

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 539**

**Representatives Ghanbari, Blair**

**Cosponsors: Representatives Abrams, Becker, Carfagna, Cross, Crossman,  
Galonski, Hambley, Kick, LaRe, O'Brien, Plummer, Riedel, Swearingen**

---

**A BILL**

To amend sections 2935.03 and 4513.39 of the 1  
Revised Code to permit a township police officer 2  
who serves a population between 5,000 and 50,000 3  
to enforce specified traffic offenses on certain 4  
interstate highways if authorized by that 5  
township's board of trustees. 6

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

**Section 1.** That sections 2935.03 and 4513.39 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 2935.03.** (A) (1) A sheriff, deputy sheriff, marshal, 9  
deputy marshal, municipal police officer, township constable, 10  
police officer of a township or joint police district, member of 11  
a police force employed by a metropolitan housing authority 12  
under division (D) of section 3735.31 of the Revised Code, 13  
member of a police force employed by a regional transit 14  
authority under division (Y) of section 306.35 of the Revised 15  
Code, state university law enforcement officer appointed under 16  
section 3345.04 of the Revised Code, veterans' home police 17  
officer appointed under section 5907.02 of the Revised Code, 18

special police officer employed by a port authority under 19  
section 4582.04 or 4582.28 of the Revised Code, or a special 20  
police officer employed by a municipal corporation at a 21  
municipal airport, or other municipal air navigation facility, 22  
that has scheduled operations, as defined in section 119.3 of 23  
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 24  
amended, and that is required to be under a security program and 25  
is governed by aviation security rules of the transportation 26  
security administration of the United States department of 27  
transportation as provided in Parts 1542. and 1544. of Title 49 28  
of the Code of Federal Regulations, as amended, shall arrest and 29  
detain, until a warrant can be obtained, a person found 30  
violating, within the limits of the political subdivision, 31  
metropolitan housing authority housing project, regional transit 32  
authority facilities or areas of a municipal corporation that 33  
have been agreed to by a regional transit authority and a 34  
municipal corporation located within its territorial 35  
jurisdiction, college, university, veterans' home operated under 36  
Chapter 5907. of the Revised Code, port authority, or municipal 37  
airport or other municipal air navigation facility, in which the 38  
peace officer is appointed, employed, or elected, a law of this 39  
state, an ordinance of a municipal corporation, or a resolution 40  
of a township. 41

(2) A peace officer of the department of natural 42  
resources, a state fire marshal law enforcement officer 43  
described in division (A) (23) of section 109.71 of the Revised 44  
Code, or an individual designated to perform law enforcement 45  
duties under section 511.232, 1545.13, or 6101.75 of the Revised 46  
Code shall arrest and detain, until a warrant can be obtained, a 47  
person found violating, within the limits of the peace 48  
officer's, state fire marshal law enforcement officer's, or 49

individual's territorial jurisdiction, a law of this state. 50

(3) The house sergeant at arms, if the house sergeant at 51  
arms has arrest authority pursuant to division (E)(1) of section 52  
101.311 of the Revised Code, and an assistant house sergeant at 53  
arms shall arrest and detain, until a warrant can be obtained, a 54  
person found violating, within the limits of the sergeant at 55  
arms's or assistant sergeant at arms's territorial jurisdiction 56  
specified in division (D)(1)(a) of section 101.311 of the 57  
Revised Code or while providing security pursuant to division 58  
(D)(1)(f) of section 101.311 of the Revised Code, a law of this 59  
state, an ordinance of a municipal corporation, or a resolution 60  
of a township. 61

(4) The senate sergeant at arms and an assistant senate 62  
sergeant at arms shall arrest and detain, until a warrant can be 63  
obtained, a person found violating, within the limits of the 64  
sergeant at arms's or assistant sergeant at arms's territorial 65  
jurisdiction specified in division (B) of section 101.312 of the 66  
Revised Code, a law of this state, an ordinance of a municipal 67  
corporation, or a resolution of a township. 68

(B)(1) When there is reasonable ground to believe that an 69  
offense of violence, the offense of criminal child enticement as 70  
defined in section 2905.05 of the Revised Code, the offense of 71  
public indecency as defined in section 2907.09 of the Revised 72  
Code, the offense of domestic violence as defined in section 73  
2919.25 of the Revised Code, the offense of violating a 74  
protection order as defined in section 2919.27 of the Revised 75  
Code, the offense of menacing by stalking as defined in section 76  
2903.211 of the Revised Code, the offense of aggravated trespass 77  
as defined in section 2911.211 of the Revised Code, a theft 78  
offense as defined in section 2913.01 of the Revised Code, or a 79

felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation.

(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 5119.71 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 110  
confinement in a vehicle for transportation to or from the 111  
facility, or from supervision by an employee of the facility 112  
that is incidental to hospitalization, institutionalization, or 113  
confinement in the facility and that occurs outside of the 114  
facility, in violation of section 2921.34 of the Revised Code; 115

(c) A written statement by the administrator of any 116  
facility in which a person has been hospitalized, 117  
institutionalized, or confined under an order made pursuant to 118  
or under authority of section 2945.37, 2945.371, 2945.38, 119  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 120  
alleging that the person has escaped from the facility, from 121  
confinement in a vehicle for transportation to or from the 122  
facility, or from supervision by an employee of the facility 123  
that is incidental to hospitalization, institutionalization, or 124  
confinement in the facility and that occurs outside of the 125  
facility, in violation of section 2921.34 of the Revised Code. 126

(3) (a) For purposes of division (B) (1) of this section, a 127  
peace officer described in division (A) of this section has 128  
reasonable grounds to believe that the offense of domestic 129  
violence or the offense of violating a protection order has been 130  
committed and reasonable cause to believe that a particular 131  
person is guilty of committing the offense if any of the 132  
following occurs: 133

(i) A person executes a written statement alleging that 134  
the person in question has committed the offense of domestic 135  
violence or the offense of violating a protection order against 136  
the person who executes the statement or against a child of the 137  
person who executes the statement. 138

(ii) No written statement of the type described in 139

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 has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B) (1) of this section until a warrant can be obtained.

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 has been committed and reasonable cause to believe that family

or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in

addition to any other relevant circumstances, should consider	201
all of the following:	202
(i) Any history of domestic violence or of any other	203
violent acts by either person involved in the alleged offense	204
that the officer reasonably can ascertain;	205
(ii) If violence is alleged, whether the alleged violence	206
was caused by a person acting in self-defense;	207
(iii) Each person's fear of physical harm, if any,	208
resulting from the other person's threatened use of force	209
against any person or resulting from the other person's use or	210
history of the use of force against any person, and the	211
reasonableness of that fear;	212
(iv) The comparative severity of any injuries suffered by	213
the persons involved in the alleged offense.	214
(e) (i) A peace officer described in division (A) of this	215
section shall not require, as a prerequisite to arresting or	216
charging a person who has committed the offense of domestic	217
violence or the offense of violating a protection order, that	218
the victim of the offense specifically consent to the filing of	219
charges against the person who has committed the offense or sign	220
a complaint against the person who has committed the offense.	221
(ii) If a person is arrested for or charged with	222
committing the offense of domestic violence or the offense of	223
violating a protection order and if the victim of the offense	224
does not cooperate with the involved law enforcement or	225
prosecuting authorities in the prosecution of the offense or,	226
subsequent to the arrest or the filing of the charges, informs	227
the involved law enforcement or prosecuting authorities that the	228
victim does not wish the prosecution of the offense to continue	229

or wishes to drop charges against the alleged offender relative 230  
to the offense, the involved prosecuting authorities, in 231  
determining whether to continue with the prosecution of the 232  
offense or whether to dismiss charges against the alleged 233  
offender relative to the offense and notwithstanding the 234  
victim's failure to cooperate or the victim's wishes, shall 235  
consider all facts and circumstances that are relevant to the 236  
offense, including, but not limited to, the statements and 237  
observations of the peace officers who responded to the incident 238  
that resulted in the arrest or filing of the charges and of all 239  
witnesses to that incident. 240

(f) In determining pursuant to divisions (B) (3) (a) to (g) 241  
of this section whether to arrest a person pursuant to division 242  
(B) (1) of this section, a peace officer described in division 243  
(A) of this section shall not consider as a factor any possible 244  
shortage of cell space at the detention facility to which the 245  
person will be taken subsequent to the person's arrest or any 246  
possibility that the person's arrest might cause, contribute to, 247  
or exacerbate overcrowding at that detention facility or at any 248  
other detention facility. 249

(g) If a peace officer described in division (A) of this 250  
section intends pursuant to divisions (B) (3) (a) to (g) of this 251  
section to arrest a person pursuant to division (B) (1) of this 252  
section and if the officer is unable to do so because the person 253  
is not present, the officer promptly shall seek a warrant for 254  
the arrest of the person. 255

(h) If a peace officer described in division (A) of this 256  
section responds to a report of an alleged incident of the 257  
offense of domestic violence or an alleged incident of the 258  
offense of violating a protection order and if the circumstances 259

of the incident involved the use or threatened use of a deadly 260  
weapon or any person involved in the incident brandished a 261  
deadly weapon during or in relation to the incident, the deadly 262  
weapon that was used, threatened to be used, or brandished 263  
constitutes contraband, and, to the extent possible, the officer 264  
shall seize the deadly weapon as contraband pursuant to Chapter 265  
2981. of the Revised Code. Upon the seizure of a deadly weapon 266  
pursuant to division (B) (3) (h) of this section, section 2981.12 267  
of the Revised Code shall apply regarding the treatment and 268  
disposition of the deadly weapon. For purposes of that section, 269  
the "underlying criminal offense" that was the basis of the 270  
seizure of a deadly weapon under division (B) (3) (h) of this 271  
section and to which the deadly weapon had a relationship is any 272  
of the following that is applicable: 273

(i) The alleged incident of the offense of domestic 274  
violence or the alleged incident of the offense of violating a 275  
protection order to which the officer who seized the deadly 276  
weapon responded; 277

(ii) Any offense that arose out of the same facts and 278  
circumstances as the report of the alleged incident of the 279  
offense of domestic violence or the alleged incident of the 280  
offense of violating a protection order to which the officer who 281  
seized the deadly weapon responded. 282

(4) If, in the circumstances described in divisions (B) (3) 283  
(a) to (g) of this section, a peace officer described in 284  
division (A) of this section arrests and detains a person 285  
pursuant to division (B) (1) of this section, or if, pursuant to 286  
division (B) (3) (h) of this section, a peace officer described in 287  
division (A) of this section seizes a deadly weapon, the 288  
officer, to the extent described in and in accordance with 289

section 9.86 or 2744.03 of the Revised Code, is immune in any 290  
civil action for damages for injury, death, or loss to person or 291  
property that arises from or is related to the arrest and 292  
detention or the seizure. 293

(C) When there is reasonable ground to believe that a 294  
violation of division (A) (1), (2), (3), (4), or (5) of section 295  
4506.15 or a violation of section 4511.19 of the Revised Code 296  
has been committed by a person operating a motor vehicle subject 297  
to regulation by the public utilities commission of Ohio under 298  
Title XLIX of the Revised Code, a peace officer with authority 299  
to enforce that provision of law may stop or detain the person 300  
whom the officer has reasonable cause to believe was operating 301  
the motor vehicle in violation of the division or section and, 302  
after investigating the circumstances surrounding the operation 303  
of the vehicle, may arrest and detain the person. 304

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 305  
municipal police officer, member of a police force employed by a 306  
metropolitan housing authority under division (D) of section 307  
3735.31 of the Revised Code, member of a police force employed 308  
by a regional transit authority under division (Y) of section 309  
306.35 of the Revised Code, special police officer employed by a 310  
port authority under section 4582.04 or 4582.28 of the Revised 311  
Code, special police officer employed by a municipal corporation 312  
at a municipal airport or other municipal air navigation 313  
facility described in division (A) of this section, township 314  
constable, police officer of a township or joint police 315  
district, state university law enforcement officer appointed 316  
under section 3345.04 of the Revised Code, peace officer of the 317  
department of natural resources, individual designated to 318  
perform law enforcement duties under section 511.232, 1545.13, 319  
or 6101.75 of the Revised Code, the house sergeant at arms if 320

the house sergeant at arms has arrest authority pursuant to 321  
division (E) (1) of section 101.311 of the Revised Code, or an 322  
assistant house sergeant at arms is authorized by division (A) 323  
or (B) of this section to arrest and detain, within the limits 324  
of the political subdivision, metropolitan housing authority 325  
housing project, regional transit authority facilities or those 326  
areas of a municipal corporation that have been agreed to by a 327  
regional transit authority and a municipal corporation located 328  
within its territorial jurisdiction, port authority, municipal 329  
airport or other municipal air navigation facility, college, or 330  
university in which the officer is appointed, employed, or 331  
elected or within the limits of the territorial jurisdiction of 332  
the peace officer, a person until a warrant can be obtained, the 333  
peace officer, outside the limits of that territory, may pursue, 334  
arrest, and detain that person until a warrant can be obtained 335  
if all of the following apply: 336

(1) The pursuit takes place without unreasonable delay 337  
after the offense is committed; 338

(2) The pursuit is initiated within the limits of the 339  
political subdivision, metropolitan housing authority housing 340  
project, regional transit authority facilities or those areas of 341  
a municipal corporation that have been agreed to by a regional 342  
transit authority and a municipal corporation located within its 343  
territorial jurisdiction, port authority, municipal airport or 344  
other municipal air navigation facility, college, or university 345  
in which the peace officer is appointed, employed, or elected or 346  
within the limits of the territorial jurisdiction of the peace 347  
officer; 348

(3) The offense involved is a felony, a misdemeanor of the 349  
first degree or a substantially equivalent municipal ordinance, 350

a misdemeanor of the second degree or a substantially equivalent 351  
municipal ordinance, or any offense for which points are 352  
chargeable pursuant to section 4510.036 of the Revised Code. 353

(E) In addition to the authority granted under division 354  
(A) or (B) of this section: 355

(1) A sheriff or deputy sheriff may arrest and detain, 356  
until a warrant can be obtained, any person found violating 357  
section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 358  
4549.12, section 4549.62, or Chapter 4511. or 4513. of the 359  
Revised Code on the portion of any street or highway that is 360  
located immediately adjacent to the boundaries of the county in 361  
which the sheriff or deputy sheriff is elected or appointed. 362

(2) A member of the police force of a township police 363  
district created under section 505.48 of the Revised Code, a 364  
member of the police force of a joint police district created 365  
under section 505.482 of the Revised Code, or a township 366  
constable appointed in accordance with section 509.01 of the 367  
Revised Code, who has received a certificate from the Ohio peace 368  
officer training commission under section 109.75 of the Revised 369  
Code, may arrest and detain, until a warrant can be obtained, 370  
any person found violating any section or chapter of the Revised 371  
Code listed in division (E)(1) of this section, other than 372  
sections 4513.33 and 4513.34 of the Revised Code, on the portion 373  
of any street or highway that is located immediately adjacent to 374  
the boundaries of the township police district or joint police 375  
district, in the case of a member of a township police district 376  
or joint police district police force, or the unincorporated 377  
territory of the township, in the case of a township constable. 378  
However, if the population of the township that created the 379  
township police district served by the member's police force, or 380

the townships and municipal corporations that created the joint 381  
police district served by the member's police force, or the 382  
township that is served by the township constable, is ~~sixty~~ 383  
fifty thousand or less, the member of the township police 384  
district or joint police district police force or the township 385  
constable may not make an arrest under division (E) (2) of this 386  
section on a state highway that is included as part of the 387  
interstate system, unless authorized under division (C) of 388  
section 4513.39 of the Revised Code. 389

(3) A police officer or village marshal appointed, 390  
elected, or employed by a municipal corporation may arrest and 391  
detain, until a warrant can be obtained, any person found 392  
violating any section or chapter of the Revised Code listed in 393  
division (E) (1) of this section on the portion of any street or 394  
highway that is located immediately adjacent to the boundaries 395  
of the municipal corporation in which the police officer or 396  
village marshal is appointed, elected, or employed. 397

(4) A peace officer of the department of natural 398  
resources, a state fire marshal law enforcement officer 399  
described in division (A) (23) of section 109.71 of the Revised 400  
Code, or an individual designated to perform law enforcement 401  
duties under section 511.232, 1545.13, or 6101.75 of the Revised 402  
Code may arrest and detain, until a warrant can be obtained, any 403  
person found violating any section or chapter of the Revised 404  
Code listed in division (E) (1) of this section, other than 405  
sections 4513.33 and 4513.34 of the Revised Code, on the portion 406  
of any street or highway that is located immediately adjacent to 407  
the boundaries of the lands and waters that constitute the 408  
territorial jurisdiction of the peace officer or state fire 409  
marshal law enforcement officer. 410

(F) (1) A department of mental health and addiction 411  
services special police officer or a department of developmental 412  
disabilities special police officer may arrest without a warrant 413  
and detain until a warrant can be obtained any person found 414  
committing on the premises of any institution under the 415  
jurisdiction of the particular department a misdemeanor under a 416  
law of the state. 417

A department of mental health and addiction services 418  
special police officer or a department of developmental 419  
disabilities special police officer may arrest without a warrant 420  
and detain until a warrant can be obtained any person who has 421  
been hospitalized, institutionalized, or confined in an 422  
institution under the jurisdiction of the particular department 423  
pursuant to or under authority of section 2945.37, 2945.371, 424  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 425  
Code and who is found committing on the premises of any 426  
institution under the jurisdiction of the particular department 427  
a violation of section 2921.34 of the Revised Code that involves 428  
an escape from the premises of the institution. 429

(2) (a) If a department of mental health and addiction 430  
services special police officer or a department of developmental 431  
disabilities special police officer finds any person who has 432  
been hospitalized, institutionalized, or confined in an 433  
institution under the jurisdiction of the particular department 434  
pursuant to or under authority of section 2945.37, 2945.371, 435  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 436  
Code committing a violation of section 2921.34 of the Revised 437  
Code that involves an escape from the premises of the 438  
institution, or if there is reasonable ground to believe that a 439  
violation of section 2921.34 of the Revised Code has been 440  
committed that involves an escape from the premises of an 441

institution under the jurisdiction of the department of mental 442  
health and addiction services or the department of developmental 443  
disabilities and if a department of mental health and addiction 444  
services special police officer or a department of developmental 445  
disabilities special police officer has reasonable cause to 446  
believe that a particular person who has been hospitalized, 447  
institutionalized, or confined in the institution pursuant to or 448  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 449  
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 450  
the violation, the special police officer, outside of the 451  
premises of the institution, may pursue, arrest, and detain that 452  
person for that violation of section 2921.34 of the Revised 453  
Code, until a warrant can be obtained, if both of the following 454  
apply: 455

(i) The pursuit takes place without unreasonable delay 456  
after the offense is committed; 457

(ii) The pursuit is initiated within the premises of the 458  
institution from which the violation of section 2921.34 of the 459  
Revised Code occurred. 460

(b) For purposes of division (F) (2) (a) of this section, 461  
the execution of a written statement by the administrator of the 462  
institution in which a person had been hospitalized, 463  
institutionalized, or confined pursuant to or under authority of 464  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 465  
or 2945.402 of the Revised Code alleging that the person has 466  
escaped from the premises of the institution in violation of 467  
section 2921.34 of the Revised Code constitutes reasonable 468  
ground to believe that the violation was committed and 469  
reasonable cause to believe that the person alleged in the 470  
statement to have committed the offense is guilty of the 471

violation.	472
(G) As used in this section:	473
(1) A "department of mental health and addiction services special police officer" means a special police officer of the department of mental health and addiction services designated under section 5119.08 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	474 475 476 477 478 479 480
(2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	481 482 483 484 485 486 487
(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	488 489
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	490 491
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	492 493
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	494 495
(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-fire	496 497 498 499

investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code.

(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.

**Sec. 4513.39.** (A) The state highway patrol and sheriffs or their deputies shall exercise, to the exclusion of all other peace officers, except within municipal corporations and except as specified in ~~division~~ divisions (B) and (C) of this section and division (E) of section 2935.03 of the Revised Code, the power to make arrests for violations on all state highways, of sections 4503.11, 4503.21, 4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 4511.40, 4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 4511.71, 4513.03 to 4513.13, 4513.15 to 4513.22, 4513.24 to 4513.34, 4549.01, 4549.08 to 4549.12, and 4549.62 of the Revised Code.

(B) A member of the police force of a township police district created under section 505.48 of the Revised Code or of a joint police district created under section 505.482 of the Revised Code, and a township constable appointed pursuant to section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, shall exercise the power to make arrests for violations of those sections listed in division (A) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, as follows:

(1) ~~If~~ Except as specified in division (C) of this

section, if the population of the township that created the 530  
township or joint police district served by the member's police 531  
force or the township that is served by the township constable 532  
is fifty thousand or less according to the most recent federal 533  
decennial census, the member or constable shall exercise that 534  
power on those portions of all state highways, including those 535  
highways that are part of the national highway system but that 536  
are not part of the interstate system, that are located within 537  
the township or joint police district, in the case of a member 538  
of a township or joint police district police force, or within 539  
the unincorporated territory of the township, in the case of a 540  
township constable. 541

(2) If the population of the township that created the 542  
township or joint police district served by the member's police 543  
force or the township that is served by the township constable 544  
is greater than fifty thousand according to the most recent 545  
federal decennial census, the member or constable shall exercise 546  
that power on those portions of all state highways, including 547  
any highway that is a part of the interstate highway system or 548  
otherwise a part of the national highway system, that are 549  
located within the township or joint police district, in the 550  
case of a member of a township or joint police district police 551  
force, or within the unincorporated territory of the township, 552  
in the case of a township constable. 553

(C) If the population of the township that created the 554  
township or joint police district served by the member's police 555  
force or the township that is served by the township constable 556  
is between five thousand and fifty thousand according to the 557  
most recent federal decennial census, the township board of 558  
trustees may adopt, and may subsequently rescind, a resolution 559  
authorizing a member or constable to make arrests for violations 560

of those sections listed in division (A) of this section, other 561  
than sections 4513.33 and 4513.34 of the Revised Code, on any 562  
highway that meets all of the following conditions: 563

(1) The highway is a part of the interstate highway 564  
system. 565

(2) The highway is located within the township or joint 566  
police district, in the case of a member of a township or joint 567  
police district police force, or within the unincorporated 568  
territory of the township, in the case of a township constable. 569

(3) (a) There is a permanent access point on and off the 570  
highway open to the general public for the member or constable 571  
to use that is located within the township or joint police 572  
district, in the case of a member of a township or joint police 573  
district police force, or within the unincorporated territory of 574  
the township, in the case of a township constable. 575

(b) An access point specified by division (C) (3) (a) of 576  
this section that is available as of the effective date of this 577  
section remains an available access point for a member or 578  
constable even if the territory in which the access point is 579  
located is subsequently annexed by a municipal corporation. 580

**Section 2.** That existing sections 2935.03 and 4513.39 of 581  
the Revised Code are hereby repealed. 582