approve reimbursing the appointing authority for the cost of the program. The actual amount of reimbursement for continuing professional training is to be determined by the AG's rules. (R.C. 109.802(E)(1) and (3).)

There is an *exception* to the general rule discussed above. If a public appointing authority applies for reimbursement, if one or more of its peace officers or troopers have not complied with the continuing professional training requirement by completing the required minimum hours of that training, and if the OPOTC's Executive Director grants an extension of the time within which each of those peace officers or troopers who has not complied with the requirement must do so, both of the following apply: (1) if each peace officer or trooper of the appointing authority for whom the OPOTC's Executive Director did not grant an extension has complied with the continuing professional training requirement and the other specified requirements, the appointing authority is entitled to reimbursement for the training programs completed by *all of its peace officers or troopers who have so complied*, and (2) if a peace officer or trooper of the public appointing authority for whom the OPOTC's Executive Director granted an extension complies before the date on which the extension ends with the continuing professional training requirement and also has complied with the other specified requirements, the appointing authority is entitled to reimbursement for the training programs completed by *that peace officer or trooper*. An application for reimbursement of this type must be made in accordance with the AG's rules. (R.C. 109.802(E)(2).)

Further, if the public appointing authority is entitled to reimbursement as described in clause (1) above, payment of the reimbursement cannot be withheld during the period of the extension granted to the other peace officers or troopers of the authority, pending their compliance with the requirement. If the appointing authority is entitled to that reimbursement and if one or more of its peace officers or troopers who are granted an extension fail to complete before the date on which the extension ends the required minimum hours of continuing professional training, the failure does not affect the reimbursement made to the appointing authority, and the appointing authority is not required to return the reimbursement or any portion of it. (R.C. 109.802(E)(3).)

Each appointing authority that receives funds under the new reimbursement program is required to keep them separate from any other funds of the appointing authority and must use the funds only for paying the costs of continuing professional training programs (R.C. 109.802(F)).

Definitions. As used in the bill's provisions described above, "peace officer" has the same meaning as in the general definition of that term for the OPOTC Law, "trooper" means an individual appointed as a State Highway Patrol

trooper under continuing law, and "appointing authority" means any agency or entity that appoints a peace officer or trooper (R.C. 109.802(G)).

Continuing professional training for peace officers and troopers

Minimum requirement

Under the bill, *as a general rule*, every appointing authority must require each of its appointed peace officers or troopers (see definitions above) to complete up to 24 hours of continuing professional training each calendar year, as directed by the OPOTC. The bill specifies that the number of hours directed by the OPOTC, up to 24 hours, is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the number of hours the OPOTC directs as the minimum. But, the OPOTC must set the required minimum number of hours based upon *available funding for reimbursement*. And, *if no funding is available*, no continuing professional training will be required. (R.C. 109.831(A)(1).)

Emergency circumstances

An appointing authority may submit a written request to the OPOTC that requests for a calendar year because of emergency circumstances an *extension of the time* within which one or more of its appointed peace officers or troopers must complete the required minimum number of hours of continuing professional training. A request for an extension must set forth the name of each of the appointing authority's peace officers or troopers for whom the extension is requested, identify the emergency circumstances related to that peace officer or trooper, include documentation of those emergency circumstances, and set forth the date on which the request is submitted. The request must be made not later than December 15 in the calendar year for which the extension is requested. (R.C. 109.803(A)(2).)

Upon receipt of that written request, the OPOTC's Executive Director must review it and the submitted documentation. If satisfied that emergency circumstances exist for any peace officer or trooper for whom the request was made, the Executive Director may approve the request for that peace officer or trooper and grant an extension of the time within which that peace officer or trooper must complete the required minimum number of hours of continuing professional training. The extension may be for any period of time the Executive Director believes to be appropriate, and the Executive Director must specify in the notice granting the extension the date on which it ends. Not later than 30 days after the date on which the request is submitted, for each peace officer and trooper for whom an extension is requested, the Executive Director either must approve the request and grant an extension or deny the request and deny an extension, and must send to the appointing authority that submitted the request written notice of

the decision. If the Executive Director grants an extension of the time within which a particular peace officer or trooper must complete the required minimum number of hours of continuing professional training, the appointing authority must require that peace officer or trooper to complete the required minimum number of hours of that training not later than the date on which the extension ends. (R.C. 109.803(A)(2).)

Reimbursement by the Attorney General

If (1) an appointing authority *complies* with (a) the continuing professional *training requirement* by requiring each of its appointed peace officers or troopers to complete the number of hours of training the OPOTC directs as the minimum and (b) *the roster-provision requirement* described below and (2) *the appointed peace officers or troopers* of the appointing authority comply with the existing firearms requalification law to the extent that they are subject to that law and comply with all other training mandated by the General Assembly or the AG, *the AG must reimburse the appointing authority* for the successful training costs of each of its appointed peace officers or troopers as provided in the bill (note that those provisions specify that the OPOTC is to administer the reimbursement program). (R.C. 109.803(A)(3)(a).)

If, however, the OPOTC's Executive Director grants an extension of the time within which one or more appointed peace officers or troopers of a public appointing authority must complete the required minimum number of hours of continuing professional training, and if the criteria described in the preceding paragraph are satisfied regarding each appointed peace officer or trooper for whom the extension *was not granted*, the AG must reimburse the appointing authority for the successful training costs of each of its appointed peace officers and troopers for whom the extension was not granted. Similarly, if a peace officer or trooper for whom the Executive Director granted an extension completes before the date on which the extension ends the minimum number of hours of continuing professional training, if the peace officer or trooper also has complied with the existing firearms requalification law to the extent that the peace officer or trooper is subject to that law and has complied with all other training mandated by the General Assembly or the AG, and if the appointing authority has complied with the roster-provision requirement described below, the AG must reimburse the appointing authority for the successful training costs of that peace officer or trooper as provided in the bill. (R.C. 109.803(A)(3)(b).)

Sanction for noncompliance

The bill specifies, *as a general rule*, that an appointed peace officer or trooper who fails to complete the minimum required hours of continuing professional training in any calendar year or who fails to comply with the existing

firearms requalification law or any other required training *cannot carry a firearm* during the course of official duties or perform the functions of a peace officer or trooper until evidence of compliance with those requirements is filed with the OPOTC's Executive Director (R.C. 109.803(B)(1)). If, however, the OPOTC's Executive Director grants an extension of the time within which a peace officer or trooper of an appointing authority must complete the required minimum number of hours of continuing professional training, the prohibition described in the preceding sentence does not apply during the period of the extension to that peace officer or trooper, provided that peace officer or trooper has complied with the existing firearms requalification law to the extent that he or she is subject to that law and has complied with all other required training. If a peace officer or trooper for whom an extension was granted fails to complete before the date on which the extension ends the required minimum number of hours of continuing professional training, the prohibition applies to that peace officer or trooper after the date on which the extension ends. (R.C. 109.803(B)(2).)

Attorney General rules

The bill requires the AG, with the advice of the OPOTC, to adopt in accordance with the Administrative Procedure Act rules setting forth minimum standards for continuing professional training for peace officers and troopers and governing the administration of that training. The AG must transmit a certified copy of any rule adopted under this provision to the Secretary of State. (R.C. 109.803(C).)

Provision of reports regarding, and roster of, peace officers

Existing law

Under existing law, each agency or entity that appoints or employs one or more "peace officers" (as defined for the OPOTC Law) must report to the OPOTC all of the following that occur on or after February 20, 2002: (1) the appointment or employment of any person to serve the agency or entity as a peace officer in any full-time, part-time, reserve, auxiliary, or other capacity, and (2) the termination, resignation, felony conviction, or death of any person who is so serving. An agency or entity must make each such report not later than ten days after the occurrence of the event being reported and must make it in the manner and format prescribed by the OPOTC's Executive Director. (R.C. 109.761(A).)

Existing law also requires each agency or entity that appoints or employs one or more peace officers to annually provide to the OPOTC *a roster* of all persons who have been appointed to or employed by the agency or entity as peace officers in any full-time, part-time, reserve, auxiliary, or other capacity and are serving, or during the year covered by the report have served, the agency or entity

in any of those peace officer capacities. The agency or entity must provide the roster in the manner and format, and by the date, prescribed by the OPOTC's Executive Director. (R.C. 109.761(B).)

Changes proposed by the bill

The bill expands the roster-provision requirement to agencies and entities that appoint or employ any State Highway Patrol trooper (i.e., the State Highway Patrol). Specifically, the bill requires each agency or entity that appoints or employs State Highway Patrol troopers to annually provide to the OPOTC a roster of all troopers in any full-time, part-time, reserve, auxiliary, or other capacity who are serving, or during the year covered by the report have served, the agency or entity in any of those trooper capacities. As under existing law, the agency or entity must provide the roster in the manner and format, and by the date, prescribed by the OPOTC's Executive Director. (R.C. 109.761.)

Appropriation

The bill requires the Director of Budget and Management to transfer \$5 million in FY 2007 from the Attorney General Claims Fund to the Law Enforcement Assistance Fund and appropriates that money (Sections 3, 4, and 5).

Impersonation of BCII investigator

The bill extends the offenses pertaining to impersonation of a peace officer to impersonation of an investigator of the Bureau of Criminal Identification and Investigation (BCII) (see below).¹ It prohibits any person from doing any of the following (R.C. 2921.51(B), (C), (D), and (E)):

- (1) Impersonating a BCII investigator;
- (2) By impersonating a BCII investigator, arresting or detaining any person, searching any person, or searching the property of any person;
- (3) With purpose to commit or facilitate the commission of an offense, impersonating a BCII investigator;
- (4) Committing a felony while impersonating a BCII investigator.

¹ Existing R.C. 2921.51(A)(3) defines "impersonate" as to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons. This definition applies to the bill's provisions.

It is an affirmative defense to a charge of impersonating a BCII investigator as described in item (1) above that the impersonation of the investigator was for a lawful purpose (R.C. 2921.51(F)).

Finally, a violation of the prohibition described in item (1) above is a misdemeanor of the fourth degree. A violation of the prohibition described in item (2) above is, and a violation of the prohibition in item (3) above generally is, a misdemeanor of the first degree. If the purpose of a violation of the prohibition described in item (3) above is to commit or facilitate the commission of a felony, a violation of that prohibition is a felony of the fourth degree. And, a violation of the prohibition described in item (4) above is a felony of the third degree. (R.C. 2921.51(G).)

The bill defines "investigator of the Bureau of Criminal Identification and Investigation" as an investigator (see below) of BCII who is commissioned by the Superintendent of BCII as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to specified statutory authority (R.C. 2921.15(A)(4) by cross-reference to R.C. 2903.11, as amended by Sub. H.B. 347 of the 126th General Assembly (act)). "Investigator" means an officer or employee of BCII described in R.C. 109.54 (BCII--intergovernmental cooperation; drug investigations; etc.).

Penalty for aggravated vehicular homicide against BCII investigator

Existing law

Continuing law prohibits any person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, from causing the death of another or the unlawful termination of another's pregnancy in any of the following ways: (1) as the proximate result of committing a violation of R.C. 4511.19(A) or of a substantially equivalent municipal ordinance, a violation of R.C. 1547.11(A) or of a substantially equivalent municipal ordinance, or a violation of R.C. 4561.15(A)(3) or of a substantially equivalent municipal ordinance, or (2)(a) recklessly or (b) as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense (provided that provision (b) applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone). The above offense is designated "aggravated vehicular homicide." (R.C. 2903.06(A)(1) and (2)--not in the bill.)

Under existing law, if an offender is convicted of or pleads guilty to aggravated vehicular homicide and also is convicted of or pleads guilty to a

specification that charges that the victim of the offense is a peace officer, the court must impose on the offender a prison term of five years. If a court imposes such a prison term on an offender, the prison term cannot be reduced pursuant to R.C. 2929.20, R.C. 2967.193, or any other provision of R.C. Chapter 2967. or Chapter 5120. A court cannot impose more than one prison term on an offender under this provision for felonies committed as part of the same act. Imposition of this five-year mandatory prison term upon an offender is precluded unless the offender is convicted of or pleads guilty to aggravated vehicular homicide and unless the indictment, count in the indictment, or information charging the offense specifies that the victim of the offense is a peace officer. (R.C. 2929.13(F)(13), 2929.14(D)(5), and 2941.1414.)

Changes proposed by the bill

The bill extends the provisions of existing law discussed above to the commission of the offense of aggravated vehicular homicide against a BCII investigator. Specifically, it provides that, if an offender is convicted of or pleads guilty to aggravated vehicular homicide and also is convicted of or pleads guilty to a specification that charges that the victim of the offense is a BCII investigator, the court must impose on the offender a prison term of five years. If a court imposes such a prison term on an offender, the prison term cannot be reduced pursuant to R.C. 2929.20, R.C. 2967.193, or any other provision of R.C. Chapter 2967. or Chapter 5120. A court cannot impose more than one prison term on an offender under this provision for felonies committed as part of the same act. Imposition of this five-year mandatory prison term upon an offender is precluded unless the offender is convicted of or pleads guilty to aggravated vehicular homicide and unless the indictment, count in the indictment, or information charging the offense specifies that the victim of the offense is a BCII investigator. (R.C. 2929.13(F)(13), 2929.14(D)(5), and 2941.1414.)

COMMENT

Existing law provides for the use of the Law Enforcement Assistance Fund to pay reimbursements for law enforcement training. The provisions governing the use of the Fund are as follows:

AG rules for reimbursement for training

The AG is required to adopt rules under the Administrative Procedure Act establishing application procedures, standards, and guidelines, and prescribing an application form, for the reimbursement of sheriffs, constables, chiefs of police of organized municipal and township police departments, chiefs of police of township police district police forces, and chiefs of police of university or college

police departments for the costs of "peace officer" basic training programs, *advanced peace officer training programs*, basic jailer training programs, and firearms requalification programs successfully completed by them or the peace officers under their supervision, for the reimbursement of the Superintendent of the State Highway Patrol and DNR's Director for the costs of peace officer basic training programs, *advanced peace officer training programs*, and basic jailer training programs successfully completed by them or the peace officers under their supervision, and for the reimbursement of the Chief of the Adult Parole Authority (the APA) and the chief probation officer of a county probation department, multicounty probation department, and municipal court department of probation for the costs of basic firearm training programs and firearms requalification programs successfully completed by them or by parole or probation officers under their supervision. The rules must include, but are not limited to, all of the following: (i) a requirement that applications for reimbursement be submitted on a *fiscal year basis*, (ii) the documentation required to substantiate any costs for which the applicant seeks reimbursement, (iii) the procedure for prorating reimbursements if the amount of money appropriated for reimbursement for any fiscal year is not sufficient to pay all of the costs approved for reimbursement for that fiscal year, and (iv) any other requirements necessary for the proper administration of the reimbursement program. (R.C. 109.802(B).)

Each sheriff, constable, and chief of police of an organized municipal or township police department, township police district police force, or university or college police department may apply *each fiscal year* to the OPOTC for reimbursement for the costs of peace officer basic training programs, *advanced peace officer training programs*, basic jailer training programs, and firearms requalification training programs that are successfully completed by the sheriff, constable, or chief or a peace officer under the sheriff's, constable's, or chief's supervision. The Superintendent of the State Highway Patrol and DNR's Director may apply each fiscal year to the OPOTC for reimbursement for the costs of peace officer basic training programs, *advanced peace officer training programs*, and basic jailer training programs successfully completed by them or the peace officers under their supervision. And, the APA's Chief and each chief probation officer of a county probation department, multicounty probation department, or municipal court department of probation may apply each fiscal year to the OPOTC for reimbursement for the costs of basic firearm training programs and firearms requalification programs successfully completed by that chief or by parole or probation officers under the chief's supervision. Each application must be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the AG's rules adopted as described above. (R.C. 109.802(C).)

OPOTC reimbursement program

Existing law requires the OPOTC to administer a program for reimbursing sheriffs, constables, and chiefs of police of organized municipal and township police departments, township police district police forces, and university and college police departments for the costs of "peace officer" basic training programs, *advanced peace officer training programs*, basic jailer training programs, and firearms requalification training programs that are successfully completed by them or by peace officers under their supervision, for reimbursing the Superintendent of the State Highway Patrol and DNR's Director for the costs of peace officer basic training programs, *advanced peace officer training programs*, and basic jailer training programs that are successfully completed by them or the peace officers under their supervision, and for reimbursing the APA's Chief and the chief probation officer of a county probation department, multicounty probation department, or municipal court department of probation for the costs of basic firearm training programs and firearms requalification programs that are successfully completed by them or by parole or probation officers under their supervision. The OPOTC must administer the reimbursement program in accordance with rules adopted by the AG. (R.C. 109.803--repealed by the bill.)

The OPOTC, in accordance with the AG's rules, must review each application for reimbursement to determine if the applicant is entitled to reimbursement for the programs for which the applicant seeks it. The OPOTC must approve for reimbursement any program for which reimbursement is authorized in the AG's rules, if the program was successfully completed by the applicant or a peace officer, parole officer, or probation officer supervised by the applicant. The actual amount of reimbursement for each authorized program is to be determined as follows:

First, the OPOTC is required to prepare in a specified manner a basic peace officer training reimbursement voucher for each applicant for whom it approves reimbursement for all or some of the peace officer basic training programs, basic jailer training programs, basic firearms training programs, and firearms requalification programs for which the applicant applied for reimbursement. Second, if the amount of money appropriated by the General Assembly in any fiscal year to reimburse the costs of basic peace officer training programs, basic jailer training programs, basic firearm training programs, and firearms requalification programs is not sufficient to pay all peace officer training reimbursement vouchers prepared in the specified manner, the OPOTC must reduce all of the vouchers by a *pro rata* amount.

Third, the OPOTC is required to prepare in a specified manner an advanced peace officer training reimbursement voucher for each applicant for whom it approves reimbursement for all or some of the advanced peace officer training

programs for which the applicant applied for reimbursement. Fourth, the advanced peace officer training reimbursement voucher for each applicant cannot exceed 75% of the total costs expended by the applicant for all approved advanced peace officer training programs that were successfully completed by the applicant and the peace officers under the applicant's supervision. (R.C. 109.803--repealed by the bill.)

"Peace officer" definition

As used in the provisions described above, "peace officer" includes a sheriff, deputy sheriff, marshal, deputy marshal, chief of police and member of a municipal or township police department, chief of police and member of a township police district police force, chief of police of a university or college police department, state university law enforcement officer, Superintendent or trooper of the State Highway Patrol, and DNR natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer (R.C. 109.802(D)).

HISTORY

ACTION	DATE
Introduced	03-02-06
Reported, S. Judiciary--Criminal Justice	12-13-06
Passed Senate (32-0)	12-13-06
Reported, H. State Gov't	---

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