

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 204

Representatives Derickson, Manning

A BILL

To amend sections 109.73, 109.74, and 109.77 of the Revised Code to prohibit the Ohio Peace Officer Training Commission from recommending and the Attorney General from adopting a rule limiting the number of hours of basic training required for peace officers and to generally require all persons newly appointed to a peace officer position to have received a high school diploma or certificate of high school equivalence.

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

Section 1. That sections 109.73, 109.74, and 109.77 of the Revised Code be amended to read as follows:

Sec. 109.73. (A) The Ohio peace officer training commission shall recommend rules to the attorney general with respect to all of the following:

(1) The approval, or revocation of approval, of peace officer training schools administered by the state, counties, municipal corporations, public school districts, technical college districts, and the department of natural resources;

(2) Minimum courses of study, attendance requirements, and

equipment and facilities to be required at approved state, 20
county, municipal, and department of natural resources peace 21
officer training schools; 22

(3) Minimum qualifications for instructors at approved 23
state, county, municipal, and department of natural resources 24
peace officer training schools; 25

(4) The requirements of minimum basic training that peace 26
officers appointed to probationary terms shall complete before 27
being eligible for permanent appointment, which requirements 28
shall include training in the handling of the offense of 29
domestic violence, other types of domestic violence-related 30
offenses and incidents, and protection orders and consent 31
agreements issued or approved under section 2919.26 or 3113.31 32
of the Revised Code; crisis intervention training; and training 33
in the handling of missing children and child abuse and neglect 34
cases; and training in handling violations of section 2905.32 of 35
the Revised Code; and the time within which such basic training 36
shall be completed following appointment to a probationary term; 37

(5) The requirements of minimum basic training that peace 38
officers not appointed for probationary terms but appointed on 39
other than a permanent basis shall complete in order to be 40
eligible for continued employment or permanent appointment, 41
which requirements shall include training in the handling of the 42
offense of domestic violence, other types of domestic violence- 43
related offenses and incidents, and protection orders and 44
consent agreements issued or approved under section 2919.26 or 45
3113.31 of the Revised Code, crisis intervention training, and 46
training in the handling of missing children and child abuse and 47
neglect cases, and training in handling violations of section 48
2905.32 of the Revised Code, and the time within which such 49

basic training shall be completed following appointment on other 50
than a permanent basis; 51

(6) Categories or classifications of advanced in-service 52
training programs for peace officers, including programs in the 53
handling of the offense of domestic violence, other types of 54
domestic violence-related offenses and incidents, and protection 55
orders and consent agreements issued or approved under section 56
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 57
and in the handling of missing children and child abuse and 58
neglect cases, and in handling violations of section 2905.32 of 59
the Revised Code, and minimum courses of study and attendance 60
requirements with respect to such categories or classifications; 61

(7) Permitting persons, who are employed as members of a 62
campus police department appointed under section 1713.50 of the 63
Revised Code; who are employed as police officers by a qualified 64
nonprofit corporation police department pursuant to section 65
1702.80 of the Revised Code; who are appointed and commissioned 66
as bank, savings and loan association, savings bank, credit 67
union, or association of banks, savings and loan associations, 68
savings banks, or credit unions police officers, as railroad 69
police officers, or as hospital police officers pursuant to 70
sections 4973.17 to 4973.22 of the Revised Code; or who are 71
appointed and commissioned as amusement park police officers 72
pursuant to section 4973.17 of the Revised Code, to attend 73
approved peace officer training schools, including the Ohio 74
peace officer training academy, and to receive certificates of 75
satisfactory completion of basic training programs, if the 76
private college or university that established the campus police 77
department; qualified nonprofit corporation police department; 78
bank, savings and loan association, savings bank, credit union, 79
or association of banks, savings and loan associations, savings 80

banks, or credit unions; railroad company; hospital; or 81
amusement park sponsoring the police officers pays the entire 82
cost of the training and certification and if trainee vacancies 83
are available; 84

(8) Permitting undercover drug agents to attend approved 85
peace officer training schools, other than the Ohio peace 86
officer training academy, and to receive certificates of 87
satisfactory completion of basic training programs, if, for each 88
undercover drug agent, the county, township, or municipal 89
corporation that employs that undercover drug agent pays the 90
entire cost of the training and certification; 91

(9) (a) The requirements for basic training programs for 92
bailiffs and deputy bailiffs of courts of record of this state 93
and for criminal investigators employed by the state public 94
defender that those persons shall complete before they may carry 95
a firearm while on duty; 96

(b) The requirements for any training received by a 97
bailiff or deputy bailiff of a court of record of this state or 98
by a criminal investigator employed by the state public defender 99
prior to June 6, 1986, that is to be considered equivalent to 100
the training described in division (A) (9) (a) of this section. 101

(10) Establishing minimum qualifications and requirements 102
for certification for dogs utilized by law enforcement agencies; 103

(11) Establishing minimum requirements for certification 104
of persons who are employed as correction officers in a full- 105
service jail, five-day facility, or eight-hour holding facility 106
or who provide correction services in such a jail or facility; 107

(12) Establishing requirements for the training of agents 108
of a county humane society under section 1717.06 of the Revised 109

Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.

(B) The commission shall not recommend any rule or rules to the attorney general with respect to any limit on the number of basic training hours in any program or topic listed in division (A) of this section.

(C) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their expenses within the amounts available for reimbursement by appropriation and with the approval of the commission.

~~(C)~~ (D) The commission may do all of the following:

(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;

(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;

(3) Make recommendations, from time to time, to the

executive director, the attorney general, and the general 139
assembly regarding the carrying out of the purposes of sections 140
109.71 to 109.77 of the Revised Code; 141

(4) Report to the attorney general from time to time, and 142
to the governor and the general assembly at least annually, 143
concerning the activities of the commission; 144

(5) Establish fees for the services the commission offers 145
under sections 109.71 to 109.79 of the Revised Code, including, 146
but not limited to, fees for training, certification, and 147
testing; 148

(6) Perform such other acts as are necessary or 149
appropriate to carry out the powers and duties of the commission 150
as set forth in sections 109.71 to 109.77 of the Revised Code. 151

~~(D)~~ (E) In establishing the requirements, under division 152
(A) (12) of this section, the commission may consider any 153
portions of the curriculum for instruction on the topic of 154
animal husbandry practices, if any, of the Ohio state university 155
college of veterinary medicine. No person or entity that fails 156
to provide instruction on traditional animal husbandry methods 157
and training techniques, including customary owner-performed 158
practices, shall qualify to train a humane agent for appointment 159
under section 1717.06 of the Revised Code. 160

Sec. 109.74. (A) The attorney general, in accordance with 161
Chapter 119. of the Revised Code, has discretion to adopt and 162
promulgate any or all of the rules and regulations recommended 163
by the Ohio peace officer training commission to the attorney 164
general pursuant to section 109.73 of the Revised Code. When the 165
attorney general promulgates any rule or regulation recommended 166
by the commission, the attorney general shall transmit a 167

certified copy thereof to the secretary of state. 168

(B) The attorney general shall not adopt or promulgate any 169
rule or regulation with respect to any limit on the number of 170
basic training hours in any program or topic listed in division 171
(A) of this section. 172

Sec. 109.77. (A) As used in this section, "felony" has the 173
same meaning as in section 109.511 of the Revised Code. 174

(B) (1) Notwithstanding any general, special, or local law 175
or charter to the contrary, and except as otherwise provided in 176
this section, no person shall receive an original appointment on 177
a permanent basis as any of the following unless the person 178
previously has been awarded a certificate by the executive 179
director of the Ohio peace officer training commission attesting 180
to the person's satisfactory completion of an approved state, 181
county, municipal, or department of natural resources peace 182
officer basic training program and, with respect to an 183
appointment on or after the effective date of this amendment, 184
satisfies division (L) (1) of this section: 185

(a) A peace officer of any county, township, municipal 186
corporation, regional transit authority, or metropolitan housing 187
authority; 188

(b) A natural resources law enforcement staff officer, 189
park officer, forest officer, preserve officer, wildlife 190
officer, or state watercraft officer of the department of 191
natural resources; 192

(c) An employee of a park district under section 511.232 193
or 1545.13 of the Revised Code; 194

(d) An employee of a conservancy district who is 195
designated pursuant to section 6101.75 of the Revised Code; 196

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| (e) A state university law enforcement officer; | 197 |
| (f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code; | 198 199 200 201 |
| (g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code; | 202 203 204 |
| (h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; | 205 206 |
| (i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended; | 207 208 209 210 211 212 213 214 215 216 |
| (j) A gaming agent employed under section 3772.03 of the Revised Code. | 217 218 |
| (2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural | 219 220 221 222 223 224 225 |

resources peace officer basic training program for temporary or 226
probationary officers~~and~~, is awarded a certificate by the 227
director attesting to the satisfactory completion of the 228
program, and, with respect to an appointment on or after the 229
effective date of this amendment, satisfies division (L)(1) of 230
this section: 231

(a) A peace officer of any county, township, municipal 232
corporation, regional transit authority, or metropolitan housing 233
authority; 234

(b) A natural resources law enforcement staff officer, 235
park officer, forest officer, preserve officer, wildlife 236
officer, or state watercraft officer of the department of 237
natural resources; 238

(c) An employee of a park district under section 511.232 239
or 1545.13 of the Revised Code; 240

(d) An employee of a conservancy district who is 241
designated pursuant to section 6101.75 of the Revised Code; 242

(e) A special police officer employed by the department of 243
mental health and addiction services pursuant to section 5119.08 244
of the Revised Code or the department of developmental 245
disabilities pursuant to section 5123.13 of the Revised Code; 246

(f) An enforcement agent of the department of public 247
safety whom the director of public safety designates under 248
section 5502.14 of the Revised Code; 249

(g) A special police officer employed by a port authority 250
under section 4582.04 or 4582.28 of the Revised Code; 251

(h) A special police officer employed by a municipal 252
corporation at a municipal airport, or other municipal air 253

navigation facility, that has scheduled operations, as defined 254
in section 119.3 of Title 14 of the Code of Federal Regulations, 255
14 C.F.R. 119.3, as amended, and that is required to be under a 256
security program and is governed by aviation security rules of 257
the transportation security administration of the United States 258
department of transportation as provided in Parts 1542. and 259
1544. of Title 49 of the Code of Federal Regulations, as 260
amended. 261

(3) For purposes of division (B) of this section, a state, 262
county, municipal, or department of natural resources peace 263
officer basic training program, regardless of whether the 264
program is to be completed by peace officers appointed on a 265
permanent or temporary, probationary, or other nonpermanent 266
basis, shall include training in the handling of the offense of 267
domestic violence, other types of domestic violence-related 268
offenses and incidents, and protection orders and consent 269
agreements issued or approved under section 2919.26 or 3113.31 270
of the Revised Code and crisis intervention training. The 271
requirement to complete training in the handling of the offense 272
of domestic violence, other types of domestic violence-related 273
offenses and incidents, and protection orders and consent 274
agreements issued or approved under section 2919.26 or 3113.31 275
of the Revised Code does not apply to any person serving as a 276
peace officer on March 27, 1979, and the requirement to complete 277
training in crisis intervention does not apply to any person 278
serving as a peace officer on April 4, 1985. Any person who is 279
serving as a peace officer on April 4, 1985, who terminates that 280
employment after that date, and who subsequently is hired as a 281
peace officer by the same or another law enforcement agency 282
shall complete training in crisis intervention as prescribed by 283
rules adopted by the attorney general pursuant to section 284

109.742 of the Revised Code. No peace officer shall have 285
employment as a peace officer terminated and then be reinstated 286
with intent to circumvent this section. 287

(4) Division (B) of this section does not apply to any 288
person serving on a permanent basis on March 28, 1985, as a park 289
officer, forest officer, preserve officer, wildlife officer, or 290
state watercraft officer of the department of natural resources 291
or as an employee of a park district under section 511.232 or 292
1545.13 of the Revised Code, to any person serving on a 293
permanent basis on March 6, 1986, as an employee of a 294
conservancy district designated pursuant to section 6101.75 of 295
the Revised Code, to any person serving on a permanent basis on 296
January 10, 1991, as a preserve officer of the department of 297
natural resources, to any person employed on a permanent basis 298
on July 2, 1992, as a special police officer by the department 299
of mental health and addiction services pursuant to section 300
5119.08 of the Revised Code or by the department of 301
developmental disabilities pursuant to section 5123.13 of the 302
Revised Code, to any person serving on a permanent basis on May 303
17, 2000, as a special police officer employed by a port 304
authority under section 4582.04 or 4582.28 of the Revised Code, 305
to any person serving on a permanent basis on March 19, 2003, as 306
a special police officer employed by a municipal corporation at 307
a municipal airport or other municipal air navigation facility 308
described in division (A) (19) of section 109.71 of the Revised 309
Code, to any person serving on a permanent basis on June 19, 310
1978, as a state university law enforcement officer pursuant to 311
section 3345.04 of the Revised Code and who, immediately prior 312
to June 19, 1978, was serving as a special police officer 313
designated under authority of that section, or to any person 314
serving on a permanent basis on September 20, 1984, as a liquor 315

control investigator, known after June 30, 1999, as an 316
enforcement agent of the department of public safety, engaged in 317
the enforcement of Chapters 4301. and 4303. of the Revised Code. 318

(5) Division (B) of this section does not apply to any 319
person who is appointed as a regional transit authority police 320
officer pursuant to division (Y) of section 306.35 of the 321
Revised Code if, on or before July 1, 1996, the person has 322
completed satisfactorily an approved state, county, municipal, 323
or department of natural resources peace officer basic training 324
program and has been awarded a certificate by the executive 325
director of the Ohio peace officer training commission attesting 326
to the person's satisfactory completion of such an approved 327
program and if, on July 1, 1996, the person is performing peace 328
officer functions for a regional transit authority. 329

(C) No person, after September 20, 1984, shall receive an 330
original appointment on a permanent basis as a veterans' home 331
police officer designated under section 5907.02 of the Revised 332
Code unless the person previously has been awarded a certificate 333
by the executive director of the Ohio peace officer training 334
commission attesting to the person's satisfactory completion of 335
an approved police officer basic training program. Every person 336
who is appointed on a temporary basis or for a probationary term 337
or on other than a permanent basis as a veterans' home police 338
officer designated under section 5907.02 of the Revised Code 339
shall forfeit that position unless the person previously has 340
completed satisfactorily or, within one year from the time of 341
appointment, satisfactorily completes an approved police officer 342
basic training program. 343

(D) No bailiff or deputy bailiff of a court of record of 344
this state and no criminal investigator who is employed by the 345

state public defender shall carry a firearm, as defined in 346
section 2923.11 of the Revised Code, while on duty unless the 347
bailiff, deputy bailiff, or criminal investigator has done or 348
received one of the following: 349

(1) Has been awarded a certificate by the executive 350
director of the Ohio peace officer training commission, which 351
certificate attests to satisfactory completion of an approved 352
state, county, or municipal basic training program for bailiffs 353
and deputy bailiffs of courts of record and for criminal 354
investigators employed by the state public defender that has 355
been recommended by the Ohio peace officer training commission; 356

(2) Has successfully completed a firearms training program 357
approved by the Ohio peace officer training commission prior to 358
employment as a bailiff, deputy bailiff, or criminal 359
investigator; 360

(3) Prior to June 6, 1986, was authorized to carry a 361
firearm by the court that employed the bailiff or deputy bailiff 362
or, in the case of a criminal investigator, by the state public 363
defender and has received training in the use of firearms that 364
the Ohio peace officer training commission determines is 365
equivalent to the training that otherwise is required by 366
division (D) of this section. 367

(E) (1) Before a person seeking a certificate completes an 368
approved peace officer basic training program, the executive 369
director of the Ohio peace officer training commission shall 370
request the person to disclose, and the person shall disclose, 371
any previous criminal conviction of or plea of guilty of that 372
person to a felony. 373

(2) Before a person seeking a certificate completes an 374

approved peace officer basic training program, the executive 375
director shall request a criminal history records check on the 376
person. The executive director shall submit the person's 377
fingerprints to the bureau of criminal identification and 378
investigation, which shall submit the fingerprints to the 379
federal bureau of investigation for a national criminal history 380
records check. 381

Upon receipt of the executive director's request, the 382
bureau of criminal identification and investigation and the 383
federal bureau of investigation shall conduct a criminal history 384
records check on the person and, upon completion of the check, 385
shall provide a copy of the criminal history records check to 386
the executive director. The executive director shall not award 387
any certificate prescribed in this section unless the executive 388
director has received a copy of the criminal history records 389
check on the person to whom the certificate is to be awarded. 390

(3) The executive director of the commission shall not 391
award a certificate prescribed in this section to a person who 392
has been convicted of or has pleaded guilty to a felony or who 393
fails to disclose any previous criminal conviction of or plea of 394
guilty to a felony as required under division (E) (1) of this 395
section. 396

(4) The executive director of the commission shall revoke 397
the certificate awarded to a person as prescribed in this 398
section, and that person shall forfeit all of the benefits 399
derived from being certified as a peace officer under this 400
section, if the person, before completion of an approved peace 401
officer basic training program, failed to disclose any previous 402
criminal conviction of or plea of guilty to a felony as required 403
under division (E) (1) of this section. 404

(F) (1) Regardless of whether the person has been awarded 405
the certificate or has been classified as a peace officer prior 406
to, on, or after October 16, 1996, the executive director of the 407
Ohio peace officer training commission shall revoke any 408
certificate that has been awarded to a person as prescribed in 409
this section if the person does either of the following: 410

(a) Pleads guilty to a felony committed on or after 411
January 1, 1997; 412

(b) Pleads guilty to a misdemeanor committed on or after 413
January 1, 1997, pursuant to a negotiated plea agreement as 414
provided in division (D) of section 2929.43 of the Revised Code 415
in which the person agrees to surrender the certificate awarded 416
to the person under this section. 417

(2) The executive director of the commission shall suspend 418
any certificate that has been awarded to a person as prescribed 419
in this section if the person is convicted, after trial, of a 420
felony committed on or after January 1, 1997. The executive 421
director shall suspend the certificate pursuant to division (F) 422
(2) of this section pending the outcome of an appeal by the 423
person from that conviction to the highest court to which the 424
appeal is taken or until the expiration of the period in which 425
an appeal is required to be filed. If the person files an appeal 426
that results in that person's acquittal of the felony or 427
conviction of a misdemeanor, or in the dismissal of the felony 428
charge against that person, the executive director shall 429
reinstate the certificate awarded to the person under this 430
section. If the person files an appeal from that person's 431
conviction of the felony and the conviction is upheld by the 432
highest court to which the appeal is taken or if the person does 433
not file a timely appeal, the executive director shall revoke 434

the certificate awarded to the person under this section. 435

(G) (1) If a person is awarded a certificate under this 436
section and the certificate is revoked pursuant to division (E) 437
(4) or (F) of this section, the person shall not be eligible to 438
receive, at any time, a certificate attesting to the person's 439
satisfactory completion of a peace officer basic training 440
program. 441

(2) The revocation or suspension of a certificate under 442
division (E) (4) or (F) of this section shall be in accordance 443
with Chapter 119. of the Revised Code. 444

(H) (1) A person who was employed as a peace officer of a 445
county, township, or municipal corporation of the state on 446
January 1, 1966, and who has completed at least sixteen years of 447
full-time active service as such a peace officer, or equivalent 448
service as determined by the executive director of the Ohio 449
peace officer training commission, may receive an original 450
appointment on a permanent basis and serve as a peace officer of 451
a county, township, or municipal corporation, or as a state 452
university law enforcement officer, without complying with the 453
requirements of division (B) of this section. 454

(2) Any person who held an appointment as a state highway 455
trooper on January 1, 1966, may receive an original appointment 456
on a permanent basis and serve as a peace officer of a county, 457
township, or municipal corporation, or as a state university law 458
enforcement officer, without complying with the requirements of 459
division (B) of this section. 460

(I) No person who is appointed as a peace officer of a 461
county, township, or municipal corporation on or after April 9, 462
1985, shall serve as a peace officer of that county, township, 463

or municipal corporation unless the person has received training 464
in the handling of missing children and child abuse and neglect 465
cases from an approved state, county, township, or municipal 466
police officer basic training program or receives the training 467
within the time prescribed by rules adopted by the attorney 468
general pursuant to section 109.741 of the Revised Code. 469

(J) No part of any approved state, county, or municipal 470
basic training program for bailiffs and deputy bailiffs of 471
courts of record and no part of any approved state, county, or 472
municipal basic training program for criminal investigators 473
employed by the state public defender shall be used as credit 474
toward the completion by a peace officer of any part of the 475
approved state, county, or municipal peace officer basic 476
training program that the peace officer is required by this 477
section to complete satisfactorily. 478

(K) This section does not apply to any member of the 479
police department of a municipal corporation in an adjoining 480
state serving in this state under a contract pursuant to section 481
737.04 of the Revised Code. 482

(L) (1) On or after the effective date of this amendment, 483
no person shall receive an original appointment to a position 484
listed in division (B) (1) or (2) of this section unless the 485
person has received a high school diploma or a certificate of 486
high school equivalence, as defined in section 4109.06 of the 487
Revised Code. 488

(2) Any person appointed prior to the effective date of 489
this section as a state highway patrol trooper or to a position 490
listed in division (B) (1) or (2) of this section may receive an 491
appointment on or after the effective date of this section to 492
any position listed in division (B) (1) or (2) of this section 493

without satisfying division (L)(1) of this section. 494

Section 2. That existing sections 109.73, 109.74, and 495
109.77 of the Revised Code are hereby repealed. 496