

Am. S. B. No. 33  
As Passed by the Senate

**Topic:** Authority of state highway patrol at private prisons 1

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete the first "and" and insert ","; after 2  
"2923.129" insert ", and 5503.02" 3

In line 6, delete "and" and insert ","; after "2923.129" insert ", 4  
and 5503.02" 5

After line 299, insert: 6

"Sec. 5503.02. (A) The state highway patrol shall enforce 7  
the laws of the state relating to the titling, registration, and 8  
licensing of motor vehicles; enforce on all roads and highways, 9  
notwithstanding section 4513.39 of the Revised Code, the laws 10  
relating to the operation and use of vehicles on the highways; 11  
enforce and prevent the violation of the laws relating to the 12  
size, weight, and speed of commercial motor vehicles and all 13  
laws designed for the protection of the highway pavements and 14  
structures on the highways; investigate and enforce rules and 15  
laws of the public utilities commission governing the 16



transportation of persons and property by motor carriers and 17  
report violations of such rules and laws to the commission; 18  
enforce against any motor carrier as defined in section 4923.01 19  
of the Revised Code those rules and laws that, if violated, may 20  
result in a forfeiture as provided in section 4923.99 of the 21  
Revised Code; investigate and report violations of all laws 22  
relating to the collection of excise taxes on motor vehicle 23  
fuels; and regulate the movement of traffic on the roads and 24  
highways of the state, notwithstanding section 4513.39 of the 25  
Revised Code. 26

The patrol, whenever possible, shall determine the 27  
identity of the persons who are causing or who are responsible 28  
for the breaking, damaging, or destruction of any improved 29  
surfaced roadway, structure, sign, marker, guardrail, or other 30  
appurtenance constructed or maintained by the department of 31  
transportation and shall arrest the persons who are responsible 32  
for the breaking, damaging, or destruction and bring them before 33  
the proper officials for prosecution. 34

State highway patrol troopers shall investigate and report 35  
all motor vehicle accidents on all roads and highways outside of 36  
municipal corporations. The superintendent of the patrol or any 37  
state highway patrol trooper may arrest, without a warrant, any 38  
person, who is the driver of or a passenger in any vehicle 39  
operated or standing on a state highway, whom the superintendent 40  
or trooper has reasonable cause to believe is guilty of a 41  
felony, under the same circumstances and with the same power 42  
that any peace officer may make such an arrest. 43

The superintendent or any state highway patrol trooper may 44  
enforce the criminal laws on all state properties and state 45  
institutions, owned or leased by the state, and, when so ordered 46

by the governor in the event of riot, civil disorder, or 47  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of 48  
the Revised Code, arrest offenders against the criminal laws 49  
wherever they may be found within the state if the violations 50  
occurred upon, or resulted in injury to person or property on, 51  
state properties or state institutions, or under the conditions 52  
described in division (B) of this section. This authority of the 53  
superintendent and any state highway patrol trooper to enforce 54  
the criminal laws shall extend to the Lake Erie Correctional 55  
~~Institution, to the same extent as if that prison were owned by~~ 56  
~~this state~~ and any facility to which provisions of division (L) 57  
of section 9.06 of the Revised Code apply. 58

(B) In the event of riot, civil disorder, or insurrection, 59  
or the reasonable threat of riot, civil disorder, or 60  
insurrection, and upon request, as provided in this section, of 61  
the sheriff of a county or the mayor or other chief executive of 62  
a municipal corporation, the governor may order the state 63  
highway patrol to enforce the criminal laws within the area 64  
threatened by riot, civil disorder, or insurrection, as 65  
designated by the governor, upon finding that law enforcement 66  
agencies within the counties involved will not be reasonably 67  
capable of controlling the riot, civil disorder, or insurrection 68  
and that additional assistance is necessary. In cities in which 69  
the sheriff is under contract to provide exclusive police 70  
services pursuant to section 311.29 of the Revised Code, in 71  
villages, and in the unincorporated areas of the county, the 72  
sheriff has exclusive authority to request the use of the 73  
patrol. In cities in which the sheriff does not exclusively 74  
provide police services, the mayor, or other chief executive 75  
performing the duties of mayor, has exclusive authority to 76  
request the use of the patrol. 77

The superintendent or any state highway patrol trooper may 78  
enforce the criminal laws within the area designated by the 79  
governor during the emergency arising out of the riot, civil 80  
disorder, or insurrection until released by the governor upon 81  
consultation with the requesting authority. State highway patrol 82  
troopers shall never be used as peace officers in connection 83  
with any strike or labor dispute. 84

When a request for the use of the patrol is made pursuant 85  
to this division, the requesting authority shall notify the law 86  
enforcement authorities in contiguous communities and the 87  
sheriff of each county within which the threatened area, or any 88  
part of the threatened area, lies of the request, but the 89  
failure to notify the authorities or a sheriff shall not affect 90  
the validity of the request. 91

(C) Any person who is arrested by the superintendent or a 92  
state highway patrol trooper shall be taken before any court or 93  
magistrate having jurisdiction of the offense with which the 94  
person is charged. Any person who is arrested or apprehended 95  
within the limits of a municipal corporation shall be brought 96  
before the municipal court or other tribunal of the municipal 97  
corporation. 98

(D) (1) State highway patrol troopers have the same right 99  
and power of search and seizure as other peace officers. 100

No state official shall command, order, or direct any 101  
state highway patrol trooper to perform any duty or service that 102  
is not authorized by law. The powers and duties conferred on the 103  
patrol are supplementary to, and in no way a limitation on, the 104  
powers and duties of sheriffs or other peace officers of the 105  
state. 106

(2) (a) A state highway patrol trooper, pursuant to the policy established by the superintendent of the state highway patrol under division (D) (2) (b) of this section, may render emergency assistance to any other peace officer who has arrest authority under section 2935.03 of the Revised Code, if both of the following apply:

(i) There is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation;

(ii) Either the peace officer requests emergency assistance, or it appears that the peace officer is unable to request emergency assistance and the circumstances observed by the state highway patrol trooper reasonably indicate that emergency assistance is appropriate, or the peace officer requests emergency assistance and in the request the peace officer specifies a particular location and the state highway patrol trooper arrives at that location prior to the time that the peace officer arrives at that location and the circumstances observed by the state highway patrol trooper reasonably indicate that emergency assistance is appropriate.

(b) The superintendent of the state highway patrol shall establish, within sixty days of August 8, 1991, a policy that sets forth the manner and procedures by which a state highway patrol trooper may render emergency assistance to any other peace officer under division (D) (2) (a) of this section. The policy shall include a provision that a state highway patrol trooper never be used as a peace officer in connection with any strike or labor dispute.

(3) (a) A state highway patrol trooper who renders emergency assistance to any other peace officer under the policy

established by the superintendent pursuant to division (D) (2) (b) 137  
of this section shall be considered to be performing regular 138  
employment for the purposes of compensation, pension, indemnity 139  
fund rights, workers' compensation, and other rights or benefits 140  
to which the trooper may be entitled as incident to regular 141  
employment. 142

(b) A state highway patrol trooper who renders emergency 143  
assistance to any other peace officer under the policy 144  
established by the superintendent pursuant to division (D) (2) (b) 145  
of this section retains personal immunity from liability as 146  
specified in section 9.86 of the Revised Code. 147

(c) A state highway patrol trooper who renders emergency 148  
assistance under the policy established by the superintendent 149  
pursuant to division (D) (2) (b) of this section has the same 150  
authority as the peace officer for or with whom the state 151  
highway patrol trooper is providing emergency assistance. 152

(E) (1) Subject to the availability of funds specifically 153  
appropriated by the general assembly for security detail 154  
purposes, the state highway patrol shall provide security as 155  
follows: 156

(a) For the governor; 157

(b) At the direction of the governor, for other officials 158  
of the state government of this state; officials of the state 159  
governments of other states who are visiting this state; 160  
officials of the United States government who are visiting this 161  
state; officials of the governments of foreign countries or 162  
their political subdivisions who are visiting this state; or 163  
other officials or dignitaries who are visiting this state, 164  
including, but not limited to, members of trade missions; 165

(c) For the capitol square, as defined in section 105.41 of the Revised Code; 166  
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(d) For the Vern Riffe center and the James A. Rhodes state office tower, as directed by the department of public safety; 168  
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(e) For other state property. 171

(2) To carry out the security responsibilities of the patrol listed in division (E) (1) of this section, the superintendent may assign state highway patrol troopers to a separate unit that is responsible for security details. The number of troopers assigned to particular security details shall be determined by the superintendent. 172  
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(3) The superintendent and any state highway patrol trooper, when providing security pursuant to division (E) (1) (a) or (b) of this section, have the same arrest powers as other peace officers to apprehend offenders against the criminal laws who endanger or threaten the security of any person being protected, no matter where the offense occurs. 178  
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The superintendent, any state highway patrol trooper, and any special police officer designated under section 5503.09 of the Revised Code, if providing security pursuant to division (E) (1) (c) of this section, shall enforce any rules governing capitol square adopted by the capitol square review and advisory board. 184  
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(F) The governor may order the state highway patrol to undertake major criminal investigations that involve state property interests. If an investigation undertaken pursuant to this division results in either the issuance of a no bill or the filing of an indictment, the superintendent shall file a 190  
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complete and accurate report of the investigation with the 195  
president of the senate, the speaker of the house of 196  
representatives, the minority leader of the senate, and the 197  
minority leader of the house of representatives within fifteen 198  
days after the issuance of the no bill or the filing of an 199  
indictment. If the investigation does not have as its result any 200  
prosecutorial action, the superintendent shall, upon reporting 201  
this fact to the governor, file a complete and accurate report 202  
of the investigation with the president of the senate, the 203  
speaker of the house of representatives, the minority leader of 204  
the senate, and the minority leader of the house of 205  
representatives. 206

(G) The superintendent may purchase or lease real property 207  
and buildings needed by the patrol, negotiate the sale of real 208  
property owned by the patrol, rent or lease real property owned 209  
or leased by the patrol, and make or cause to be made repairs to 210  
all property owned or under the control of the patrol. Any 211  
instrument by which real property is acquired pursuant to this 212  
division shall identify the agency of the state that has the use 213  
and benefit of the real property as specified in section 214  
5301.012 of the Revised Code. 215

Sections 123.01 and 125.02 of the Revised Code do not 216  
limit the powers granted to the superintendent by this 217  
division." 218

In line 338, delete "and" and insert ","; after "2923.129" insert ", 219  
and 5503.02" 220

The motion was \_\_\_\_\_ agreed to.