



Aida S. Montano

Bill Analysis
Legislative Service Commission

H.B. 306

127th General Assembly
(As Reported by H. Criminal Justice)

Reps. Latta, Evans, Seitz, Webster, Combs, Collier, Sears

BILL SUMMARY

- Requires the chief administrative officer of law enforcement agencies other than county sheriffs or municipal chiefs of police (which is required under current law) to immediately take the fingerprints of persons arrested or taken into custody for specified offenses.
- Provides that if a court learns *at any time* that a person's fingerprints have not been taken as described in the preceding dot point, the court must order the person to appear before the sheriff, chief of police, or chief administrative officer of another law enforcement agency within 24 hours to have the person's fingerprints taken and processed.

CONTENT AND OPERATION

Law enforcement agencies to take fingerprints of specified persons

Who is required to take fingerprints

Current law requires sheriffs and city chiefs of police to immediately take the following person's fingerprints according to the fingerprint system of identification on forms furnished by the Superintendent of BCII (R.C. 109.60(A)(1)):

(1) Upon the arrest of any person for a felony, an offense that is a misdemeanor on a first offense and a felony on a subsequent offense, or any misdemeanor described in R.C. 109.572(A)(1)(a) or (A)(10)(a);

(2) Upon the arrest or taking into custody of any child for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child may have committed one of those acts.

After taking the fingerprints, the sheriff or chief of police is required to immediately forward copies of the completed forms, any other description that may be required and the history of the offense committed to both (1) BCII to be classified and filed and (2) to the clerk of the court having jurisdiction over the prosecution of the offense or over the adjudication relative to the act.

The bill additionally requires the chief administrative officer of other law enforcement agencies to comply with this fingerprinting requirement (R.C. 109.60(A)(1), with conforming changes in R.C. 109.58 and 109.61).¹

The court's duty to ensure fingerprints are taken

Under current law, if a sheriff or chief of police has not taken a person's fingerprints, as described above, by the time of arraignment or the person's first appearance, the court must order the person to appear before the sheriff or chief of police within 24 hours for fingerprinting, as described above (R.C. 109.60(A)(2)).

In addition, current law specifies that every court with jurisdiction over a case involving a person who is required to have fingerprints taken must ask the person at the time of sentencing or adjudication whether the person has been fingerprinted for the original arrest upon which the sentence or adjudication is based. If the person was not fingerprinted, the court must order the person to appear before the sheriff or chief of police for fingerprinting, as described above. (R.C. 109.60(A)(3).)

The bill instead provides that if a court learns *at any time* that a person's fingerprints have not been taken as described above, the court must order the person to appear before the sheriff, chief of police, or chief administrative officer of another law enforcement agency within 24 hours to have the person's fingerprints taken and processed as described above. Consequently, the bill removes the provision requiring courts to inquire about fingerprinting at the time of sentencing or adjudication. (R.C. 109.60(A)(2) and (3).)

The bill also makes various technical amendments to shorten the above described statutory provisions (R.C. 109.60).

¹ The bill defines a "law enforcement agency" as meaning any organization or unit comprised of law enforcement officers, as defined in R.C. 2901.01 (R.C. 109.60(D)).

HISTORY

ACTION	DATE
Introduced	09-06-07
Reported, H. Criminal Justice	05-28-08

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