

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 255

Representative Hambley

**Cosponsors: Representatives Rezabek, Slaby, DeVitis, Riedel, Becker, Arndt,
Kick, Stein**

A BILL

To amend sections 2935.03, 4511.093, and 4513.39 of 1
the Revised Code to authorize a township officer 2
who serves a population of greater than 5,000 to 3
make arrests for specified traffic offenses on 4
interstate highways within and adjacent to the 5
officer's territory and to prohibit townships 6
from using traffic law photo-monitoring devices 7
on interstate highways. 8

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

Section 1. That sections 2935.03, 4511.093, and 4513.39 of 9
the Revised Code be amended to read as follows: 10

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

section 3345.04 of the Revised Code, veterans' home police 19
officer appointed under section 5907.02 of the Revised Code, 20
special police officer employed by a port authority under 21
section 4582.04 or 4582.28 of the Revised Code, or a special 22
police officer employed by a municipal corporation at a 23
municipal airport, or other municipal air navigation facility, 24
that has scheduled operations, as defined in section 119.3 of 25
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 26
amended, and that is required to be under a security program and 27
is governed by aviation security rules of the transportation 28
security administration of the United States department of 29
transportation as provided in Parts 1542. and 1544. of Title 49 30
of the Code of Federal Regulations, as amended, shall arrest and 31
detain, until a warrant can be obtained, a person found 32
violating, within the limits of the political subdivision, 33
metropolitan housing authority housing project, regional transit 34
authority facilities or areas of a municipal corporation that 35
have been agreed to by a regional transit authority and a 36
municipal corporation located within its territorial 37
jurisdiction, college, university, veterans' home operated under 38
Chapter 5907. of the Revised Code, port authority, or municipal 39
airport or other municipal air navigation facility, in which the 40
peace officer is appointed, employed, or elected, a law of this 41
state, an ordinance of a municipal corporation, or a resolution 42
of a township. 43

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

person found violating, within the limits of the peace 50
officer's, state fire marshal law enforcement officer's, or 51
individual's territorial jurisdiction, a law of this state. 52

(3) The house sergeant at arms, if the house sergeant at 53
arms has arrest authority pursuant to division (E) (1) of section 54
101.311 of the Revised Code, and an assistant house sergeant at 55
arms shall arrest and detain, until a warrant can be obtained, a 56
person found violating, within the limits of the sergeant at 57
arms's or assistant sergeant at arms's territorial jurisdiction 58
specified in division (D) (1) (a) of section 101.311 of the 59
Revised Code or while providing security pursuant to division 60
(D) (1) (f) of section 101.311 of the Revised Code, a law of this 61
state, an ordinance of a municipal corporation, or a resolution 62
of a township. 63

(4) The senate sergeant at arms and an assistant senate 64
sergeant at arms shall arrest and detain, until a warrant can be 65
obtained, a person found violating, within the limits of the 66
sergeant at arms's or assistant sergeant at arms's territorial 67
jurisdiction specified in division (B) of section 101.312 of the 68
Revised Code, a law of this state, an ordinance of a municipal 69
corporation, or a resolution of a township. 70

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

as defined in section 2911.211 of the Revised Code, a theft 80
offense as defined in section 2913.01 of the Revised Code, or a 81
felony drug abuse offense as defined in section 2925.01 of the 82
Revised Code, has been committed within the limits of the 83
political subdivision, metropolitan housing authority housing 84
project, regional transit authority facilities or those areas of 85
a municipal corporation that have been agreed to by a regional 86
transit authority and a municipal corporation located within its 87
territorial jurisdiction, college, university, veterans' home 88
operated under Chapter 5907. of the Revised Code, port 89
authority, or municipal airport or other municipal air 90
navigation facility, in which the peace officer is appointed, 91
employed, or elected or within the limits of the territorial 92
jurisdiction of the peace officer, a peace officer described in 93
division (A) of this section may arrest and detain until a 94
warrant can be obtained any person who the peace officer has 95
reasonable cause to believe is guilty of the violation. 96

(2) For purposes of division (B) (1) of this section, the 97
execution of any of the following constitutes reasonable ground 98
to believe that the offense alleged in the statement was 99
committed and reasonable cause to believe that the person 100
alleged in the statement to have committed the offense is guilty 101
of the violation: 102

(a) A written statement by a person alleging that an 103
alleged offender has committed the offense of menacing by 104
stalking or aggravated trespass; 105

(b) A written statement by the administrator of the 106
interstate compact on mental health appointed under section 107
5119.71 of the Revised Code alleging that a person who had been 108
hospitalized, institutionalized, or confined in any facility 109

under an order made pursuant to or under authority of section 110
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 111
2945.402 of the Revised Code has escaped from the facility, from 112
confinement in a vehicle for transportation to or from the 113
facility, or from supervision by an employee of the facility 114
that is incidental to hospitalization, institutionalization, or 115
confinement in the facility and that occurs outside of the 116
facility, in violation of section 2921.34 of the Revised Code; 117

(c) A written statement by the administrator of any 118
facility in which a person has been hospitalized, 119
institutionalized, or confined under an order made pursuant to 120
or under authority of section 2945.37, 2945.371, 2945.38, 121
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 122
alleging that the person has escaped from the facility, from 123
confinement in a vehicle for transportation to or from the 124
facility, or from supervision by an employee of the facility 125
that is incidental to hospitalization, institutionalization, or 126
confinement in the facility and that occurs outside of the 127
facility, in violation of section 2921.34 of the Revised Code. 128

(3) (a) For purposes of division (B) (1) of this section, a 129
peace officer described in division (A) of this section has 130
reasonable grounds to believe that the offense of domestic 131
violence or the offense of violating a protection order has been 132
committed and reasonable cause to believe that a particular 133
person is guilty of committing the offense if any of the 134
following occurs: 135

(i) A person executes a written statement alleging that 136
the person in question has committed the offense of domestic 137
violence or the offense of violating a protection order against 138
the person who executes the statement or against a child of the 139

person who executes the statement. 140

(ii) No written statement of the type described in 141
division (B) (3) (a) (i) of this section is executed, but the peace 142
officer, based upon the peace officer's own knowledge and 143
observation of the facts and circumstances of the alleged 144
incident of the offense of domestic violence or the alleged 145
incident of the offense of violating a protection order or based 146
upon any other information, including, but not limited to, any 147
reasonably trustworthy information given to the peace officer by 148
the alleged victim of the alleged incident of the offense or any 149
witness of the alleged incident of the offense, concludes that 150
there are reasonable grounds to believe that the offense of 151
domestic violence or the offense of violating a protection order 152
has been committed and reasonable cause to believe that the 153
person in question is guilty of committing the offense. 154

(iii) No written statement of the type described in 155
division (B) (3) (a) (i) of this section is executed, but the peace 156
officer witnessed the person in question commit the offense of 157
domestic violence or the offense of violating a protection 158
order. 159

(b) If pursuant to division (B) (3) (a) of this section a 160
peace officer has reasonable grounds to believe that the offense 161
of domestic violence or the offense of violating a protection 162
order has been committed and reasonable cause to believe that a 163
particular person is guilty of committing the offense, it is the 164
preferred course of action in this state that the officer arrest 165
and detain that person pursuant to division (B) (1) of this 166
section until a warrant can be obtained. 167

If pursuant to division (B) (3) (a) of this section a peace 168
officer has reasonable grounds to believe that the offense of 169

domestic violence or the offense of violating a protection order 170
has been committed and reasonable cause to believe that family 171
or household members have committed the offense against each 172
other, it is the preferred course of action in this state that 173
the officer, pursuant to division (B)(1) of this section, arrest 174
and detain until a warrant can be obtained the family or 175
household member who committed the offense and whom the officer 176
has reasonable cause to believe is the primary physical 177
aggressor. There is no preferred course of action in this state 178
regarding any other family or household member who committed the 179
offense and whom the officer does not have reasonable cause to 180
believe is the primary physical aggressor, but, pursuant to 181
division (B)(1) of this section, the peace officer may arrest 182
and detain until a warrant can be obtained any other family or 183
household member who committed the offense and whom the officer 184
does not have reasonable cause to believe is the primary 185
physical aggressor. 186

(c) If a peace officer described in division (A) of this 187
section does not arrest and detain a person whom the officer has 188
reasonable cause to believe committed the offense of domestic 189
violence or the offense of violating a protection order when it 190
is the preferred course of action in this state pursuant to 191
division (B)(3)(b) of this section that the officer arrest that 192
person, the officer shall articulate in the written report of 193
the incident required by section 2935.032 of the Revised Code a 194
clear statement of the officer's reasons for not arresting and 195
detaining that person until a warrant can be obtained. 196

(d) In determining for purposes of division (B)(3)(b) of 197
this section which family or household member is the primary 198
physical aggressor in a situation in which family or household 199
members have committed the offense of domestic violence or the 200

offense of violating a protection order against each other, a 201
peace officer described in division (A) of this section, in 202
addition to any other relevant circumstances, should consider 203
all of the following: 204

(i) Any history of domestic violence or of any other 205
violent acts by either person involved in the alleged offense 206
that the officer reasonably can ascertain; 207

(ii) If violence is alleged, whether the alleged violence 208
was caused by a person acting in self-defense; 209

(iii) Each person's fear of physical harm, if any, 210
resulting from the other person's threatened use of force 211
against any person or resulting from the other person's use or 212
history of the use of force against any person, and the 213
reasonableness of that fear; 214

(iv) The comparative severity of any injuries suffered by 215
the persons involved in the alleged offense. 216

(e) (i) A peace officer described in division (A) of this 217
section shall not require, as a prerequisite to arresting or 218
charging a person who has committed the offense of domestic 219
violence or the offense of violating a protection order, that 220
the victim of the offense specifically consent to the filing of 221
charges against the person who has committed the offense or sign 222
a complaint against the person who has committed the offense. 223

(ii) If a person is arrested for or charged with 224
committing the offense of domestic violence or the offense of 225
violating a protection order and if the victim of the offense 226
does not cooperate with the involved law enforcement or 227
prosecuting authorities in the prosecution of the offense or, 228
subsequent to the arrest or the filing of the charges, informs 229

the involved law enforcement or prosecuting authorities that the 230
victim does not wish the prosecution of the offense to continue 231
or wishes to drop charges against the alleged offender relative 232
to the offense, the involved prosecuting authorities, in 233
determining whether to continue with the prosecution of the 234
offense or whether to dismiss charges against the alleged 235
offender relative to the offense and notwithstanding the 236
victim's failure to cooperate or the victim's wishes, shall 237
consider all facts and circumstances that are relevant to the 238
offense, including, but not limited to, the statements and 239
observations of the peace officers who responded to the incident 240
that resulted in the arrest or filing of the charges and of all 241
witnesses to that incident. 242

(f) In determining pursuant to divisions (B) (3) (a) to (g) 243
of this section whether to arrest a person pursuant to division 244
(B) (1) of this section, a peace officer described in division 245
(A) of this section shall not consider as a factor any possible 246
shortage of cell space at the detention facility to which the 247
person will be taken subsequent to the person's arrest or any 248
possibility that the person's arrest might cause, contribute to, 249
or exacerbate overcrowding at that detention facility or at any 250
other detention facility. 251

(g) If a peace officer described in division (A) of this 252
section intends pursuant to divisions (B) (3) (a) to (g) of this 253
section to arrest a person pursuant to division (B) (1) of this 254
section and if the officer is unable to do so because the person 255
is not present, the officer promptly shall seek a warrant for 256
the arrest of the person. 257

(h) If a peace officer described in division (A) of this 258
section responds to a report of an alleged incident of the 259

offense of domestic violence or an alleged incident of the 260
offense of violating a protection order and if the circumstances 261
of the incident involved the use or threatened use of a deadly 262
weapon or any person involved in the incident brandished a 263
deadly weapon during or in relation to the incident, the deadly 264
weapon that was used, threatened to be used, or brandished 265
constitutes contraband, and, to the extent possible, the officer 266
shall seize the deadly weapon as contraband pursuant to Chapter 267
2981. of the Revised Code. Upon the seizure of a deadly weapon 268
pursuant to division (B) (3) (h) of this section, section 2981.12 269
of the Revised Code shall apply regarding the treatment and 270
disposition of the deadly weapon. For purposes of that section, 271
the "underlying criminal offense" that was the basis of the 272
seizure of a deadly weapon under division (B) (3) (h) of this 273
section and to which the deadly weapon had a relationship is any 274
of the following that is applicable: 275

(i) The alleged incident of the offense of domestic 276
violence or the alleged incident of the offense of violating a 277
protection order to which the officer who seized the deadly 278
weapon responded; 279

(ii) Any offense that arose out of the same facts and 280
circumstances as the report of the alleged incident of the 281
offense of domestic violence or the alleged incident of the 282
offense of violating a protection order to which the officer who 283
seized the deadly weapon responded. 284

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

division (A) of this section seizes a deadly weapon, the 290
officer, to the extent described in and in accordance with 291
section 9.86 or 2744.03 of the Revised Code, is immune in any 292
civil action for damages for injury, death, or loss to person or 293
property that arises from or is related to the arrest and 294
detention or the seizure. 295

(C) When there is reasonable ground to believe that a 296
violation of division (A) (1), (2), (3), (4), or (5) of section 297
4506.15 or a violation of section 4511.19 of the Revised Code 298
has been committed by a person operating a motor vehicle subject 299
to regulation by the public utilities commission of Ohio under 300
Title XLIX of the Revised Code, a peace officer with authority 301
to enforce that provision of law may stop or detain the person 302
whom the officer has reasonable cause to believe was operating 303
the motor vehicle in violation of the division or section and, 304
after investigating the circumstances surrounding the operation 305
of the vehicle, may arrest and detain the person. 306

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

perform law enforcement duties under section 511.232, 1545.13, 321
or 6101.75 of the Revised Code, the house sergeant at arms if 322
the house sergeant at arms has arrest authority pursuant to 323
division (E) (1) of section 101.311 of the Revised Code, or an 324
assistant house sergeant at arms is authorized by division (A) 325
or (B) of this section to arrest and detain, within the limits 326
of the political subdivision, metropolitan housing authority 327
housing project, regional transit authority facilities or those 328
areas of a municipal corporation that have been agreed to by a 329
regional transit authority and a municipal corporation located 330
within its territorial jurisdiction, port authority, municipal 331
airport or other municipal air navigation facility, college, or 332
university in which the officer is appointed, employed, or 333
elected or within the limits of the territorial jurisdiction of 334
the peace officer, a person until a warrant can be obtained, the 335
peace officer, outside the limits of that territory, may pursue, 336
arrest, and detain that person until a warrant can be obtained 337
if all of the following apply: 338

(1) The pursuit takes place without unreasonable delay 339
after the offense is committed; 340

(2) The pursuit is initiated within the limits of the 341
political subdivision, metropolitan housing authority housing 342
project, regional transit authority facilities or those areas of 343
a municipal corporation that have been agreed to by a regional 344
transit authority and a municipal corporation located within its 345
territorial jurisdiction, port authority, municipal airport or 346
other municipal air navigation facility, college, or university 347
in which the peace officer is appointed, employed, or elected or 348
within the limits of the territorial jurisdiction of the peace 349
officer; 350

(3) The offense involved is a felony, a misdemeanor of the 351
first degree or a substantially equivalent municipal ordinance, 352
a misdemeanor of the second degree or a substantially equivalent 353
municipal ordinance, or any offense for which points are 354
chargeable pursuant to section 4510.036 of the Revised Code. 355

(E) In addition to the authority granted under division 356
(A) or (B) of this section: 357

(1) A sheriff or deputy sheriff may arrest and detain, 358
until a warrant can be obtained, any person found violating 359
section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 360
4549.12, section 4549.62, or Chapter 4511. or 4513. of the 361
Revised Code on the portion of any street or highway that is 362
located immediately adjacent to the boundaries of the county in 363
which the sheriff or deputy sheriff is elected or appointed. 364

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

However, if the population of the township that created the 381
township police district served by the member's police force, or 382
the townships and municipal corporations that created the joint 383
police district served by the member's police force, or the 384
township that is served by the township constable, is ~~sixty-five~~ 385
thousand or less, the member of the township police district or 386
joint police district police force or the township constable may 387
not make an arrest under division (E) (2) of this section on a 388
state highway that is included as part of the interstate system. 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. 4511.093. (A) A local authority may utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations. If the local authority is a county or township, the board of county commissioners or the board of township trustees may adopt such resolutions as may be necessary to enable the county or township to utilize traffic law photo-monitoring devices.

(B) The use of a traffic law photo-monitoring device is subject to the following conditions:

(1) A local authority shall use a traffic law photo-monitoring device to detect and enforce traffic law violations only if a law enforcement officer is present at the location of the device at all times during the operation of the device and if the local authority complies with sections 4511.094 and 4511.095 of the Revised Code.

(2) A law enforcement officer who is present at the location of any traffic law photo-monitoring device and who personally witnesses a traffic law violation may issue a ticket for the violation. Such a ticket shall be issued in accordance with section 2935.25 of the Revised Code and is not subject to sections 4511.096 to 4511.0910 and section 4511.912 of the

Revised Code.	529
(3) If a traffic law photo-monitoring device records a traffic law violation and the law enforcement officer who was present at the location of the traffic law photo-monitoring device does not issue a ticket as provided under division (B) (2) of this section, the local authority may only issue a ticket in accordance with sections 4511.096 to 4511.0912 of the Revised Code.	530 531 532 533 534 535 536
<u>(C) No township constable or member of a police force of a township or joint police district shall utilize a traffic law photo-monitoring device to detect and enforce traffic law violations on an interstate highway.</u>	537 538 539 540
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 (B) 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.	541 542 543 544 545 546 547 548 549 550 551
(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	552 553 554 555 556 557 558

power to make arrests for violations of those sections listed in 559
division (A) of this section, other than sections 4513.33 and 560
4513.34 of the Revised Code, as follows: 561

(1) If the population of the township that created the 562
township or joint police district served by the member's police 563
force or the township that is served by the township constable 564
is ~~fifty~~ five thousand or less, the member or constable shall 565
exercise that power on those portions of all state highways, 566
including those highways that are part of the national highway 567
system but that are not part of the interstate system, that are 568
located within the township or joint police district, in the 569
case of a member of a township or joint police district police 570
force, or within the unincorporated territory of the township, 571
in the case of a township constable; 572

(2) If the population of the township that created the 573
township or joint police district served by the member's police 574
force or the township that is served by the township constable 575
is greater than ~~fifty~~ five thousand, the member or constable 576
shall exercise that power on those portions of all state 577
highways, including any highway that is a part of the interstate 578
highway system or otherwise a part of the national highway 579
system, that are located within the township or joint police 580
district, in the case of a member of a township or joint police 581
district police force, or within the unincorporated territory of 582
the township, in the case of a township constable. 583

Section 2. That existing sections 2935.03, 4511.093, and 584
4513.39 of the Revised Code are hereby repealed. 585