

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 183

Senators LaRose, Thomas

A BILL

To amend sections 9.07, 109.78, 2921.51, 2925.01, 1
3743.06, 3743.19, 4749.01, 4749.02, 4749.021, 2
4749.031, 4749.05, 4749.06, 4749.07, 4749.08, 3
4749.09, 4749.10, 4749.11, 4749.13, 4749.99, and 4
5502.011; to amend, for the purpose of adopting 5
a new section number as indicated in 6
parentheses, section 4749.031 (4749.035); to 7
enact new sections 4749.03, 4749.031, 4749.04, 8
and 4749.12 and sections 4749.032, 4749.033, 9
4749.034, 4749.041, 4749.061, 4749.062, 10
4749.063, and 4749.151; and to repeal sections 11
4749.03, 4749.04, and 4749.12 of the Revised 12
Code to amend the requirements related to the 13
licensing and registration of private 14
investigators and security officers. 15

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

Section 1. That sections 9.07, 109.78, 2921.51, 2925.01, 16
3743.06, 3743.19, 4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 17
4749.06, 4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 4749.13, 18
4749.99, and 5502.011 be amended; section 4749.031 (4749.035) be 19
amended for the purpose of adopting a new section number as 20

shown in parentheses; and new sections 4749.03, 4749.031, 21
4749.04, and 4749.12 and sections 4749.032, 4749.033, 4749.034, 22
4749.041, 4749.061, 4749.062, 4749.063, and 4749.151 of the 23
Revised Code be enacted to read as follows: 24

Sec. 9.07. (A) As used in this section: 25

(1) "Deadly weapon" has the same meaning as in section 26
2923.11 of the Revised Code. 27

(2) "Governing authority of a local public entity" means 28
whichever of the following is applicable: 29

(a) For a county, the board of county commissioners of the 30
county; 31

(b) For a municipal corporation, the legislative authority 32
of the municipal corporation; 33

(c) For a combination of counties, a combination of 34
municipal corporations, or a combination of one or more counties 35
and one or more municipal corporations, all boards of county 36
commissioners and legislative authorities of all of the counties 37
and municipal corporations that combined to form a local public 38
entity for purposes of this section. 39

(3) "Local public entity" means a county, a municipal 40
corporation, a combination of counties, a combination of 41
municipal corporations, or a combination of one or more counties 42
and one or more municipal corporations. 43

(4) "Non-contracting political subdivision" means any 44
political subdivision to which all of the following apply: 45

(a) A correctional facility for the housing of out-of- 46
state prisoners in this state is or will be located in the 47
political subdivision. 48

(b) The correctional facility described in division (A) (4) 49
(a) of this section is being operated and managed, or will be 50
operated and managed, by a local public entity or a private 51
contractor pursuant to a contract entered into prior to March 52
17, 1998, or a contract entered into on or after March 17, 1998, 53
under this section. 54

(c) The political subdivision is not a party to the 55
contract described in division (A) (4) (b) of this section for the 56
management and operation of the correctional facility. 57

(5) "Out-of-state jurisdiction" means the United States, 58
any state other than this state, and any political subdivision 59
or other jurisdiction located in a state other than this state. 60

(6) "Out-of-state prisoner" means a person who is 61
convicted of a crime in another state or under the laws of the 62
United States or who is found under the laws of another state or 63
of the United States to be a delinquent child or the 64
substantially equivalent designation. 65

(7) "Private contractor" means either of the following: 66

(a) A person who, on or after March 17, 1998, enters into 67
a contract under this section with a local public entity to 68
operate and manage a correctional facility in this state for 69
out-of-state prisoners. 70

(b) A person who, pursuant to a contract with a local 71
public entity entered into prior to March 17, 1998, operates and 72
manages on March 17, 1998, a correctional facility in this state 73
for housing out-of-state prisoners. 74

(B) Subject to division (I) of this section, the only 75
entities other than this state that are authorized to operate a 76
correctional facility to house out-of-state prisoners in this 77

state are a local public entity that operates a correctional 78
facility pursuant to this section or a private contractor that 79
operates a correctional facility pursuant to this section under 80
a contract with a local public entity. 81

Subject to division (I) of this section, a private entity 82
may operate a correctional facility in this state for the 83
housing of out-of-state prisoners only if the private entity is 84
a private contractor that enters into a contract that comports 85
with division (D) of this section with a local public entity for 86
the management and operation of the correctional facility. 87

(C) (1) Except as provided in this division, on and after 88
March 17, 1998, a local public entity shall not enter into a 89
contract with an out-of-state jurisdiction to house out-of-state 90
prisoners in a correctional facility in this state. On and after 91
March 17, 1998, a local public entity may enter into a contract 92
with an out-of-state jurisdiction to house out-of-state 93
prisoners in a correctional facility in this state only if the 94
local public entity and the out-of-state jurisdiction with which 95
the local public entity intends to contract jointly submit to 96
the department of rehabilitation and correction a statement that 97
certifies the correctional facility's intended use, intended 98
prisoner population, and custody level, and the department 99
reviews and comments upon the plans for the design or renovation 100
of the correctional facility regarding their suitability for the 101
intended prisoner population specified in the submitted 102
statement. 103

(2) If a local public entity and an out-of-state 104
jurisdiction enter into a contract to house out-of-state 105
prisoners in a correctional facility in this state as authorized 106
under division (C) (1) of this section, in addition to any other 107

provisions it contains, the contract shall include whichever of 108
the following provisions is applicable: 109

(a) If a private contractor will operate the facility in 110
question pursuant to a contract entered into in accordance with 111
division (D) of this section, a requirement that, if the 112
facility is closed or ceases to operate for any reason and if 113
the conversion plan described in division (D) (16) of this 114
section is not complied with, the out-of-state jurisdiction will 115
be responsible for housing and transporting the prisoners who 116
are in the facility at the time it is closed or ceases to 117
operate and for the cost of so housing and transporting those 118
prisoners; 119

(b) If a private contractor will not operate the facility 120
in question pursuant to a contract entered into in accordance 121
with division (D) of this section, a conversion plan that will 122
be followed if, for any reason, the facility is closed or ceases 123
to operate. The conversion plan shall include, but is not 124
limited to, provisions that specify whether the local public 125
entity or the out-of-state jurisdiction will be responsible for 126
housing and transporting the prisoners who are in the facility 127
at the time it is closed or ceases to operate and for the cost 128
of so housing and transporting those prisoners. 129

(3) If a local public entity and an out-of-state 130
jurisdiction intend to enter into a contract to house out-of- 131
state prisoners in a correctional facility in this state as 132
authorized under division (C) (1) of this section, or if a local 133
public entity and a private contractor intend to enter into a 134
contract pursuant to division (D) of this section for the 135
private contractor's management and operation of a correctional 136
facility in this state to house out-of-state prisoners, prior to 137

entering into the contract the local public entity and the out- 138
of-state jurisdiction, or the local public entity and the 139
private contractor, whichever is applicable, shall conduct a 140
public hearing in accordance with this division, and, prior to 141
entering into the contract, the governing authority of the local 142
public entity in which the facility is or will be located shall 143
authorize the location and operation of the facility. The 144
hearing shall be conducted at a location within the municipal 145
corporation or township in which the facility is or will be 146
located. At least one week prior to conducting the hearing, the 147
local public entity and the out-of-state jurisdiction or private 148
contractor with the duty to conduct the hearing shall cause 149
notice of the date, time, and place of the hearing to be made by 150
publication in the newspaper with the largest general 151
circulation in the county in which the municipal corporation or 152
township is located. The notice shall be of a sufficient size 153
that it covers at least one-quarter of a page of the newspaper 154
in which it is published. This division applies to a private 155
contractor that, pursuant to the requirement set forth in 156
division (I) of this section, is required to enter into a 157
contract under division (D) of this section. 158

(D) Subject to division (I) of this section, on and after 159
March 17, 1998, if a local public entity enters into a contract 160
with a private contractor for the management and operation of a 161
correctional facility in this state to house out-of-state 162
prisoners, the contract, at a minimum, shall include all of the 163
following provisions: 164

(1) A requirement that the private contractor seek and 165
obtain accreditation from the American correctional association 166
for the correctional facility within two years after accepting 167
the first out-of-state prisoner at the correctional facility 168

under the contract and that it maintain that accreditation for 169
the term of the contract; 170

(2) A requirement that the private contractor comply with 171
all applicable laws, rules, or regulations of the government of 172
this state, political subdivisions of this state, and the United 173
States, including, but not limited to, all sanitation, food 174
service, safety, and health regulations; 175

(3) A requirement that the private contractor send copies 176
of reports of inspections completed by appropriate authorities 177
regarding compliance with laws, rules, and regulations of the 178
type described in division (D) (2) of this section to the 179
director of rehabilitation and correction or the director's 180
designee and to the governing authority of the local public 181
entity in which the correctional facility is located; 182

(4) A requirement that the private contractor report to 183
the local law enforcement agencies with jurisdiction over the 184
place at which the correctional facility is located, for 185
investigation, all criminal offenses or delinquent acts that are 186
committed in or on the grounds of, or otherwise in connection 187
with, the correctional facility and report to the department of 188
rehabilitation and correction all disturbances at the facility; 189

(5) A requirement that the private contractor immediately 190
report all escapes from the facility, and the apprehension of 191
all escapees, by telephone and in writing to the department of 192
rehabilitation and correction, to all local law enforcement 193
agencies with jurisdiction over the place at which the facility 194
is located, to the state highway patrol, to the prosecuting 195
attorney of the county in which the facility is located, and to 196
a daily newspaper having general circulation in the county in 197
which the facility is located. The written notice may be by 198

either facsimile transmission or mail. A failure to comply with 199
this requirement is a violation of section 2921.22 of the 200
Revised Code. 201

(6) A requirement that the private contractor provide a 202
written report to the director of rehabilitation and correction 203
or the director's designee and to the governing authority of the 204
local public entity in which the correctional facility is 205
located of all unusual incidents occurring at the correctional 206
facility. The private contractor shall report the incidents in 207
accordance with the incident reporting rules that, at the time 208
of the incident, are applicable to state correctional facilities 209
for similar incidents occurring at state correctional 210
facilities. 211

(7) A requirement that the private contractor provide 212
internal and perimeter security to protect the public, staff 213
members of the correctional facility, and prisoners in the 214
correctional facility; 215

(8) A requirement that the correctional facility be 216
staffed at all times with a staffing pattern that is adequate to 217
ensure supervision of inmates and maintenance of security within 218
the correctional facility and to provide for appropriate 219
programs, transportation, security, and other operational needs. 220
In determining security needs for the correctional facility, the 221
private contractor and the contract requirements shall fully 222
take into account all relevant factors, including, but not 223
limited to, the proximity of the facility to neighborhoods and 224
schools. 225

(9) A requirement that the private contractor provide an 226
adequate policy of insurance that satisfies the requirements set 227
forth in division (D) of section 9.06 of the Revised Code 228

regarding contractors who operate and manage a facility under 229
that section, and that the private contractor indemnify and hold 230
harmless the state, its officers, agents, and employees, and any 231
local public entity in the state with jurisdiction over the 232
place at which the correctional facility is located or that owns 233
the correctional facility, reimburse the state for its costs in 234
defending the state or any of its officers, agents, or 235
employees, and reimburse any local government entity of that 236
nature for its costs in defending the local government entity, 237
in the manner described in division (D) of that section 238
regarding contractors who operate and manage a facility under 239
that section; 240

(10) A requirement that the private contractor adopt for 241
prisoners housed in the correctional facility the security 242
classification system and schedule adopted by the department of 243
rehabilitation and correction under section 5145.03 of the 244
Revised Code, classify in accordance with the system and 245
schedule each prisoner housed in the facility, and house all 246
prisoners in the facility in accordance with their 247
classification under this division; 248

(11) A requirement that the private contractor will not 249
accept for housing, and will not house, in the correctional 250
facility any out-of-state prisoner in relation to whom any of 251
the following applies: 252

(a) The private entity has not obtained from the out-of- 253
state jurisdiction that imposed the sentence or sanction under 254
which the prisoner will be confined in this state a copy of the 255
institutional record of the prisoner while previously confined 256
in that out-of-state jurisdiction or a statement that the 257
prisoner previously has not been confined in that out-of-state 258

jurisdiction and a copy of all medical records pertaining to 259
that prisoner that are in the possession of the out-of-state 260
jurisdiction. 261

(b) The prisoner, while confined in any out-of-state 262
jurisdiction, has a record of institutional violence involving 263
the use of a deadly weapon or a pattern of committing acts of an 264
assaultive nature against employees of, or visitors to, the 265
place of confinement or has a record of escape or attempted 266
escape from secure custody. 267

(c) Under the security classification system and schedule 268
adopted by the department of rehabilitation and correction under 269
section 5145.03 of the Revised Code and adopted by the private 270
contractor under division (B)(10) of this section, the out-of- 271
state prisoner would be classified as being at a security level 272
higher than medium security. 273

(12) A requirement that the private contractor, prior to 274
housing any out-of-state prisoner in the correctional facility 275
under the contract, enter into a written agreement with the 276
department of rehabilitation and correction that sets forth a 277
plan and procedure that will be used to coordinate law 278
enforcement activities of state law enforcement agencies and of 279
local law enforcement agencies with jurisdiction over the place 280
at which the facility is located in response to any riot, 281
rebellion, escape, insurrection, or other emergency occurring 282
inside or outside the facility; 283

(13) A requirement that the private contractor cooperate 284
with the correctional institution inspection committee in the 285
committee's performance of its duties under section 103.73 of 286
the Revised Code and provide the committee, its subcommittees, 287
and its staff members, in performing those duties, with access 288

to the correctional facility as described in that section; 289

(14) A requirement that the private contractor permit any 290
peace officer who serves a law enforcement agency with 291
jurisdiction over the place at which the correctional facility 292
is located to enter into the facility to investigate any 293
criminal offense or delinquent act that allegedly has been 294
committed in or on the grounds of, or otherwise in connection 295
with, the facility; 296

(15) A requirement that the private contractor will not 297
employ any person at the correctional facility until after the 298
private contractor has submitted to the bureau of criminal 299
identification and investigation, on a form prescribed by the 300
superintendent of the bureau, a request that the bureau conduct 301
a criminal records check of the person and a requirement that 302
the private contractor will not employ any person at the 303
facility if the records check or other information possessed by 304
the contractor indicates that the person previously has engaged 305
in malfeasance; 306

(16) A requirement that the private contractor will not 307
accept for housing, and will not house, in the correctional 308
facility any out-of-state prisoner unless the private contractor 309
and the out-of-state jurisdiction that imposed the sentence for 310
which the prisoner is to be confined agree that, if the out-of- 311
state prisoner is confined in the facility in this state, 312
commits a criminal offense while confined in the facility, is 313
convicted of or pleads guilty to that offense, and is sentenced 314
to a term of confinement for that offense but is not sentenced 315
to death for that offense, the private contractor and the out- 316
of-state jurisdiction will do all of the following: 317

(a) Unless section 5120.50 of the Revised Code does not 318

apply in relation to the offense the prisoner committed while 319
confined in this state and the term of confinement imposed for 320
that offense, the out-of-state jurisdiction will accept the 321
prisoner pursuant to that section for service of that term of 322
confinement and for any period of time remaining under the 323
sentence for which the prisoner was confined in the facility in 324
this state, the out-of-state jurisdiction will confine the 325
prisoner pursuant to that section for that term and that 326
remaining period of time, and the private contractor will 327
transport the prisoner to the out-of-state jurisdiction for 328
service of that term and that remaining period of time. 329

(b) If section 5120.50 of the Revised Code does not apply 330
in relation to the offense the prisoner committed while confined 331
in this state and the term of confinement imposed for that 332
offense, the prisoner shall be returned to the out-of-state 333
jurisdiction or its private contractor for completion of the 334
period of time remaining under the out-of-state sentence for 335
which the prisoner was confined in the facility in this state 336
before starting service of the term of confinement imposed for 337
the offense committed while confined in this state, the out-of- 338
state jurisdiction or its private contractor will confine the 339
prisoner for that remaining period of time and will transport 340
the prisoner outside of this state for service of that remaining 341
period of time, and, if the prisoner is confined in this state 342
in a facility operated by the department of rehabilitation and 343
correction, the private contractor will be financially 344
responsible for reimbursing the department at the per diem cost 345
of confinement for the duration of that incarceration, with the 346
amount of the reimbursement so paid to be deposited in the 347
department's prisoner programs fund. 348

(17) A requirement that the private contractor, prior to 349

housing any out-of-state prisoner in the correctional facility 350
under the contract, enter into an agreement with the local 351
public entity that sets forth a conversion plan that will be 352
followed if, for any reason, the facility is closed or ceases to 353
operate. The conversion plan shall include, but is not limited 354
to, provisions that specify whether the private contractor, the 355
local public entity, or the out-of-state jurisdictions that 356
imposed the sentences for which the out-of-state prisoners are 357
confined in the facility will be responsible for housing and 358
transporting the prisoners who are in the facility at the time 359
it is closed or ceases to operate and for the cost of so housing 360
and transporting those prisoners. 361

(18) A schedule of fines that the local public entity 362
shall impose upon the private contractor if the private 363
contractor fails to perform its contractual duties, and a 364
requirement that, if the private contractor fails to perform its 365
contractual duties, the local public entity shall impose a fine 366
on the private contractor from the schedule of fines and, in 367
addition to the fine, may exercise any other rights it has under 368
the contract. Division (F) (2) of this section applies regarding 369
a fine described in this division. 370

(19) A requirement that the private contractor adopt and 371
use in the correctional facility the drug testing and treatment 372
program that the department of rehabilitation and correction 373
uses for inmates in state correctional institutions; 374

(20) A requirement that the private contractor provide 375
clothing for all out-of-state prisoners housed in the 376
correctional facility that is conspicuous in its color, style, 377
or color and style, that conspicuously identifies its wearer as 378
a prisoner, and that is readily distinguishable from clothing of 379

a nature that normally is worn outside the facility by non- 380
prisoners, that the private contractor require all out-of-state 381
prisoners housed in the facility to wear the clothing so 382
provided, and that the private contractor not permit any out-of- 383
state prisoner, while inside or on the premises of the facility 384
or while being transported to or from the facility, to wear any 385
clothing of a nature that does not conspicuously identify its 386
wearer as a prisoner and that normally is worn outside the 387
facility by non-prisoners; 388

(21) A requirement that, at the time the contract is made, 389
the private contractor provide to all parties to the contract 390
adequate proof that it has complied with the requirement 391
described in division (D)(9) of this section, and a requirement 392
that, at any time during the term of the contract, the private 393
contractor upon request provide to any party to the contract 394
adequate proof that it continues to be in compliance with the 395
requirement described in division (D)(9) of this section. 396

(E) A private correctional officer or other designated 397
employee of a private contractor that operates a correctional 398
facility that houses out-of-state prisoners in this state under 399
a contract entered into prior to, on, or after March 17, 1998, 400
may carry and use firearms in the course of the officer's or 401
employee's employment only if the officer or employee is 402
certified as having satisfactorily completed an approved 403
training program designed to qualify persons for positions as 404
special police officers, security ~~guards~~ officers, or persons 405
otherwise privately employed in a police capacity, as described 406
in division (A) of section 109.78 of the Revised Code. 407

(F)(1) Upon notification by the private contractor of an 408
escape from, or of a disturbance at, a correctional facility 409

that is operated by a private contractor under a contract 410
entered into prior to, on, or after March 17, 1998, and that 411
houses out-of-state prisoners in this state, the department of 412
rehabilitation and correction and state and local law 413
enforcement agencies shall use all reasonable means to recapture 414
persons who escaped from the facility or quell any disturbance 415
at the facility, in accordance with the plan and procedure 416
included in the written agreement entered into under division 417
(D) (12) of this section in relation to contracts entered into on 418
or after March 17, 1998, and in accordance with their normal 419
procedures in relation to contracts entered into prior to March 420
17, 1998. Any cost incurred by this state or a political 421
subdivision of this state relating to the apprehension of a 422
person who escaped from the facility, to the quelling of a 423
disturbance at the facility, or to the investigation or 424
prosecution as described in division (G) (2) of this section of 425
any offense relating to the escape or disturbance shall be 426
chargeable to and borne by the private contractor. The 427
contractor also shall reimburse the state or its political 428
subdivisions for all reasonable costs incurred relating to the 429
temporary detention of a person who escaped from the facility, 430
following the person's recapture. 431

(2) If a private contractor that, on or after March 17, 432
1998, enters into a contract under this section with a local 433
public entity for the operation of a correctional facility that 434
houses out-of-state prisoners fails to perform its contractual 435
duties, the local public entity shall impose upon the private 436
contractor a fine from the schedule of fines included in the 437
contract and may exercise any other rights it has under the 438
contract. A fine imposed under this division shall be paid to 439
the local public entity that enters into the contract, and the 440

local public entity shall deposit the money so paid into its treasury to the credit of the fund used to pay for community policing. If a fine is imposed under this division, the local public entity may reduce the payment owed to the private contractor pursuant to any invoice in the amount of the fine.

(3) If a private contractor, on or after March 17, 1998, enters into a contract under this section with a local public entity for the operation of a correctional facility that houses out-of-state prisoners in this state, the private contractor shall comply with the insurance, indemnification, hold harmless, and cost reimbursement provisions described in division (D) (9) of this section.

(G) (1) Any act or omission that would be a criminal offense or a delinquent act if committed at a state correctional institution or at a jail, workhouse, prison, or other correctional facility operated by this state or by any political subdivision or group of political subdivisions of this state shall be a criminal offense or delinquent act if committed by or with regard to any out-of-state prisoner who is housed at any correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998.

(2) If any political subdivision of this state experiences any cost in the investigation or prosecution of an offense committed by an out-of-state prisoner housed in a correctional facility operated by a private contractor in this state pursuant to a contract entered into prior to, on, or after March 17, 1998, the private contractor shall reimburse the political subdivision for the costs so experienced.

(3) (a) Except as otherwise provided in this division, the

state, and any officer or employee, as defined in section 109.36 471
of the Revised Code, of the state is not liable in damages in a 472
civil action for any injury, death, or loss to person or 473
property that allegedly arises from, or is related to, the 474
establishment, management, or operation of a correctional 475
facility to house out-of-state prisoners in this state pursuant 476
to a contract between a local public entity and an out-of-state 477
jurisdiction, a local public entity and a private contractor, or 478
a private contractor and an out-of-state jurisdiction that was 479
entered into prior to March 17, 1998, or that is entered into on 480
or after March 17, 1998, in accordance with its provisions. The 481
immunity provided in this division does not apply regarding an 482
act or omission of an officer or employee, as defined in section 483
109.36 of the Revised Code, of the state that is manifestly 484
outside the scope of the officer's or employee's official 485
responsibilities or regarding an act or omission of the state, 486
or of an officer or employee, as so defined, of the state that 487
is undertaken with malicious purpose, in bad faith, or in a 488
wanton or reckless manner. 489

(b) Except as otherwise provided in this division, a non- 490
contracting political subdivision, and any employee, as defined 491
in section 2744.01 of the Revised Code, of a non-contracting 492
political subdivision is not liable in damages in a civil action 493
for any injury, death, or loss to person or property that 494
allegedly arises from, or is related to, the establishment, 495
management, or operation of a correctional facility to house 496
out-of-state prisoners in this state pursuant to a contract 497
between a local public entity other than the non-contracting 498
political subdivision and an out-of-state jurisdiction, a local 499
public entity other than the non-contracting political 500
subdivision and a private contractor, or a private contractor 501

and an out-of-state jurisdiction that was entered into prior to 502
March 17, 1998, or that is entered into on or after March 17, 503
1998, in accordance with its provisions. The immunity provided 504
in this division does not apply regarding an act or omission of 505
an employee, as defined in section 2744.01 of the Revised Code, 506
of a non-contracting political subdivision that is manifestly 507
outside the scope of the employee's employment or official 508
responsibilities or regarding an act or omission of a non- 509
contracting political subdivision or an employee, as so defined, 510
of a non-contracting political subdivision that is undertaken 511
with malicious purpose, in bad faith, or in a wanton or reckless 512
manner. 513

(c) Divisions (G) (3) (a) and (b) of this section do not 514
affect any immunity or defense that the state and its officers 515
and employees or a non-contracting political subdivision and its 516
employees may be entitled to under another section of the 517
Revised Code or the common law of this state, including, but not 518
limited to, section 9.86 or Chapter 2744. of the Revised Code. 519

(H) (1) Upon the completion of an out-of-state prisoner's 520
term of detention at a correctional facility operated by a 521
private contractor in this state pursuant to a contract entered 522
into prior to, on, or after March 17, 1998, the operator of the 523
correctional facility shall transport the prisoner to the out- 524
of-state jurisdiction that imposed the sentence for which the 525
prisoner was confined before it releases the prisoner from its 526
custody. 527

(2) No private contractor that operates and manages a 528
correctional facility housing out-of-state prisoners in this 529
state pursuant to a contract entered into prior to, on, or after 530
March 17, 1998, shall fail to comply with division (H) (1) of 531

this section. 532

(3) Whoever violates division (H) (2) of this section is 533
guilty of a misdemeanor of the first degree. 534

(I) Except as otherwise provided in this division, the 535
provisions of divisions (A) to (H) of this section apply in 536
relation to any correctional facility operated by a private 537
contractor in this state to house out-of-state prisoners, 538
regardless of whether the facility is operated pursuant to a 539
contract entered into prior to, on, or after March 17, 1998. 540
Division (C) (1) of this section shall not apply in relation to 541
any correctional facility for housing out-of-state prisoners in 542
this state that is operated by a private contractor under a 543
contract entered into with a local public entity prior to March 544
17, 1998. If a private contractor operates a correctional 545
facility in this state for the housing of out-of-state prisoners 546
under a contract entered into with a local public entity prior 547
to March 17, 1998, no later than thirty days after the effective 548
date of this amendment, the private contractor shall enter into 549
a contract with the local public entity that comports to the 550
requirements and criteria of division (D) of this section. 551

Sec. 109.78. (A) The executive director of the Ohio peace 552
officer training commission, on behalf of the commission and in 553
accordance with rules promulgated by the attorney general, shall 554
certify persons who have satisfactorily completed approved 555
training programs designed to qualify persons for positions as 556
special police, ~~security-guards~~ officers, or persons otherwise 557
privately employed in a police capacity and issue appropriate 558
certificates to such persons. Application for approval of a 559
training program designed to qualify persons for such positions 560
shall be made to the commission. An application for approval 561

shall be submitted to the commission with a fee of one hundred 562
twenty-five dollars, which fee shall be refunded if the 563
application is denied. Such programs shall cover only duties and 564
jurisdiction of such security ~~guards~~officers and special police 565
privately employed in a police capacity when such officers do 566
not qualify for training under section 109.71 of the Revised 567
Code. A person attending an approved basic training program 568
administered by the state shall pay to the agency administering 569
the program the cost of the person's participation in the 570
program as determined by the agency. A person attending an 571
approved basic training program administered by a county or 572
municipal corporation shall pay the cost of the person's 573
participation in the program, as determined by the administering 574
subdivision, to the county or the municipal corporation. A 575
person who is issued a certificate for satisfactory completion 576
of an approved basic training program shall pay to the 577
commission a fee of fifteen dollars. A duplicate of a lost, 578
spoliated, or destroyed certificate may be issued upon 579
application and payment of a fee of fifteen dollars. Such 580
certificate or the completion of twenty years of active duty as 581
a peace officer shall satisfy the educational requirements for 582
appointment or commission as a special police officer or special 583
deputy of a political subdivision of this state. 584

(B) (1) The executive director of the Ohio peace officer 585
training commission, on behalf of the commission and in 586
accordance with rules promulgated by the attorney general, shall 587
certify basic firearms training programs, and shall issue 588
certificates to class A, B, or C licensees or prospective class 589
A, B, or C licensees under Chapter 4749. of the Revised Code and 590
to registered or prospective employees of such class A, B, or C 591
licensees who have satisfactorily completed a basic firearms 592

training program of the type described in division (A) (1) of 593
section 4749.10 of the Revised Code. 594

Application for approval of a basic firearms training 595
program shall be made to the commission. An application shall be 596
submitted to the commission with a fee of one hundred dollars, 597
which fee shall be refunded if the application is denied. 598

A person who is issued a certificate for satisfactory 599
completion of an approved basic firearms training program shall 600
pay a fee of ten dollars to the commission. A duplicate of a 601
lost, spoliated, or destroyed certificate may be issued upon 602
application and payment of a fee of five dollars. 603

(2) The executive director, on behalf of the commission 604
and in accordance with rules promulgated by the attorney 605
general, also shall certify firearms requalification training 606
programs and instructors for the annual requalification of class 607
A, B, or C licensees under Chapter 4749. of the Revised Code and 608
registered or prospective employees of such class A, B, or C 609
licensees who are authorized to carry a firearm under section 610
4749.10 of the Revised Code. Application for approval of a 611
training program or instructor for such purpose shall be made to 612
the commission. Such an application shall be submitted to the 613
commission with a fee of fifty dollars, which fee shall be 614
refunded if the application is denied. 615

(3) The executive director, upon request, also shall 616
review firearms training received within three years prior to 617
November 23, 1985, by any class A, B, or C licensee or 618
prospective class A, B, or C licensee, or by any registered or 619
prospective employee of any class A, B, or C licensee under 620
Chapter 4749. of the Revised Code to determine if the training 621
received is equivalent to a basic firearms training program that 622

includes twenty hours of handgun training and five hours of 623
training in the use of other firearms, if any other firearm is 624
to be used. If the executive director determines the training 625
was received within the three-year period and that it is 626
equivalent to such a program, the executive director shall issue 627
written evidence of approval of the equivalency training to the 628
licensee or employee. 629

(C) There is hereby established in the state treasury the 630
peace officer private security fund, which shall be used by the 631
Ohio peace officer training commission to administer the 632
training program to qualify persons for positions as special 633
police, ~~security-guards~~ officers, or other private employment in 634
a police capacity, as described in division (A) of this section, 635
and the training program in basic firearms and the training 636
program for firearms requalification, both as described in 637
division (B) of this section. All fees paid to the commission by 638
applicants for approval of a training program designed to 639
qualify persons for such private police positions, basic 640
firearms training program, or a firearms requalification 641
training program or instructor, as required by division (A) or 642
(B) of this section, by persons who satisfactorily complete a 643
private police training program or a basic firearms training 644
program, as required by division (A) or (B) of this section, or 645
by persons who satisfactorily requalify in firearms use, as 646
required by division (B) (2) of section 4749.10 of the Revised 647
Code, shall be transmitted to the treasurer of state for deposit 648
in the fund. The fund shall be used only for the purpose set 649
forth in this division. 650

(D) No public or private educational institution or 651
superintendent of the state highway patrol shall employ a person 652
as a special police officer, security ~~guard~~ officer, or other 653

position in which such person goes armed while on duty, who has
not received a certificate of having satisfactorily completed an
approved basic peace officer training program, unless the person
has completed twenty years of active duty as a peace officer.

Sec. 2921.51. (A) As used in this section:

(1) "Peace officer" means a sheriff, deputy sheriff,
marshal, deputy marshal, member of the organized police
department of a municipal corporation, or township constable,
who is employed by a political subdivision of this state; a
member of a police force employed by a metropolitan housing
authority under division (D) of section 3735.31 of the Revised
Code; a member of a police force employed by a regional transit
authority under division (Y) of section 306.35 of the Revised
Code; a state university law enforcement officer appointed under
section 3345.04 of the Revised Code; a veterans' home police
officer appointed under section 5907.02 of the Revised Code; a
special police officer employed by a port authority under
section 4582.04 or 4582.28 of the Revised Code; an officer,
agent, or employee of the state or any of its agencies,
instrumentalities, or political subdivisions, upon whom, by
statute, a duty to conserve the peace or to enforce all or
certain laws is imposed and the authority to arrest violators is
conferred, within limits of that statutory duty and authority;
or a state highway patrol trooper whose primary duties are to
preserve the peace, to protect life and property, and to enforce
the laws, ordinances, or rules of the state or any of its
political subdivisions.

(2) "Private police officer" means any security-guard-
officer, special police officer, private detective, or other
person who is privately employed in a police capacity.

(3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.

(4) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(5) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

(B) No person shall impersonate a peace officer, private police officer, federal law enforcement officer, or investigator of the bureau of criminal identification and investigation.

(C) No person, by impersonating a peace officer, private police officer, federal law enforcement officer, or investigator of the bureau of criminal identification and investigation, shall arrest or detain any person, search any person, or search the property of any person.

(D) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, private police officer, federal law enforcement officer, officer, agent, or employee of the state, or investigator of the bureau of criminal identification and investigation.

(E) No person shall commit a felony while impersonating a peace officer, private police officer, federal law enforcement

officer, officer, agent, or employee of the state, or 713
investigator of the bureau of criminal identification and 714
investigation. 715

(F) It is an affirmative defense to a charge under 716
division (B) of this section that the impersonation of the peace 717
officer, private police officer, or investigator of the bureau 718
of criminal identification and investigation was for a lawful 719
purpose. 720

(G) Whoever violates division (B) of this section is 721
guilty of a misdemeanor of the fourth degree. Whoever violates 722
division (C) or (D) of this section is guilty of a misdemeanor 723
of the first degree. If the purpose of a violation of division 724
(D) of this section is to commit or facilitate the commission of 725
a felony, a violation of division (D) is a felony of the fourth 726
degree. Whoever violates division (E) of this section is guilty 727
of a felony of the third degree. 728

Sec. 2925.01. As used in this chapter: 729

(A) "Administer," "controlled substance," "controlled 730
substance analog," "dispense," "distribute," "hypodermic," 731
"manufacturer," "official written order," "person," 732
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 733
"schedule III," "schedule IV," "schedule V," and "wholesaler" 734
have the same meanings as in section 3719.01 of the Revised 735
Code. 736

(B) "Drug dependent person" and "drug of abuse" have the 737
same meanings as in section 3719.011 of the Revised Code. 738

(C) "Drug," "dangerous drug," "licensed health 739
professional authorized to prescribe drugs," and "prescription" 740
have the same meanings as in section 4729.01 of the Revised 741

Code. 742

(D) "Bulk amount" of a controlled substance means any of 743
the following: 744

(1) For any compound, mixture, preparation, or substance 745
included in schedule I, schedule II, or schedule III, with the 746
exception of controlled substance analogs, marihuana, cocaine, 747
L.S.D., heroin, and hashish and except as provided in division 748
(D)(2) or (5) of this section, whichever of the following is 749
applicable: 750

(a) An amount equal to or exceeding ten grams or twenty- 751
five unit doses of a compound, mixture, preparation, or 752
substance that is or contains any amount of a schedule I opiate 753
or opium derivative; 754

(b) An amount equal to or exceeding ten grams of a 755
compound, mixture, preparation, or substance that is or contains 756
any amount of raw or gum opium; 757

(c) An amount equal to or exceeding thirty grams or ten 758
unit doses of a compound, mixture, preparation, or substance 759
that is or contains any amount of a schedule I hallucinogen 760
other than tetrahydrocannabinol or lysergic acid amide, or a 761
schedule I stimulant or depressant; 762

(d) An amount equal to or exceeding twenty grams or five 763
times the maximum daily dose in the usual dose range specified 764
in a standard pharmaceutical reference manual of a compound, 765
mixture, preparation, or substance that is or contains any 766
amount of a schedule II opiate or opium derivative; 767

(e) An amount equal to or exceeding five grams or ten unit 768
doses of a compound, mixture, preparation, or substance that is 769
or contains any amount of phencyclidine; 770

(f) An amount equal to or exceeding one hundred twenty 771
grams or thirty times the maximum daily dose in the usual dose 772
range specified in a standard pharmaceutical reference manual of 773
a compound, mixture, preparation, or substance that is or 774
contains any amount of a schedule II stimulant that is in a 775
final dosage form manufactured by a person authorized by the 776
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 777
U.S.C.A. 301, as amended, and the federal drug abuse control 778
laws, as defined in section 3719.01 of the Revised Code, that is 779
or contains any amount of a schedule II depressant substance or 780
a schedule II hallucinogenic substance; 781

(g) An amount equal to or exceeding three grams of a 782
compound, mixture, preparation, or substance that is or contains 783
any amount of a schedule II stimulant, or any of its salts or 784
isomers, that is not in a final dosage form manufactured by a 785
person authorized by the Federal Food, Drug, and Cosmetic Act 786
and the federal drug abuse control laws. 787

(2) An amount equal to or exceeding one hundred twenty 788
grams or thirty times the maximum daily dose in the usual dose 789
range specified in a standard pharmaceutical reference manual of 790
a compound, mixture, preparation, or substance that is or 791
contains any amount of a schedule III or IV substance other than 792
an anabolic steroid or a schedule III opiate or opium 793
derivative; 794

(3) An amount equal to or exceeding twenty grams or five 795
times the maximum daily dose in the usual dose range specified 796
in a standard pharmaceutical reference manual of a compound, 797
mixture, preparation, or substance that is or contains any 798
amount of a schedule III opiate or opium derivative; 799

(4) An amount equal to or exceeding two hundred fifty 800

milliliters or two hundred fifty grams of a compound, mixture, 801
preparation, or substance that is or contains any amount of a 802
schedule V substance; 803

(5) An amount equal to or exceeding two hundred solid 804
dosage units, sixteen grams, or sixteen milliliters of a 805
compound, mixture, preparation, or substance that is or contains 806
any amount of a schedule III anabolic steroid. 807

(E) "Unit dose" means an amount or unit of a compound, 808
mixture, or preparation containing a controlled substance that 809
is separately identifiable and in a form that indicates that it 810
is the amount or unit by which the controlled substance is 811
separately administered to or taken by an individual. 812

(F) "Cultivate" includes planting, watering, fertilizing, 813
or tilling. 814

(G) "Drug abuse offense" means any of the following: 815

(1) A violation of division (A) of section 2913.02 that 816
constitutes theft of drugs, or a violation of section 2925.02, 817
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 818
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 819
or 2925.37 of the Revised Code; 820

(2) A violation of an existing or former law of this or 821
any other state or of the United States that is substantially 822
equivalent to any section listed in division (G)(1) of this 823
section; 824

(3) An offense under an existing or former law of this or 825
any other state, or of the United States, of which planting, 826
cultivating, harvesting, processing, making, manufacturing, 827
producing, shipping, transporting, delivering, acquiring, 828
possessing, storing, distributing, dispensing, selling, inducing 829

another to use, administering to another, using, or otherwise 830
dealing with a controlled substance is an element; 831

(4) A conspiracy to commit, attempt to commit, or 832
complicity in committing or attempting to commit any offense 833
under division (G) (1), (2), or (3) of this section. 834

(H) "Felony drug abuse offense" means any drug abuse 835
offense that would constitute a felony under the laws of this 836
state, any other state, or the United States. 837

(I) "Harmful intoxicant" does not include beer or 838
intoxicating liquor but means any of the following: 839

(1) Any compound, mixture, preparation, or substance the 840
gas, fumes, or vapor of which when inhaled can induce 841
intoxication, excitement, giddiness, irrational behavior, 842
depression, stupefaction, paralysis, unconsciousness, 843
asphyxiation, or other harmful physiological effects, and 844
includes, but is not limited to, any of the following: 845

(a) Any volatile organic solvent, plastic cement, model 846
cement, fingernail polish remover, lacquer thinner, cleaning 847
fluid, gasoline, or other preparation containing a volatile 848
organic solvent; 849

(b) Any aerosol propellant; 850

(c) Any fluorocarbon refrigerant; 851

(d) Any anesthetic gas. 852

(2) Gamma Butyrolactone; 853

(3) 1,4 Butanediol. 854

(J) "Manufacture" means to plant, cultivate, harvest, 855
process, make, prepare, or otherwise engage in any part of the 856

production of a drug, by propagation, extraction, chemical 857
synthesis, or compounding, or any combination of the same, and 858
includes packaging, repackaging, labeling, and other activities 859
incident to production. 860

(K) "Possess" or "possession" means having control over a 861
thing or substance, but may not be inferred solely from mere 862
access to the thing or substance through ownership or occupation 863
of the premises upon which the thing or substance is found. 864

(L) "Sample drug" means a drug or pharmaceutical 865
preparation that would be hazardous to health or safety if used 866
without the supervision of a licensed health professional 867
authorized to prescribe drugs, or a drug of abuse, and that, at 868
one time, had been placed in a container plainly marked as a 869
sample by a manufacturer. 870

(M) "Standard pharmaceutical reference manual" means the 871
current edition, with cumulative changes if any, of references 872
that are approved by the state board of pharmacy. 873

(N) "Juvenile" means a person under eighteen years of age. 874

(O) "Counterfeit controlled substance" means any of the 875
following: 876

(1) Any drug that bears, or whose container or label 877
bears, a trademark, trade name, or other identifying mark used 878
without authorization of the owner of rights to that trademark, 879
trade name, or identifying mark; 880

(2) Any unmarked or unlabeled substance that is 881
represented to be a controlled substance manufactured, 882
processed, packed, or distributed by a person other than the 883
person that manufactured, processed, packed, or distributed it; 884

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 885
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 888
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 893
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed. 900
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(R) "School premises" means either of the following: 907

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed; 908
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(2) Any other parcel of real property that is owned or 913

leased by a board of education of a school, the governing 914
authority of a community school established under Chapter 3314. 915
of the Revised Code, or the governing body of a nonpublic school 916
for which the state board of education prescribes minimum 917
standards under section 3301.07 of the Revised Code and on which 918
some of the instruction, extracurricular activities, or training 919
of the school is conducted, whether or not any instruction, 920
extracurricular activities, or training provided by the school 921
is being conducted on the parcel of real property at the time a 922
criminal offense is committed. 923

(S) "School building" means any building in which any of 924
the instruction, extracurricular activities, or training 925
provided by a school is conducted, whether or not any 926
instruction, extracurricular activities, or training provided by 927
the school is being conducted in the school building at the time 928
a criminal offense is committed. 929

(T) "Disciplinary counsel" means the disciplinary counsel 930
appointed by the board of commissioners on grievances and 931
discipline of the supreme court under the Rules for the 932
Government of the Bar of Ohio. 933

(U) "Certified grievance committee" means a duly 934
constituted and organized committee of the Ohio state bar 935
association or of one or more local bar associations of the 936
state of Ohio that complies with the criteria set forth in Rule 937
V, section 6 of the Rules for the Government of the Bar of Ohio. 938

(V) "Professional license" means any license, permit, 939
certificate, registration, qualification, admission, temporary 940
license, temporary permit, temporary certificate, or temporary 941
registration that is described in divisions (W) (1) to (36) of 942
this section and that qualifies a person as a professionally 943

licensed person.	944
(W) "Professionally licensed person" means any of the	945
following:	946
(1) A person who has obtained a license as a manufacturer	947
of controlled substances or a wholesaler of controlled	948
substances under Chapter 3719. of the Revised Code;	949
(2) A person who has received a certificate or temporary	950
certificate as a certified public accountant or who has	951
registered as a public accountant under Chapter 4701. of the	952
Revised Code and who holds an Ohio permit issued under that	953
chapter;	954
(3) A person who holds a certificate of qualification to	955
practice architecture issued or renewed and registered under	956
Chapter 4703. of the Revised Code;	957
(4) A person who is registered as a landscape architect	958
under Chapter 4703. of the Revised Code or who holds a permit as	959
a landscape architect issued under that chapter;	960
(5) A person licensed under Chapter 4707. of the Revised	961
Code;	962
(6) A person who has been issued a certificate of	963
registration as a registered barber under Chapter 4709. of the	964
Revised Code;	965
(7) A person licensed and regulated to engage in the	966
business of a debt pooling company by a legislative authority,	967
under authority of Chapter 4710. of the Revised Code;	968
(8) A person who has been issued a cosmetologist's	969
license, hair designer's license, manicurist's license,	970
esthetician's license, natural hair stylist's license, managing	971

cosmetologist's license, managing hair designer's license,	972
managing manicurist's license, managing esthetician's license,	973
managing natural hair stylist's license, cosmetology	974
instructor's license, hair design instructor's license,	975
manicurist instructor's license, esthetics instructor's license,	976
natural hair style instructor's license, independent	977
contractor's license, or tanning facility permit under Chapter	978
4713. of the Revised Code;	979
(9) A person who has been issued a license to practice	980
dentistry, a general anesthesia permit, a conscious intravenous	981
sedation permit, a limited resident's license, a limited	982
teaching license, a dental hygienist's license, or a dental	983
hygienist's teacher's certificate under Chapter 4715. of the	984
Revised Code;	985
(10) A person who has been issued an embalmer's license, a	986
funeral director's license, a funeral home license, or a	987
crematory license, or who has been registered for an embalmer's	988
or funeral director's apprenticeship under Chapter 4717. of the	989
Revised Code;	990
(11) A person who has been licensed as a registered nurse	991
or practical nurse, or who has been issued a certificate for the	992
practice of nurse-midwifery under Chapter 4723. of the Revised	993
Code;	994
(12) A person who has been licensed to practice optometry	995
or to engage in optical dispensing under Chapter 4725. of the	996
Revised Code;	997
(13) A person licensed to act as a pawnbroker under	998
Chapter 4727. of the Revised Code;	999
(14) A person licensed to act as a precious metals dealer	1000

under Chapter 4728. of the Revised Code;	1001
(15) A person licensed as a pharmacist, a pharmacy intern,	1002
a wholesale distributor of dangerous drugs, or a terminal	1003
distributor of dangerous drugs under Chapter 4729. of the	1004
Revised Code;	1005
(16) A person who is authorized to practice as a physician	1006
assistant under Chapter 4730. of the Revised Code;	1007
(17) A person who has been issued a certificate to	1008
practice medicine and surgery, osteopathic medicine and surgery,	1009
a limited branch of medicine, or podiatry under Chapter 4731. of	1010
the Revised Code;	1011
(18) A person licensed as a psychologist or school	1012
psychologist under Chapter 4732. of the Revised Code;	1013
(19) A person registered to practice the profession of	1014
engineering or surveying under Chapter 4733. of the Revised	1015
Code;	1016
(20) A person who has been issued a license to practice	1017
chiropractic under Chapter 4734. of the Revised Code;	1018
(21) A person licensed to act as a real estate broker or	1019
real estate salesperson under Chapter 4735. of the Revised Code;	1020
(22) A person registered as a registered sanitarian under	1021
Chapter 4736. of the Revised Code;	1022
(23) A person licensed to operate or maintain a junkyard	1023
under Chapter 4737. of the Revised Code;	1024
(24) A person who has been issued a motor vehicle salvage	1025
dealer's license under Chapter 4738. of the Revised Code;	1026
(25) A person who has been licensed to act as a steam	1027

engineer under Chapter 4739. of the Revised Code;	1028
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1029 1030 1031 1032
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1033 1034 1035
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard-officer employee under Chapter 4749. of the Revised Code;	1036 1037 1038 1039
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1040 1041 1042
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1043 1044 1045
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1046 1047 1048
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1049 1050 1051 1052 1053 1054
(33) A person issued a license to practice dietetics under	1055

Chapter 4759. of the Revised Code;	1056
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1057 1058 1059
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1060 1061
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	1062 1063 1064
(X) "Cocaine" means any of the following:	1065
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1066 1067
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	1068 1069 1070 1071
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	1072 1073 1074 1075 1076 1077
(Y) "L.S.D." means lysergic acid diethylamide.	1078
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	1079 1080 1081
(AA) "Marihuana" has the same meaning as in section	1082

3719.01 of the Revised Code, except that it does not include 1083
hashish. 1084

(BB) An offense is "committed in the vicinity of a 1085
juvenile" if the offender commits the offense within one hundred 1086
feet of a juvenile or within the view of a juvenile, regardless 1087
of whether the offender knows the age of the juvenile, whether 1088
the offender knows the offense is being committed within one 1089
hundred feet of or within view of the juvenile, or whether the 1090
juvenile actually views the commission of the offense. 1091

(CC) "Presumption for a prison term" or "presumption that 1092
a prison term shall be imposed" means a presumption, as 1093
described in division (D) of section 2929.13 of the Revised 1094
Code, that a prison term is a necessary sanction for a felony in 1095
order to comply with the purposes and principles of sentencing 1096
under section 2929.11 of the Revised Code. 1097

(DD) "Major drug offender" has the same meaning as in 1098
section 2929.01 of the Revised Code. 1099

(EE) "Minor drug possession offense" means either of the 1100
following: 1101

(1) A violation of section 2925.11 of the Revised Code as 1102
it existed prior to July 1, 1996; 1103

(2) A violation of section 2925.11 of the Revised Code as 1104
it exists on and after July 1, 1996, that is a misdemeanor or a 1105
felony of the fifth degree. 1106

(FF) "Mandatory prison term" has the same meaning as in 1107
section 2929.01 of the Revised Code. 1108

(GG) "Adulterate" means to cause a drug to be adulterated 1109
as described in section 3715.63 of the Revised Code. 1110

(HH) "Public premises" means any hotel, restaurant, 1111
tavern, store, arena, hall, or other place of public 1112
accommodation, business, amusement, or resort. 1113

(II) "Methamphetamine" means methamphetamine, any salt, 1114
isomer, or salt of an isomer of methamphetamine, or any 1115
compound, mixture, preparation, or substance containing 1116
methamphetamine or any salt, isomer, or salt of an isomer of 1117
methamphetamine. 1118

(JJ) "Lawful prescription" means a prescription that is 1119
issued for a legitimate medical purpose by a licensed health 1120
professional authorized to prescribe drugs, that is not altered 1121
or forged, and that was not obtained by means of deception or by 1122
the commission of any theft offense. 1123

(KK) "Deception" and "theft offense" have the same 1124
meanings as in section 2913.01 of the Revised Code. 1125

Sec. 3743.06. In addition to conforming to the rules of 1126
the fire marshal adopted pursuant to section 3743.05 of the 1127
Revised Code, licensed manufacturers of fireworks shall operate 1128
their fireworks plants in accordance with the following: 1129

(A) Signs indicating that smoking is generally forbidden 1130
and trespassing is prohibited on the premises of a fireworks 1131
plant shall be posted on the premises in a manner determined by 1132
the fire marshal. 1133

(B) Reasonable precautions shall be taken to protect the 1134
premises of a fireworks plant from trespass, loss, theft, or 1135
destruction. Only persons employed by the manufacturer, 1136
authorized governmental personnel, and persons who have obtained 1137
permission from a member of the manufacturer's office to be on 1138
the premises, are to be allowed to enter and remain on the 1139

premises. 1140

(C) Smoking or the carrying of pipes, cigarettes, or 1141
cigars, matches, lighters, other flame-producing items, or open 1142
flame on, or the carrying of a concealed source of ignition 1143
into, the premises of a fireworks plant is prohibited, except 1144
that a manufacturer may permit smoking in specified lunchrooms 1145
or restrooms in buildings or other structures in which no 1146
manufacturing, handling, sales, or storage of fireworks takes 1147
place. "NO SMOKING" signs shall be posted on the premises as 1148
required by the fire marshal. 1149

(D) Fire and explosion prevention and other reasonable 1150
safety measures and precautions shall be implemented by a 1151
manufacturer. 1152

(E) Persons shall not be permitted to have in their 1153
possession or under their control, while they are on the 1154
premises of the fireworks plant, any intoxicating liquor, beer, 1155
or controlled substance, and they shall not be permitted to 1156
enter or remain on the premises if they are found to be under 1157
the influence of any intoxicating liquor, beer, or controlled 1158
substance. 1159

(F) A manufacturer shall conform to all building, safety, 1160
and zoning statutes, ordinances, rules, or other enactments that 1161
apply to the premises of its fireworks plant. 1162

(G) Each fireworks plant shall have at least one class 1 1163
magazine that is approved by the bureau of alcohol, tobacco, and 1164
firearms of the United States department of the treasury and 1165
that is otherwise in conformity with federal law. This division 1166
does not apply to fireworks plants existing on or before August 1167
3, 1931. 1168

(H) Awnings, tents, and canopies shall not be used as facilities for the sale or storage of fireworks. This division does not prohibit the use of an awning or canopy attached to a public access showroom for storing nonflammable shopping convenience items such as shopping carts or baskets or providing a shaded area for patrons waiting to enter the public sales area.

(I) Fireworks may be stored in trailers if the trailers are properly enclosed, secured, and grounded and are separated from any structure to which the public is admitted by a distance that will, in the fire marshal's judgment, allow fire-fighting equipment to have full access to the structures on the licensed premises. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks, nor may members of the public have access to the trailers.

Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall.

(J) A fire suppression system as defined in section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the fire marshal, that the facility is closed to all public access during winter months, or maintenance of the system. If any repair or maintenance is necessary during times when the facility is open for public access and business as approved by the fire marshal, the

licensed manufacturer shall notify in advance the appropriate 1199
insurance company and fire chief or fire prevention officer 1200
regarding the nature of the maintenance or repair and the time 1201
when it will be performed. 1202

(K) If any fireworks item is removed from its original 1203
package or is manufactured with any fuse other than a safety 1204
fuse approved by the consumer product safety commission, then 1205
the item shall be covered completely by repackaging or bagging 1206
or it shall otherwise be covered so as to prevent ignition prior 1207
to sale. 1208

(L) A safety officer shall be present during regular 1209
business hours at a building open to the public during the 1210
period commencing fourteen days before, and ending two days 1211
after, each fourth day of July. The officer shall be highly 1212
visible, enforce this chapter and any applicable building codes 1213
to the extent the officer is authorized by law, and be one of 1214
the following: 1215

(1) A deputy sheriff; 1216

(2) A law enforcement officer of a municipal corporation, 1217
township, or township or joint police district; 1218

(3) A private uniformed security ~~guard~~ officer registered 1219
under section 4749.06 of the Revised Code. 1220

(M) All doors of all buildings on the licensed premises 1221
shall swing outward. 1222

(N) All wholesale and commercial sales of fireworks shall 1223
be packaged, shipped, placarded, and transported in accordance 1224
with United States department of transportation regulations 1225
applicable to the transportation, and the offering for 1226
transportation, of hazardous materials. For purposes of this 1227

division, "wholesale and commercial sales" includes all sales 1228
for resale and any nonretail sale made in furtherance of a 1229
commercial enterprise. For purposes of enforcement of these 1230
regulations under section 4923.99 of the Revised Code, any sales 1231
transaction exceeding one thousand pounds shall be rebuttably 1232
presumed to be a wholesale or commercial sale. 1233

Sec. 3743.19. In addition to conforming to the rules of 1234
the fire marshal adopted pursuant to section 3743.18 of the 1235
Revised Code, licensed wholesalers of fireworks shall conduct 1236
their business operations in accordance with the following: 1237

(A) A wholesaler shall conduct its business operations 1238
from the location described in its application for licensure or 1239
in a notification submitted under division (B) of section 1240
3743.17 of the Revised Code. 1241

(B) Signs indicating that smoking is generally forbidden 1242
and trespassing is prohibited on the premises of a wholesaler 1243
shall be posted on the premises as determined by the fire 1244
marshal. 1245

(C) Reasonable precautions shall be taken to protect the 1246
premises of a wholesaler from trespass, loss, theft, or 1247
destruction. 1248

(D) Smoking or the carrying of pipes, cigarettes, or 1249
cigars, matches, lighters, other flame-producing items, or open 1250
flame on, or the carrying of a concealed source of ignition 1251
into, the premises of a wholesaler is prohibited, except that a 1252
wholesaler may permit smoking in specified lunchrooms or 1253
restrooms in buildings or other structures in which no sales, 1254
handling, or storage of fireworks takes place. "NO SMOKING" 1255
signs shall be posted on the premises as required by the fire 1256

marshal. 1257

(E) Fire and explosion prevention and other reasonable 1258
safety measures and precautions shall be implemented by a 1259
wholesaler. 1260

(F) Persons shall not be permitted to have in their 1261
possession or under their control, while they are on the 1262
premises of a wholesaler, any intoxicating liquor, beer, or 1263
controlled substance, and they shall not be permitted to enter 1264
or remain on the premises if they are found to be under the 1265
influence of any intoxicating liquor, beer, or controlled 1266
substance. 1267

(G) A wholesaler shall conform to all building, safety, 1268
and zoning statutes, ordinances, rules, or other enactments that 1269
apply to its premises. 1270

(H) Each building used in the sale of fireworks shall be 1271
kept open to the public for at least four hours each day between 1272
the hours of eight a.m. and five p.m., five days of each week, 1273
every week of the year. Upon application from a licensed 1274
wholesaler, the fire marshal may waive any of the requirements 1275
of this division. 1276

(I) Awnings, tents, or canopies shall not be used as 1277
facilities for the storage or sale of fireworks. This division 1278
does not prohibit the use of an awning or canopy attached to a 1279
public access showroom for storing nonflammable shopping 1280
convenience items such as shopping carts or baskets or providing 1281
a shaded area for patrons waiting to enter the public sales 1282
area. 1283

(J) 1.4G fireworks may be stored in trailers if the 1284
trailers are properly enclosed, secured, and grounded and are 1285

separated from any structure to which the public is admitted by 1286
a distance that will, in the fire marshal's judgment, allow 1287
fire-fighting equipment to have full access to the structures on 1288
the licensed premises. Such trailers may be moved into closer 1289
proximity to any structure only to accept or discharge cargo for 1290
a period not to exceed forty-eight hours. Only two such trailers 1291
may be placed in such closer proximity at any one time. At no 1292
time may trailers be used for conducting sales of any class of 1293
fireworks nor may members of the public have access to the 1294
trailers. 1295

Storage areas for fireworks that are in the same building 1296
where fireworks are displayed and sold to the public shall be 1297
separated from the areas to which the public has access by an 1298
appropriately rated fire wall. If the licensee installs and 1299
properly maintains an early suppression fast response sprinkler 1300
system or equivalent fire suppression system as described in the 1301
fire code adopted by the fire marshal in accordance with section 1302
3737.82 of the Revised Code throughout the structure, a fire 1303
barrier wall may be substituted for a fire wall between the 1304
areas to which the public has access and the storage portions of 1305
the structure. 1306

(K) A fire suppression system as defined in section 1307
3781.108 of the Revised Code may be turned off only for repair, 1308
drainage of the system to prevent damage by freezing during the 1309
period of time, approved by the fire marshal under division (I) 1310
of this section, that the facility is closed to public access 1311
during winter months, or maintenance of the system. If any 1312
repair or maintenance is necessary during times when the 1313
facility is open for public access and business, the licensed 1314
wholesaler shall notify in advance the appropriate insurance 1315
company and fire chief or fire prevention officer regarding the 1316

nature of the maintenance or repair and the time when it will be performed. 1317
1318

(L) If any fireworks item is removed from its original package or is manufactured with any fuse other than a fuse approved by the consumer product safety commission, then the item shall be covered completely by repackaging or bagging or it shall otherwise be covered so as to prevent ignition prior to sale. 1319
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(M) A safety officer shall be present during regular business hours at a building open to the public during the period commencing fourteen days before, and ending two days after, each fourth day of July. The officer shall be highly visible, enforce this chapter and any applicable building codes to the extent the officer is authorized by law, and be one of the following: 1325
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(1) A deputy sheriff; 1332

(2) A law enforcement officer of a municipal corporation, township, or township or joint police district; 1333
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(3) A private uniformed security ~~guard~~ officer registered under section 4749.06 of the Revised Code. 1335
1336

(N) All doors of all buildings on the licensed premises shall swing outward. 1337
1338

(O) All wholesale and commercial sales of fireworks shall be packaged, shipped, placarded, and transported in accordance with United States department of transportation regulations applicable to the transportation, and the offering for transportation, of hazardous materials. For purposes of this division, "wholesale and commercial sales" includes all sales for resale and any nonretail sale made in furtherance of a 1339
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commercial enterprise. For purposes of enforcement of these 1346
regulations under section 4923.99 of the Revised Code, any sales 1347
transaction exceeding one thousand pounds shall be rebuttably 1348
presumed to be a wholesale or commercial sale. 1349

Sec. 4749.01. As used in this chapter: 1350

(A) "Private investigator" means any person who engages in 1351
the business of private investigation. 1352

(B) "Business of private investigation" means, except when 1353
performed by one ~~excluded under division (H) of this section~~ 1354
~~exempt by law, the conducting, furnishing for hire, in person or~~ 1355
~~through a partner or employees, of any investigation relevant to~~ 1356
persons to do any of the following: 1357

(1) Investigate any crime or wrong done or threatened, ~~or~~ 1358
~~to obtain;~~ 1359

(2) Obtain information on the identity, habits, conduct, 1360
movements, whereabouts, affiliations, transactions, reputation, 1361
credibility, or character of any person, ~~or to locate;~~ 1362

(3) Locate and recover lost or stolen property, ~~or to~~ 1363
~~determine;~~ 1364

(4) Determine the cause of or responsibility for any libel 1365
or slander, or any fire, accident, or damage to property, ~~or to~~ 1366
~~secure;~~ 1367

(5) Secure evidence for use in any legislative, 1368
administrative, or judicial investigation or proceeding. 1369

(C) "~~Security-guard provider officer~~" means any person who 1370
engages in the business of security services. 1371

(D) "Business of security services" means ~~either of the~~ 1372

following: 1373

~~(1) Furnishing, furnishing for hire, watchpersons, guards,~~ 1374
security officers, guard dogs, armored motor vehicle security 1375
services, private patrol officers, or other persons whose 1376
primary duties are to ~~protect~~ do either of the following: 1377

(1) Protect persons or property; 1378

~~(2) Furnishing, for hire, guard dogs, or armored motor~~ 1379
~~vehicle security services, in connection with the protection of~~ 1380
~~persons or property from injury or harm, or for any other~~ 1381
purpose including deterring, observing, detecting, or reporting 1382
incidents or activities for the purpose of preventing theft, or 1383
the unlawful taking, conversion, concealment or misappropriation 1384
of goods, wares, merchandise, or any valuable instrument; 1385

(2) Deter, observe, detect or report incidents and 1386
activities for the purpose of preventing any unauthorized access 1387
or entry, violation of organizational rules, or unlawful 1388
activity. 1389

(E) "Class A license" means a license issued under ~~section~~ 1390
sections 4749.03 to 4749.034 of the Revised Code that qualifies 1391
the person issued the license to engage in the business of 1392
private investigation and the business of security services. 1393

(F) "Class B license" means a license issued under ~~section~~ 1394
sections 4749.03 to 4749.034 of the Revised Code that qualifies 1395
the person issued the license to engage only in the business of 1396
private investigation. 1397

(G) "Class C license" means a license issued under ~~section~~ 1398
sections 4749.03 to 4749.034 of the Revised Code that qualifies 1399
the person issued the license to engage only in the business of 1400
security services. 1401

(H) "Crime of moral turpitude" has the same meaning as in section 4776.10 of the Revised Code. 1402
1403

(I) "Disqualifying offense" has the same meaning as in section 4776.10 of the Revised Code. 1404
1405

(J) "Employee" means every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, work, or be present at any time in any place of employment, provided that the employer of the employee deducts all applicable state and federal employment taxes on behalf of the employee. 1406
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(K) "Licensee" means the holder of a class A, B, or C license issued under sections 4749.03 to 4749.034 of the Revised Code. 1412
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(L) "Private investigator," "business of private investigation," "security-guard provider officer," and "business of security services" do not include: 1415
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(1) Public officers and employees whose official duties require them to engage in investigatory activities of the United States, this state, or any other state, or any political subdivision thereof, when in performance of their official duties; 1418
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(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes Persons and their employees holding a professional license certification or registration under Title XLVII of the Revised Code, when such persons are providing services pursuant to the authority granted to that profession by law; 1423
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(3) Certified public adjusters that hold a certificate of authority pursuant to Chapter 3951. of the Revised Code, while 1429
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the adjuster is investigating the cause or responsibility for a 1431
fire, accident, or other damage to property with respect to a 1432
claim or claims for loss or damage under a policy of insurance 1433
covering real or personal property; 1434

(4) A consumer reporting agency, as defined in the "Fair 1435
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 1436
amended, provided that the consumer reporting agency is in 1437
compliance with the requirements of that act and that the 1438
agency's activities are confined to any of the following: 1439

(a) The issuance of consumer credit reports; 1440

(b) The conducting of limited background investigations 1441
that pertain only to a client's prospective tenant and that are 1442
engaged in with the prior written consent of the prospective 1443
tenant; 1444

(c) The business of pre-employment background 1445
investigation. As used in division ~~(H)~~~~(3)~~(L) ~~(4)~~ (c) of this 1446
section, "business of pre-employment background investigation" 1447
means, and is limited to, furnishing for hire, in person or 1448
through a partner or employees, the conducting of limited 1449
background investigations, in-person interviews, telephone 1450
interviews, or written inquiries that pertain only to a client's 1451
prospective employee and the employee's employment and that are 1452
engaged in with the prior written consent of the prospective 1453
employee. 1454

~~(4)~~ (5) Any local, state, or federal law enforcement 1455
officer when either of the following apply: 1456

(a) The officer is engaged in the officer's official 1457
duties including mutual aid as described in section 2744.02 of 1458
the Revised Code; 1459

(b) The officer is performing special duty security 1460
activities authorized and approved by the law enforcement 1461
officer's superiors within the law enforcement officer's 1462
jurisdiction or outside the law enforcement officer's 1463
jurisdiction through requested mutual aid or pursuant to advance 1464
authorization from the chief law enforcement officer of the 1465
outside jurisdiction; 1466

(6) Attorneys at law or any expert retained by an attorney 1467
at law for consultation or litigation purposes who qualifies as 1468
an expert under the federal rules of evidence or the Ohio rules 1469
of evidence; 1470

(7) Certified public insurance adjusters that hold a 1471
certificate of authority issued pursuant to sections 3951.01 to 1472
3951.09 of the Revised Code, while the adjuster is investigating 1473
the cause of or responsibility for a fire, accident, or other 1474
damage to property with respect to a claim or claims for loss or 1475
damage under a policy of insurance covering real or personal 1476
property; 1477

~~(5)~~ (8) Personnel placement services and persons who act as 1478
employees of such entities engaged in investigating matters 1479
related to personnel placement activities; 1480

~~(6)~~ (9) An employee in the regular course of the employee's 1481
employment, engaged in investigating matters pertinent to the 1482
business of the employee's employer or protecting ~~property in~~ 1483
~~the possession of the~~ employee's employer, ~~provided the business~~ 1484
invitees or tenants, or property in possession of the employee's 1485
employer if both of the following apply: 1486

(a) The employer is deducting all applicable state and 1487
federal employment taxes on behalf of the employee ~~and neither;~~ 1488

(b) Neither the employer nor the employee is employed by, 1489
associated with, or acting for or on behalf of any private 1490
investigator or ~~security-guard provider~~ officer; 1491

~~(7)~~ (10) Any better business bureau or similar organization 1492
or any of its employees while engaged in the maintenance of the 1493
quality of business activities relating to consumer sales and 1494
services; 1495

~~(8) An accountant who is registered or certified under~~ 1496
~~Chapter 4701. of the Revised Code or any of the accountant's~~ 1497
~~employees while engaged in activities for which the accountant~~ 1498
~~is certified or registered;~~ 1499

~~(9)~~ (11) Persons engaged solely in the remote monitoring of 1500
audio, video, and other event or alarm signals and then 1501
dispatching public safety or security personnel; 1502

(12) Any person who, for hire or otherwise, conducts 1503
genealogical research in this state. 1504

As used in division ~~(H)~~ (9) (L) (12) of this section, 1505
"genealogical research" means the determination of the origins 1506
and descent of families, including the identification of 1507
individuals, their family relationships, and the biographical 1508
details of their lives. "Genealogical research" does not include 1509
furnishing for hire services for locating missing persons or 1510
natural or birth parents or children. 1511

~~(10)~~ (13) Any person residing in this state who conducts 1512
research for the purpose of locating the last known owner of 1513
unclaimed funds, provided that the person is in compliance with 1514
Chapter 169. of the Revised Code and rules adopted thereunder. 1515
~~The~~ This exemption ~~set forth in division (H) (10) of this section~~ 1516
applies only to the extent that the person is conducting 1517

research for the purpose of locating the last known owner of 1518
unclaimed funds. 1519

As used in division ~~(H)~~ ~~(10)~~ (L) (13) of this section, 1520
"owner" and "unclaimed funds" have the same meanings as in 1521
section 169.01 of the Revised Code. 1522

~~(11) A professional engineer who is registered under 1523
Chapter 4733. of the Revised Code or any of his employees. 1524~~

~~As used in division (H) (11) of this section and 1525
notwithstanding division (I) of this section, "employee" has the 1526
same meaning as in section 4101.01 of the Revised Code. 1527~~

~~(12)~~ (14) Any person residing in this state who, for hire 1528
or otherwise, conducts research for the purpose of locating 1529
persons to whom the state of Ohio owes money in the form of 1530
warrants, as defined in division (S) of section 131.01 of the 1531
Revised Code, that the state voided but subsequently reissues; 1532

~~(13)~~ (15) An independent insurance adjuster who, as an 1533
individual, an independent contractor, an employee of an 1534
independent contractor, adjustment bureau association, 1535
corporation, insurer, partnership, local recording agent, 1536
managing general agent, or self-insurer, engages in the business 1537
of independent insurance adjustment, or any person who 1538
supervises the handling of claims except while acting as an 1539
employee of an insurer licensed in this state while handling 1540
claims pertaining to specific policies written by that insurer. 1541

As used in division ~~(H)~~ ~~(13)~~ (L) (15) of this section, 1542
"independent insurance adjustment" means conducting 1543
investigations to determine the cause of or circumstances 1544
concerning a fire, accident, bodily injury, or damage to real or 1545
personal property; determining the extent of damage of that 1546

fire, accident, injury, or property damage; securing evidence 1547
for use in a legislative, administrative, or judicial 1548
investigation or proceeding, adjusting losses; and adjusting or 1549
settling claims, including the investigation, adjustment, 1550
denial, establishment of damages, negotiation, settlement, or 1551
payment of claims in connection with insurance contractors, 1552
self-insured programs, or other similar insurance programs. 1553
"Independent adjuster" does not include either of the following: 1554

(a) An attorney who adjusts insurance losses incidental to 1555
the practice of law and who does not advertise or represent that 1556
the attorney is an independent insurance adjuster; 1557

(b) A licensed agent or general agent of an insurer 1558
licensed in this state who processes undisputed or uncontested 1559
losses for insurers under policies issued by that agent or 1560
general agent. 1561

~~(14) Except for a commissioned peace officer who engages 1562
in the business of private investigation or compensates others 1563
who engage in the business of private investigation or the 1564
business of security services or both, any commissioned peace 1565
officer as defined in division (B) of section 2935.01 of the 1566
Revised Code. 1567~~

~~(I) "Employee" means every person who may be required or 1568
directed by any employer, in consideration of direct or indirect 1569
gain or profit, to engage in any employment, or to go, or work, 1570
or be at any time in any place of employment, provided that the 1571
employer of the employee deducts all applicable state and 1572
federal employment taxes on behalf of the employee. 1573~~

(M) "Person" includes an individual, firm, partnership, 1574
association, joint stock company, corporation, and any 1575

combination of individuals. 1576

(N) "Qualifying agent" means an individual designated in 1577
writing under sections 4749.03 to 4749.034 of the Revised Code 1578
who meets certain minimum requirements for licensure on behalf 1579
of the person applying for a license and who is responsible for 1580
ensuring the licensee's compliance with this chapter and its 1581
accompanying rules. 1582

(O) "Registrant" means a qualifying agent or any 1583
individual registered in accordance with section 4749.06 of the 1584
Revised Code as a private investigator, security officer, or 1585
both. 1586

(P) "Security provider," "security officer provider," 1587
"private investigator provider," and "private investigator" mean 1588
any business licensed under this chapter to engage in the 1589
business of private investigation, security services, or both. 1590

(Q) "Business" means a person that is not an individual. 1591

(R) "Peace officer" has the same meaning as in section 1592
2935.01 of the Revised Code. 1593

(S) "Firearm" has the same meaning as in section 2923.11 1594
of the Revised Code. 1595

Sec. 4749.02. The director of public safety shall 1596
administer this chapter, and for that purpose, may appoint 1597
employees and adopt rules that the director considers necessary. 1598

~~The director shall implement electronic licensing and~~ 1599
~~registration procedures under this chapter not later than~~ 1600
~~December 31, 2006. The application procedures in effect on the~~ 1601
~~effective date of this amendment shall continue until such time~~ 1602
~~as electronic licensing and registration procedures are~~ 1603

~~implemented.~~ 1604

Sec. 4749.021. (A) There is hereby created the Ohio 1605
private investigation and security services commission, 1606
consisting of the director of public safety or the director's 1607
designee, who shall be a nonvoting member; the superintendent of 1608
the highway patrol or the superintendent's designee, who shall 1609
be a voting member; and twelve members appointed by the governor 1610
with the advice and consent of the senate, as follows: 1611

(1) Three members shall be owners or operators of a 1612
business that maintains a class A license and shall have at 1613
least five years' experience in this state in the business of 1614
private investigation or security services. 1615

(2) One member shall be an owner or operator of a business 1616
that maintains a class B license and shall have at least five 1617
years' experience in this state in the business of private 1618
investigation or security services. 1619

(3) One member shall be an owner or operator of a business 1620
that maintains a class C license and shall have at least five 1621
years' experience in this state in the business of private 1622
investigation or security services. 1623

(4) Two members shall be owners or operators of a business 1624
that maintains a class A, B, or C license and shall have at 1625
least five years' experience in this state in the business of 1626
private investigation or security services. 1627

(5) One member shall be an incumbent chief of police. 1628

(6) One member shall be an active law enforcement officer, 1629
not above the rank of lieutenant. 1630

(7) One member shall be an incumbent sheriff. 1631

(8) Two members who shall be representatives of the
general public ~~who have never had a direct employment~~
~~relationship with any class A, B, or C licensee.~~ A general
public representative shall not have been employed by a class A,
B, or C licensee or as a commissioned peace officer for the five
years prior to the appointment. During the term of appointment,
the general public representative shall not become employed by a
class A, B, or C licensee or as a commissioned peace officer.

(B) (1) ~~The governor shall make initial appointments to the~~
~~commission by January 1, 2005, and the commission shall hold its~~
~~first meeting, at the call of the director of public safety, in~~
~~January 2005. Of the initial appointments made to the~~
~~commission, three shall be for a term ending December 31, 2005,~~
~~three shall be for a term ending December 31, 2006, three shall~~
~~be for a term ending December 31, 2007, and three shall be for a~~
~~term ending December 31, 2008. Thereafter, terms~~ Terms of office
shall be for five years, with each term ending on the same day
of the same month as did the term that it succeeds. Each member
shall hold office from the date of appointment until the end of
the term for which the member was appointed. Members may be
reappointed, but may serve not more than two complete
consecutive five-year terms. Vacancies shall be filled in the
manner provided for original appointments. Any member appointed
to fill a vacancy occurring before the expiration date of the
term for which the member's predecessor was appointed shall hold
office as a member for the remainder of that term. A member
shall continue in office subsequent to the expiration of the
member's term until the member's successor takes office ~~or until~~
~~a period of sixty days has elapsed, whichever occurs first.~~ The
governor, after notice and the opportunity for a hearing, may
remove any appointed member for misfeasance, malfeasance, or

nonfeasance. 1663

(2) Ninety days before the expiration of a member's term, 1664
or in the event of a vacancy, the Ohio association of security 1665
and investigation services and other interested parties may 1666
submit names to the governor for consideration of appointment to 1667
the commission. 1668

(C) The commission shall advise the director of public 1669
safety on all matters related to the regulation of private 1670
investigation and the business of security services and on all 1671
matters related to this chapter. The commission shall advise the 1672
director on the format, content, and all other aspects of all 1673
private investigation and security services licensure and 1674
registration examinations. 1675

(D) In accordance with Chapter 119. of the Revised Code, 1676
the department may establish rules on behalf of the commission. 1677

(E) The commission shall meet not less than four times 1678
each year. It also shall meet upon the call of the chairperson, 1679
upon the request of five members, or at the request of the 1680
director of public safety or the director's designee. 1681

(F) At the first regular meeting of each year, which shall 1682
be called by the chairperson, the members shall elect a 1683
chairperson and a vice-chairperson by a majority vote, and also 1684
shall establish its meeting schedule for the remainder of the 1685
year. The chairperson and vice-chairperson shall serve until 1686
their successors are elected. No member may serve as chairperson 1687
more than three times during a five-year term. The chairperson 1688
shall preside over the commission's meetings, shall set the 1689
meeting agenda, and shall serve as the commission's chief 1690
spokesperson and liaison to the department of public safety. The 1691

chairperson or vice-chairperson shall approve all vouchers of 1692
the commission. Subject to the commission's approval, the 1693
chairperson may appoint committees to assist the commission. 1694
Committee members may be members of the commission. The vice- 1695
chairperson shall exercise the duties of the chairperson when 1696
the chairperson is not available. 1697

(G) A quorum of ~~seven appointed~~ at least one more than 1698
half of the currently serving members is necessary for a meeting 1699
to convene or continue. All actions of the commission shall be 1700
by a majority of the members present. Members may not 1701
participate or vote by proxy. In accordance with Chapter 121. of 1702
the Revised Code, at least fourteen days before a regular 1703
meeting and twenty-four hours before a special meeting, the 1704
chairperson shall notify all members of the commission in 1705
writing of the agenda. Upon a timely request, any member of the 1706
commission may have an item added to the commission's agenda. 1707

(H) Each member of the commission shall receive the 1708
member's necessary expenses incurred in the performance of 1709
official duties, including travel, hotel, and other necessary 1710
expenses. Members of any special committee, which may be 1711
appointed by the commission to assist it, who are not members of 1712
the commission also may receive necessary expenses. 1713

(I) The department of public safety shall provide the 1714
commission with suitable office and meeting space and necessary 1715
technical, clerical, and administrative support. The department 1716
shall serve as the official repository of the commission's 1717
records. Expenses of the commission shall be paid from the 1718
private investigator and security ~~guard-officer~~ provider fund 1719
created in section 4749.07 of the Revised Code. 1720

(J) In the absence of fraud or bad faith, the commission, 1721

a current or former commission member, or an agent, 1722
representative, or employee of the commission is not liable in 1723
damages to any person because of any act, omission, proceeding, 1724
or decision related to official duties. 1725

Sec. 4749.03. (A) Any person may apply for a license to 1726
engage in the business of private investigation and security 1727
services under a class A license, to engage in the business of 1728
private investigation under a class B license, or to engage in 1729
the business of security services under a class C license by 1730
submitting an application on a form prescribed by the director 1731
of public safety for that purpose. In addition to any other 1732
information required by the director, the application shall 1733
include all of the following: 1734

(1) The name, address, date and place of birth, and 1735
citizenship of each person having a legal or beneficial interest 1736
in the ownership of the business and of each person that will 1737
act as a qualifying agent for the business; 1738

(a) If any such person is a corporation or limited 1739
liability company, the applicant shall list all of the 1740
following: 1741

(i) The names of each officer of the person and the names 1742
of the managing members of the person or, if the management of 1743
the person is not reserved to its managing members, the managers 1744
of the person; 1745

(ii) The names of each person owning or controlling five 1746
per cent or more of the capital stock of such a person that is a 1747
corporation; 1748

(iii) The names of each person owning or controlling five 1749
per cent or more of either the voting interests or membership 1750

interests in such a person that is a limited liability company. 1751

(b) If any such person is a partnership or association, 1752
the applicant shall list the names of each partner or member of 1753
the association. 1754

(2) The address of each of the applicant's places of 1755
business; 1756

(3) A brief physical description of each individual named 1757
in the application as a qualifying agent; 1758

(4) Any other information the director may require, as set 1759
forth in rules adopted pursuant to Chapter 119. of the Revised 1760
Code. 1761

(B) The application described in division (A) of this 1762
section shall be accompanied by all of the following: 1763

(1) One recent full-face photograph of each individual 1764
specified in the application as a qualifying agent; 1765

(2) References from at least five reputable citizens for 1766
each individual named in the application as a qualifying agent, 1767
each of whom shall have known the named individual for at least 1768
five years preceding the application, and none of whom are 1769
connected with any of the named individuals by blood or 1770
marriage; 1771

(3)(a) Verification that, depending on the class of 1772
license applied for, each individual named in the application as 1773
a qualifying agent has, for a continuous two-year period, been 1774
engaged in any of the following: 1775

(i) The business of private investigation, the business of 1776
security services, or both; 1777

<u>(ii) Investigatory or security services work for a law enforcement or other public agency;</u>	1778
	1779
<u>(iii) The practice of law.</u>	1780
<u>(b) An applicant may meet the requirement prescribed in division (B) (3) (a) of this section for any individual named in the application as a qualifying agent by verifying that the individual has acquired equivalent experience as determined in rules adopted by the director of public safety. Such rules shall address both of the following:</u>	1781
	1782
	1783
	1784
	1785
	1786
<u>(i) The use of military programs of training, military primary specialties, and lengths of service to meet the experience requirements specified in division (B) (3) (a) of this section;</u>	1787
	1788
	1789
	1790
<u>(ii) The use of a college degree in lieu of one of the two years of required experience.</u>	1791
	1792
<u>(4) (a) A license fee in the amount the director determines, not to exceed six hundred fifty dollars;</u>	1793
	1794
<u>(b) An examination fee of twenty-five dollars for each individual named in the application as a qualifying agent.</u>	1795
	1796
<u>(5) (a) Evidence of comprehensive, general liability insurance coverage, or other equivalent guarantee approved by the director in such form and in principal amounts satisfactory to the director;</u>	1797
	1798
	1799
	1800
<u>(b) The director shall not approve comprehensive, general liability coverage or another equivalent guarantee in an amount less than one hundred thousand dollars for each person and three hundred thousand dollars for each occurrence for bodily injury liability, and one hundred thousand dollars for property damage</u>	1801
	1802
	1803
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	1805

liability. 1806

(6) Each person named in division (A) (1) of this section 1807
shall submit an affidavit, on a form prescribed by the director, 1808
stating all of the following: 1809

(a) Whether or not the applicant has previously applied 1810
for a class A, B, or C license or registration and the result of 1811
the application; 1812

(b) Whether or not the applicant has ever been the holder 1813
of any such license or registration that was revoked or 1814
suspended; 1815

(c) Whether or not the applicant has been convicted of or 1816
pleaded guilty to an offense in a criminal action; 1817

(d) Whether or not the applicant is currently or has ever 1818
previously held a license or registration to engage in the 1819
business of private investigation, security services, or both in 1820
another state or foreign jurisdiction, and, if so, the name of 1821
the state or foreign jurisdiction and the status of the license 1822
or registration. 1823

(C) (1) (a) Each individual listed in the application as a 1824
qualifying agent shall submit one complete set of fingerprints 1825
directly to the superintendent of the bureau of criminal 1826
identification and investigation for the purpose of conducting a 1827
criminal records check. The individual shall provide the 1828
fingerprints using a method the superintendent prescribes 1829
pursuant to division (C) (2) of section 109.572 of the Revised 1830
Code and complete the form the superintendent prescribes 1831
pursuant to division (C) (1) of section 109.572 of the Revised 1832
Code. 1833

(b) The superintendent shall conduct the criminal records 1834

check as set forth in division (B) of section 109.572 of the 1835
Revised Code. 1836

(c) The person requesting the criminal records check shall 1837
pay the fee the superintendent prescribes. 1838

(2) A qualifying agent who intends to carry a firearm in 1839
the course of business or employment shall also notify the 1840
superintendent of criminal identification and investigation of 1841
this intent. This notification is in addition to any other 1842
requirement related to carrying a firearm that applies to the 1843
qualifying agent. 1844

Upon receiving this notification, the superintendent shall 1845
also request from the federal bureau of investigation any 1846
relevant information and review the information the federal 1847
bureau of investigation provides pursuant to division (B) (2) of 1848
section 109.572 of the Revised Code. 1849

(3) The superintendent shall submit all results of the 1850
completed records check to the director. 1851

(4) If the bureau of identification and investigation 1852
assesses the director of public safety a fee for any activity 1853
carried out under division (C) of this section, the director, in 1854
addition to any other fee assessed pursuant to this chapter, may 1855
assess the applicant a fee that is equal to the fee assessed by 1856
the bureau. 1857

Sec. 4749.031. (A) The director of public safety shall 1858
deny a license to any person applying under section 4749.03 of 1859
the Revised Code and refund all but one hundred dollars of the 1860
license fee if the director finds any of the following with 1861
regard to the applicant: 1862

(1) (a) The applicant does not have a good reputation for 1863

integrity. 1864

(b) In determining whether the applicant has a good reputation for integrity, the director may consider whether any of the persons named in an application in accordance with division (A) (1) of section 4749.03 of the Revised Code meet any of the following: 1865

(i) Has ever been convicted of or pleaded guilty to any crime of moral turpitude; 1866
1867
1868
1869

(ii) Has been convicted of a disqualifying offense within three years of the date of submitting an application in accordance with section 4749.03 of the Revised Code; 1870
1871
1872
1873
1874

(iii) Has been subject to discipline within five years of making application in accordance with section 4749.03 of the Revised Code for violations of this chapter or its accompanying rules or a violation of any former or existing law of another state that is or was substantially equivalent to any of the violations set forth in this chapter; 1875
1876
1877
1878
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1880

(iv) Has voluntarily surrendered a license issued in accordance with this chapter within five years of applying or voluntarily surrendered a substantially equivalent license issued under former or existing law of another state; 1881
1882
1883
1884

(v) Has had a license issued in accordance with this chapter previously revoked or suspended or has had a substantially equivalent license issued under former or existing law of another state revoked or suspended. 1885
1886
1887
1888

(2) Any person named as a qualifying agent on the application meets any of the following: 1889
1890

(a) Has been convicted of or pleaded guilty to any crime 1891

of moral turpitude; 1892

(b) Has been convicted of or pleaded guilty to a 1893
disqualifying offense within three years of the date of 1894
submitting an application in accordance with this section; 1895

(c) Has been adjudicated incompetent for the purpose of 1896
holding the license, as provided in section 5122.301 of the 1897
Revised Code, without having been restored to legal capacity for 1898
that purpose; 1899

(d) Has failed to pass the examination required by section 1900
4749.063 of the Revised Code. 1901

(3) The person has failed to submit all documentation and 1902
pay the fees required by section 4749.03 of the Revised Code. 1903

(B) If the director denies a person a license, the 1904
director shall explain the reasons for the denial in writing. 1905

(C) Divisions (C) (1) and (2) of this section only apply to 1906
offenses for which the director, prior to September 1, 2012, was 1907
required or authorized to deny an application. 1908

(1) If a qualifying agent for an applicant has been 1909
convicted of or pleaded guilty to a misdemeanor that is not a 1910
crime of moral turpitude or a disqualifying offense less than 1911
one year prior to making the application, the director may use 1912
the director's discretion in granting or denying the applicant a 1913
license. 1914

(2) If a qualifying agent for an applicant for a license 1915
has been convicted of or pleaded guilty to a felony that is not 1916
a crime of moral turpitude or a disqualifying offense less than 1917
three years prior to making the application, the director may 1918
use the director's discretion in granting or denying the 1919

applicant a license. 1920

(D) Subject to divisions (A) and (B) of this section, 1921
divisions (B) and (E) of section 4749.033, and sections 4749.032 1922
and 4749.04 of the Revised Code, the director shall not adopt, 1923
maintain, renew, or enforce any rule, or take any other action, 1924
that prevents a person from receiving or renewing a license 1925
under this chapter due to any past criminal activity or 1926
interpretation of moral character. 1927

Sec. 4749.032. (A) If the director of public safety 1928
determines that an applicant meets the requirements of section 1929
4749.03 of the Revised Code and will not be denied an 1930
application under section 4749.031 of the Revised Code, the 1931
director shall notify the applicant that the applicant's 1932
qualifying agents qualify to take the examination required by 1933
section 4749.063 of the Revised Code and of the time and place 1934
for the examination. 1935

(B) The director may waive the examination requirement, 1936
but not the examination fee specified in division (B) (4) (b) of 1937
section 4749.03 of the Revised Code, of any applicant who 1938
currently holds a class A, B, or C license in this state or an 1939
applicant who is licensed as a private investigator provider, 1940
security provider, or both, in another state. 1941

Sec. 4749. (A) (1) If the director of public safety finds 1942
that the applicant meets the requirements of sections 4749.03 to 1943
4749.032 of the Revised Code, the director shall issue the 1944
applicant a class A, B, or C license. 1945

(2) The license shall state all of the following: 1946

(a) The licensee's name; 1947

(b) The classification of the license; 1948

<u>(c) The location of the licensee's principal place of</u>	1949
<u>business;</u>	1950
<u>(d) The expiration date of the license;</u>	1951
<u>(e) The names of the qualifying agents who have passed the</u>	1952
<u>examination or for whom the examination was waived.</u>	1953
<u>(3) (a) In addition to the license, the director also shall</u>	1954
<u>issue a registration card to each qualifying agent who has</u>	1955
<u>passed the examination required by section 4729.063 of the</u>	1956
<u>Revised Code or for whom examination was waived.</u>	1957
<u>(b) The registration card issued in accordance with this</u>	1958
<u>division shall be the same registration card issued in</u>	1959
<u>accordance with section 4749.06 of the Revised Code, except that</u>	1960
<u>the registration card shall specify that the individual is a</u>	1961
<u>qualifying agent.</u>	1962
<u>(B) The director may grant an applicant a conditional</u>	1963
<u>license that lasts for one year. After the one-year period has</u>	1964
<u>expired, the license is no longer considered conditional, and</u>	1965
<u>the applicant shall be considered fully licensed.</u>	1966
<u>(C) (1) All licenses issued on or after the effective date</u>	1967
<u>of this section expire on the first day of March of the second</u>	1968
<u>year following the date issued, and on the first day of March</u>	1969
<u>every two years thereafter. Renewals shall be conducted in</u>	1970
<u>accordance with division (D) of this section.</u>	1971
<u>(2) Licenses issued prior to the effective date of this</u>	1972
<u>section with a business name starting with the letters A through</u>	1973
<u>L shall expire on the first day of March in the year indicated</u>	1974
<u>on the license. Such a license may be renewed for one year if</u>	1975
<u>all other requirements of this section are met and with payment</u>	1976
<u>of a renewal fee determined by the director, which shall not</u>	1977

exceed two hundred seventy-five dollars. Thereafter, renewals shall occur every two years according to division (D) of this section. 1978
1979
1980

(3) Licenses issued prior to the effective date of this section with a business name starting with the letters M through Z shall expire on the first day of March in the year indicated on the license. Such a license shall be renewed according to division (D) of this section. 1981
1982
1983
1984
1985

(D)(1) To renew a license issued under this section, a license holder shall complete an application for renewal and pay a renewal fee determined by the director, which shall not exceed five hundred fifty dollars. Both the application and the fee shall be submitted to the director prior to the first day of March of the year in which the license expires. 1986
1987
1988
1989
1990
1991

(2) Applications for license renewal and the accompanying fee submitted on or after the first day of March, but prior to the first day of April, in the year the license expires shall be accepted by the department if accompanied by the payment of a late fee of one hundred fifty dollars, that is in addition to the renewal fee prescribed in this section. 1992
1993
1994
1995
1996
1997

(3) No reexamination shall be required for renewal of a current license. 1998
1999

(4)(a) If an application for renewal is not submitted or is submitted on or after the first day of April in the year it expires, the licensee will be required to submit an application for a new license in accordance with section 4749.03 of the Revised Code. 2000
2001
2002
2003
2004

(b) A business that does not submit an application for renewal before the first day of April in the year its license 2005
2006

expires is prohibited from engaging in the business of private 2007
investigation, security officer services, or both, and is 2008
subject to sanctions for operating an unlicensed business if it 2009
continues to operate. 2010

(E) (1) The director shall not renew the license of a 2011
licensee that no longer meets the applicable requirements of 2012
this section. 2013

(2) No license shall be renewed unless the licensee 2014
provides all of the following: 2015

(a) Evidence of comprehensive, general liability insurance 2016
coverage; 2017

(b) Certificate of good standing from the secretary of 2018
state; 2019

(c) A full force and effect certificate from the secretary 2020
of state, if applicable; 2021

(d) The renewal fee established pursuant to division (D) 2022
(1) of this section; 2023

(e) A five-dollar fee for each qualifying agent listed on 2024
the license. 2025

(3) If the director denies a person a license renewal, the 2026
director shall explain the reasons for the denial in writing. 2027

(F) In considering the first renewal of a license, the 2028
director shall not consider any conviction or plea of guilty 2029
prior to the initial licensing, but may consider a conviction or 2030
plea of guilty that occurred on or after the initial licensing. 2031
For subsequent renewals, the director may consider only a 2032
conviction or plea of guilty that occurred after the most recent 2033
license renewal. 2034

(G) The director may issue a duplicate copy of a license issued under this section for the purpose of replacing a lost, spoiled, or destroyed license, upon payment of a fee the director determines, not exceeding twenty-five dollars. 2035
2036
2037
2038

Sec. 4749.034. (A) A qualifying agent may qualify more than one business for licensure, provided that the qualifying agent is actively engaged in each business. 2039
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2041

(B) A business may transfer the business's class A, B, or C license to another business upon completion of all of the following: 2042
2043
2044

(1) Submission of written notification to the director; 2045

(2) Completion of an application for licensure by the transferee; 2046
2047

(3) Surrender of the transferring business's current license; 2048
2049

(4) Payment of a twenty-five-dollar fee. 2050

(C) (1) Any officer or qualifying agent who qualified a business for licensure under this chapter may obtain a similar license in the individual's own name without reexamination upon completion of all of the following: 2051
2052
2053
2054

(a) Written notification to the director; 2055

(b) Completion of an application similar to that of an individual seeking class A, B, or C licensure; 2056
2057

(c) Payment of a twenty-five-dollar fee. 2058

(2) A request by an officer or qualifying agent for an individual license shall not affect a business's license unless the individual is the only individual that qualified the 2059
2060
2061

business for licensure or all the other individuals who 2062
qualified the business for licensure submit such requests. 2063

(D) (1) If a business is, for any reason, no longer 2064
associated with an individual who qualified it for licensure 2065
under this chapter, a representative of the business shall 2066
notify the director by certified mail, return receipt requested, 2067
within ten days after the association terminates. 2068

(2) If notification is so given, and the individual was 2069
the only individual that qualified the business for licensure, 2070
and the business submits the name of another individual to 2071
qualify the business for the license within thirty days after 2072
the association terminates, the business may continue to operate 2073
in the business of private investigation, the business of 2074
security services, or both businesses in this state under that 2075
license for ninety days after the association terminates. 2076

(3) If the individual whose name is submitted satisfies 2077
the requirements of division (A) of this section and sections 2078
4749.03 to 4749.032 of the Revised Code, the director shall 2079
issue a new license to the business within ninety days after 2080
receiving the application. 2081

(4) The names of more than one individual may be 2082
submitted. 2083

Sec. ~~4749.031~~ 4749.035. (A) The department of public 2084
safety shall be a participating public office for purposes of 2085
the retained applicant fingerprint database established under 2086
section 109.5721 of the Revised Code. The department shall elect 2087
to participate in the continuous record monitoring service for 2088
all persons licensed or registered under this chapter. When the 2089
superintendent of the bureau of criminal identification and 2090

investigation, under section 109.57 of the Revised Code, 2091
indicates that an individual in the retained applicant 2092
fingerprint database has been arrested for, convicted of, or 2093
pleaded guilty to any offense, the superintendent promptly shall 2094
notify the department either electronically or by mail that 2095
additional arrest or conviction information is available. 2096

(B) In addition to any other fees charged by the 2097
department under this chapter, an applicant for a license under 2098
~~section sections 4749.03 to 4749.034 or registration under~~ 2099
section 4749.06 of the Revised Code, at the time of making an 2100
initial or renewal application, shall pay any initial or annual 2101
fee charged by the superintendent pursuant to rules adopted 2102
under division (F) of section 109.5721 of the Revised Code. 2103

Sec. 4749.04. (A) The director of public safety may take 2104
any action specified in division (C) of this section against a 2105
person who has applied for or holds a class A, B, or C license 2106
or registration card. Actions taken against a person shall be 2107
taken in accordance with Chapter 119. of the Revised Code, 2108
except as provided in section 4749.041 of the Revised Code. 2109

(B) The director may impose sanctions against an 2110
applicant, licensee, or registrant for any of the following 2111
reasons: 2112

(1) Any violation of this chapter or the rules adopted 2113
pursuant to this chapter or for allowing another to violate this 2114
chapter or the rules adopted pursuant to this chapter; 2115

(2) Conviction of or plea of guilty to any crime of moral 2116
turpitude in which the defendant is a registrant, licensee, 2117
qualifying agent, or any other person listed on the license 2118
application in accordance with division (A) (1) (a) of section 2119

<u>4749.03 of the Revised Code;</u>	2120
<u>(3) A conviction of or plea of guilty to a disqualifying offense within the last three years, where the defendant is a registrant, licensee, qualifying agent, or any other person listed on the license application in accordance with division (A) (1) (a) of section 4749.03 of the Revised Code;</u>	2121
	2122
	2123
	2124
	2125
<u>(4) Knowingly making a false report with respect to any matter with which the licensee or registrant is employed or knowingly falsifying any business records;</u>	2126
	2127
	2128
<u>(5) Testifying falsely under oath, or suborning perjury in any judicial proceeding;</u>	2129
	2130
<u>(6) Divulging any information acquired from or for a client to persons other than the client or the client's authorized agent without express authorization to do so or unless required by law;</u>	2131
	2132
	2133
	2134
<u>(7) Knowingly accepting employment that includes obtaining information intended for illegal purposes.</u>	2135
	2136
<u>(C) The director may take any of the following actions against an applicant, licensee, or registrant for a violation described in division (B) of this section:</u>	2137
	2138
	2139
<u>(1) Refuse to issue, renew, restore, or reinstate a license or registration;</u>	2140
	2141
<u>(2) Reprimand or censure a licensee or registrant in writing;</u>	2142
	2143
<u>(3) Place limits, restrictions, or probationary conditions on a licensee's operations;</u>	2144
	2145
<u>(4) Other than a reason described in division (B) (2) or</u>	2146

<u>(3) of this section, impose on a licensee or registrant a civil</u>	2147
<u>penalty of not more than one hundred dollars for each day of</u>	2148
<u>violation, up to twenty-five thousand dollars;</u>	2149
<u>(5) Suspend a license or registration;</u>	2150
<u>(6) Revoke a license or registration;</u>	2151
<u>(7) Permanently revoke a license or registration.</u>	2152
<u>(D) This chapter does not require the director to act on</u>	2153
<u>minor paperwork violations of this chapter or the rules adopted</u>	2154
<u>under it, if the violations are committed by licensees and the</u>	2155
<u>director determines that the public interest is adequately</u>	2156
<u>served by issuing a notice or warning to the alleged offender.</u>	2157
<u>(E) Nothing in this section shall be construed as</u>	2158
<u>prohibiting the director from taking action against both a</u>	2159
<u>licensee and registrant for actions taken by a registrant.</u>	2160
<u>(F) The director of public safety may impose any of the</u>	2161
<u>sanctions listed in division (C) of this section against a</u>	2162
<u>person proctoring the examination required by section 4749.063</u>	2163
<u>of the Revised Code or a licensee for the following reasons:</u>	2164
<u>(1) Providing examination answers to the registration</u>	2165
<u>applicant;</u>	2166
<u>(2) Allowing another person to sit in place of the</u>	2167
<u>registrant applicant for the examination;</u>	2168
<u>(3) Undermining the integrity of the prescribed</u>	2169
<u>examination through the proctor's act or failure to act.</u>	2170
<u>(G) The director shall adopt a rule in accordance with</u>	2171
<u>this chapter to provide guidelines for proposed disciplinary</u>	2172
<u>sanctions on applicants, licensees, and registrants for</u>	2173

violations of this chapter. 2174

Sec. 4749.041. (A) If the director of public safety 2175
determines that there is clear and convincing evidence that a 2176
licensee or a registrant presents a danger of immediate and 2177
serious harm to the public, the director may summarily suspend 2178
the person's license or registration without a prior hearing. 2179

(B) If the director summarily suspends a license or a 2180
registration, or both, the director shall issue a written order 2181
of suspension and cause it to be delivered in accordance with 2182
section 119.07 of the Revised Code. Such order shall inform the 2183
person subject to the suspension of the reason for suspension 2184
and of the person's right to request an adjudication hearing 2185
within fifteen days after the date of mailing the notice. If the 2186
person does not timely request an adjudication hearing, the 2187
summary suspension becomes a final adjudication order. 2188

(C) (1) If the person subject to the summary suspension 2189
requests an adjudication hearing, such hearing shall be held in 2190
compliance with the provisions of sections 119.06 to 119.12 of 2191
the Revised Code. 2192

(2) The director shall immediately set the date, time, and 2193
place for the hearing and promptly notify the person thereof. 2194
The date set for the hearing shall be within fifteen days, but 2195
not earlier than seven days, after the person has requested a 2196
hearing, unless otherwise agreed to by both the director and the 2197
person. 2198

(D) The summary suspension shall remain in effect, unless 2199
reversed by the director, until a final adjudication order 2200
issued by the director pursuant to this section and Chapter 119. 2201
of the Revised Code becomes effective. The order shall not be 2202

subject to suspension by any court while an appeal filed under 2203
section 119.12 of the Revised Code is pending. 2204

(E) The director shall issue a final adjudication order 2205
not later than sixty days after completion of the adjudication. 2206
If the director does not issue a final order within a sixty-day 2207
period, the summary suspension shall be void, but any final 2208
adjudication order issued subsequent to the sixty-day period 2209
shall not be affected. 2210

Sec. 4749.05. ~~(A) Each class A, B, or C licensee shall~~ 2211
~~report the location of branch offices to the department of~~ 2212
~~public safety, and to the sheriff of the county and the police-~~ 2213
~~chief of any municipal corporation in which the office is~~ 2214
~~located, and shall post a branch office license conspicuously in~~ 2215
~~that office. Application for a branch office license shall be~~ 2216
~~made on a form prescribed by the director of public safety, and~~ 2217
~~a license shall be issued upon receipt of the form and payment~~ 2218
~~of a fee fixed by the director, not exceeding one hundred~~ 2219
~~dollars. If a licensee moves an office, the licensee shall~~ 2220
~~notify, in writing, the department of public safety and any~~ 2221
~~affected sheriff and chief of police within forty-eight hours of~~ 2222
~~the change.~~ 2223

~~This division does not apply to a licensed private~~ 2224
~~investigator who is engaging in the business of private~~ 2225
~~investigation as a registered employee of a licensed private~~ 2226
~~investigator.~~ 2227

~~(B) Pursuant to Chapter 119. of the Revised Code, the~~ 2228
~~director of public safety shall adopt rules regarding when a~~ 2229
~~class A, B, or C licensee, or any of such a licensee's~~ 2230
~~employees, is required to report the licensee's or employee's~~ 2231
~~presence and length of stay to the sheriff and police chief of~~ 2232

~~any county or municipal corporation in which the licensee or
employee operates. The rules shall include reporting
requirements for licenses or employees conducting fraud
investigations or physical surveillance.~~

Sec. 4749.06. (A) ~~Each class A, B, or C licensee shall
register the licensee's investigator or security guard
employees, with the department of public safety, which shall
maintain a record of each licensee and registered employee and
make it available, upon request, to any law enforcement agency.
The class A, B, or C licensee shall file an application to
register a new employee no sooner than three days nor later than
seven calendar days after the date on which the employee is
hired.~~

~~(B) (1) Each employee's registration application shall be
accompanied by one recent photograph of the employee, the
employee's physical description, and the registration fee the
director determines, not to exceed forty dollars.~~

~~(2) The employee Any person, who is eighteen years of age
or older on the date of making application, may apply to the
director of public safety for a class A private investigator and
security officer registration, a class B private investigator
registration, or class C security officer registration. A
registration application shall be made on a form prescribed by
the director and shall include all of the following:~~

~~(1) The applicant's name, address, date and place of
birth, citizenship, and one recent photograph of the applicant;~~

~~(2) A brief physical description of the applicant;~~

~~(3) Documentation that the applicant has successfully
passed the private investigator and security officer examination~~

in accordance with the provisions of section 4749.063 of the 2262
Revised Code; 2263

(4) The registration fee the director determines, not to 2264
exceed eighty dollars for a two-year registration; 2265

(5) Any other information the director may require, as set 2266
forth in rules adopted pursuant to Chapter 119. of the Revised 2267
Code. 2268

(B) In addition to the application required in division 2269
(A) of this section, the applicant shall submit one complete set 2270
of fingerprints directly to the superintendent of the bureau of 2271
criminal identification and investigation for the purpose of 2272
conducting a criminal records check. The employee shall provide 2273
the fingerprints using a method the superintendent prescribes 2274
pursuant to division (C) (2) of section 109.572 of the Revised 2275
Code and ~~fill out~~ complete the form the superintendent 2276
prescribes pursuant to division (C) (1) of section 109.572 of the 2277
Revised Code. An employee who intends to carry a firearm ~~as~~ 2278
~~defined in section 2923.11 of the Revised Code~~ in the course of 2279
the employee's business or employment shall so notify the 2280
superintendent. This notification is in addition to ~~any other~~ 2281
~~requirement related to carrying a firearm that applies to the~~ 2282
~~employee~~ meeting the requirements set forth in section 4749.10 2283
of the Revised Code for carrying a firearm. The individual ~~or~~ 2284
~~corporation~~ requesting the criminal records check shall pay the 2285
fee the superintendent prescribes. 2286

The superintendent shall conduct the criminal records 2287
check as set forth in division (B) of section 109.572 of the 2288
Revised Code. If an employee intends to carry a firearm in the 2289
course of business or employment, pursuant to division (B) (2) of 2290
section 109.572 of the Revised Code the superintendent shall 2291

make a request of the federal bureau of investigation for any 2292
information and review the information the bureau provides. The 2293
superintendent shall submit all results of the completed 2294
investigation to the director of public safety. 2295

~~(3) If, after investigation, the bureau finds that the~~ 2296
~~employee—~~(C) The director shall issue to the applicant a private 2297
investigator, security officer, or private investigator and 2298
security officer registration card if the director finds that 2299
the applicant meets all of the following criteria: 2300

(1) The applicant has not been convicted of a 2301
disqualifying offense as defined in section 4776.10 of the 2302
Revised Code within the last three years, ~~the.~~ 2303

(2) The applicant has not been convicted of any crime of 2304
moral turpitude. 2305

(3) (a) The applicant has a good reputation of integrity. 2306

(b) The director shall adopt a rule in accordance with 2307
Chapter 119. of the Revised Code setting forth the factors the 2308
director may consider when determining whether an applicant has 2309
a good reputation for integrity. The rule shall include all of 2310
the following: 2311

(i) Whether or not the applicant has been subject to 2312
discipline for a violation of this chapter or its accompanying 2313
rules or a violation of any former or existing law of another 2314
state that is or was substantially equivalent to any of the 2315
prohibitions set forth in this chapter, within five years of 2316
making application; 2317

(ii) Whether or not the applicant has voluntarily 2318
surrendered a license or registration issued in accordance with 2319
this chapter within five years of making application or 2320

voluntarily surrendered a substantially equivalent license or 2321
registration issued under former or existing laws of another 2322
state; 2323

(iii) Whether or not the applicant has had a license or 2324
registration issued in accordance with this chapter previously 2325
revoked or suspended or has had a substantially equivalent 2326
license or registration issued under former or existing law of 2327
another state revoked or suspended. 2328

(4) The applicant has submitted a completed application, 2329
registration fee, and all required materials in accordance with 2330
divisions (A) and (B) of this section. 2331

(D) The director shall issue to the ~~employee an~~ 2332
~~identification~~ applicant a registration card bearing the license- 2333
~~number and signature of the licensee, which in the case of a~~ 2334
~~corporation shall be the signature of its president or its~~ 2335
~~qualifying agent, and containing the employee's name, address,~~ 2336
~~age, physical description, and right thumb print or registrant's~~ 2337
~~name, signiture, and recent photograph of the applicant and any~~ 2338
other identifying mark as the director prescribes, ~~a recent~~ 2339
~~photograph of the employee, and the employee's signature by~~ 2340
~~rule.~~ The director may issue a duplicate of a lost, ~~spoliated~~ 2341
~~spoiled,~~ or destroyed ~~identification~~ registration card issued 2342
under this section, upon payment of a fee fixed by the director, 2343
not exceeding five dollars. 2344

~~(C)~~(E) A registration card issued by the director in 2345
accordance with this section shall expire two years from the 2346
date of issuance and shall be renewed in accordance with section 2347
4749.061 of the Revised Code. The registration card authorizes 2348
the registrant to provide private investigator services, 2349
security services, or both anywhere in this state, only if the 2350

registrant is employed by a private investigator, security 2351
services provider, or both that is licensed in accordance with 2352
sections 4749.03 to 4749.034 of the Revised Code. The 2353
registration card issued by the department shall be carried by 2354
the registrant at all times while on duty. 2355

(F) Any registrant holding a valid registration card may 2356
change the registrant's registration class by submitting a 2357
change of classification request on a form prescribed by the 2358
director, payment of a five-dollar fee, and evidence of having 2359
passed the examination required under section 4749.063 of the 2360
Revised Code for that class. Upon receiving a change of 2361
classification request and the accompanying fee the director 2362
shall issue a new registration card. 2363

(G) (1) Except as provided in division ~~(E)~~ (G) (2) of this 2364
section and section 4749.061 of the Revised Code, no class A, B, 2365
or C licensee shall permit an employee, other than an individual 2366
who qualified a corporation for licensure, a registrant in the 2367
licensee's employ to engage in, and no registrant shall engage 2368
in, the business of private investigation, the business of 2369
security services, or both businesses until the employee 2370
registrant receives an identification a registration card from 2371
the department, except that pending the issuance of an 2372
identification card, a class A, B, or C licensee may offer for 2373
hire security guard or investigator employees provided the 2374
licensee obtains a waiver from the person who receives, for 2375
hire, security guard or investigative services, acknowledging 2376
that the person is aware the employees have not completed their 2377
registration and agreeing to their employment. 2378

(D) If a class A, B, or C licensee, or a registered 2379
employee of a class A, B, or C licensee, intends to. 2380

(2) (a) Any person employed by a class A, B, or C licensee, 2381
who has submitted an application for registration to the 2382
department in accordance with the requirements set forth in 2383
division (A) of this section, and whose application is pending 2384
approval by the director, may, at the direction and 2385
authorization of the employing licensee, engage in the business 2386
of private investigation, the business of security services, or 2387
both for a period of time not to exceed ninety days from the 2388
date the application for registration was submitted to the 2389
department. During the period in which the person's application 2390
for registration is pending approval, the person shall have the 2391
receipt of application issued by the department in the 2392
applicant's possession at all times while engaged in the 2393
provision of services for the applicant's employing licensee. 2394

(b) No person whose application for a firearm-bearer 2395
notation on the person's registration card, as set forth in 2396
section 4749.10 of the Revised Code, is pending approval by the 2397
director may carry a firearm while engaged in the business of 2398
private investigation, the business of security services, or 2399
both, whether or not the person has the person's receipt of 2400
application issued by the department. 2401

(3) While engaged in the duties of a registrant, upon the 2402
demand of any law enforcement officer who identifies him or 2403
herself as a law enforcement officer, an employee of the 2404
department of public safety who identifies him or herself as 2405
such an employee, or the client of the licensee, the registrant, 2406
or a person whose application for registration is pending 2407
approval by the director, shall display his or her registration 2408
card or receipt of application to that officer, employee, or 2409
client. 2410

~~(H) No registrant shall carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used, or equivalency training, if authorized, or shall be a former peace officer who previously had successfully completed a firearms training course, shall receive a certificate of satisfactory completion of that program or written evidence of approval of the equivalency training, shall file an application for registration, shall receive a firearm-bearer notation on the licensee's or registered employee's identification card, and shall annually requalify on a firearms range, all as described in division (A) of private investigation, the business of security services, or both, until the registrant has obtained a firearm-bearer notation on the registrant's registration card in accordance with section 4749.10 of the Revised Code. A private investigator, security guard provider, or employee is authorized to carry a firearm only in accordance with that division.~~

~~(E) This (I) The registration requirements of this section does do not apply to commissioned peace officers, as defined in division (B) of section 2935.01 of the Revised Code, working within their jurisdiction for, either as an employee or independent contractor, a class A, B, or C licensee. For purposes of this chapter, a commissioned peace officer is an employee exempt from registration.~~

~~(F) The registration of an investigator or security guard employee expires annually on the anniversary date of its initial issuance. Annual renewals shall be made pursuant to procedures~~

~~the director establishes by rule and upon payment of a renewal fee the director determines, not to exceed thirty five dollars. The director shall not renew the registration of any investigator or security guard employee who no longer meets the requirements of this section. No background check is required for annual renewal, but an investigator or security guard employee shall report any conviction of a disqualifying offense to the employer and the director of public safety as a condition of continued registration.~~

Sec. 4749.061. (A) (1) Registration cards issued prior to the effective date of this section shall expire on the date listed on the current registration card.

(2) When renewing such registration cards, the director of public safety shall issue new registration cards according to the following:

(a) Registrants with a last name starting with the letters A through L shall receive a registration card valid for one year, if all other requirements of this section are met and with payment of a renewal fee the director determines, not to exceed forty dollars.

(b) Registrants with a last name starting with the letters M through Z shall receive a registration card valid for two years, if all other requirements of this section are met and with payment of a renewal fee the director determines, not to exceed eighty dollars.

(B) Except as provided in division (A) (2) of this section, renewals shall occur every two years by meeting the requirements of this section and in accordance with all of the following:

(1) Renewals shall be made by submitting an application

for renewal on a form prescribed by the director of public 2471
safety, on or before the registrant's expiration date. 2472

(2) The application for renewal shall be accompanied by a 2473
renewal fee determined by the director, not to exceed eighty 2474
dollars. 2475

(3) Renewal applications submitted within thirty days 2476
after an applicant's registration expires shall be accompanied 2477
by the payment of a late fee of twenty dollars, that is in 2478
addition to the renewal fee prescribed in this division. 2479

(4) If a renewal application is not submitted or is 2480
submitted more than thirty days after the registration expires, 2481
the registrant will be required to submit an application for a 2482
new registration in accordance with this section. The expired 2483
registrant is prohibited from providing private investigation, 2484
security officer services, or both and is subject to sanctions 2485
for providing unregistered or unlicensed private investigator or 2486
security services or both if the expired registrant provides 2487
those services. 2488

(C) The director shall not renew the registration of a 2489
person who no longer meets the requirements of this section or 2490
fails to pay the renewal fee. 2491

(D) If a registrant is convicted of or pleads guilty to a 2492
disqualifying offense or offense of moral turpitude that is a 2493
felony, the registrant shall report that conviction or plea of 2494
guilty in writing to the registrant's employer and the director 2495
of public safety as a condition of continued registration. No 2496
registrant shall fail to comply with this division. 2497

Sec. 4749.062. (A) Each licensee shall report the 2498
licensee's private investigator or security officer employees, 2499

including those exempted from the registration requirements by 2500
division (I) of section 4749.06 of the Revised Code, with the 2501
department of public safety. 2502

(B) The department shall maintain a record of each 2503
licensee and each such employee and make it available upon 2504
request to any law enforcement agency and to the public. 2505

(C) The licensee shall report a new such employee not 2506
later than seven calendar days after the date on which the 2507
employee is hired. 2508

(D) Each licensee shall notify the department not later 2509
than seven calendar days after such an employee's employment is 2510
terminated for any reason. 2511

(E) A licensee shall allow a registrant in the licensee's 2512
employ to work only within the registrant's class. 2513

(F) Nothing in this section shall be construed as limiting 2514
registrants from being employed by more than one licensee at the 2515
same time. 2516

Sec. 4749.063. (A) Beginning on the effective date of this 2517
section, all persons submitting an application for a new private 2518
investigator registration, security officer registration, or 2519
both, shall be required to submit documentation showing that the 2520
applicant has within the one-year period immediately prior to 2521
making application, successfully passed a written private 2522
investigator examination, security officer examination, or both. 2523

(B) The director of public safety shall adopt rules in 2524
accordance with Chapter 119. of the Revised Code governing the 2525
examination and any training curriculum required prior to the 2526
examination. The rules shall address all of the following: 2527

<u>(1) With regard to the examination, all of the following</u>	2528
<u>shall be addressed or included:</u>	2529
<u>(a) Authorization for a qualifying agent of a licensee</u>	2530
<u>licensed pursuant to this chapter, or designee of a qualifying</u>	2531
<u>agent made in writing to the department of public safety to</u>	2532
<u>proctor the examination;</u>	2533
<u>(b) A requirement that applicants who fail the examination</u>	2534
<u>on the first attempt attend the eight-hour training course</u>	2535
<u>prescribed in this division;</u>	2536
<u>(c) The option for the examination to be administered</u>	2537
<u>electronically;</u>	2538
<u>(d) The option to create either one private investigator</u>	2539
<u>and security officer examination or separate examinations for</u>	2540
<u>private investigators, security officers, or both private</u>	2541
<u>investigators and security officers.</u>	2542
<u>(e) The content of the examination, consistent with this</u>	2543
<u>division;</u>	2544
<u>(f) The examination fee, which shall not exceed fifty</u>	2545
<u>dollars.</u>	2546
<u>(2) With regard to training, the rules shall include both</u>	2547
<u>of the following:</u>	2548
<u>(a) The option for applicants for a private investigator</u>	2549
<u>or security officer registration or both on or after the</u>	2550
<u>effective date of this section to take eight hours of training</u>	2551
<u>prior to examination.</u>	2552
<u>(b) The training curriculum, which shall, at a minimum,</u>	2553
<u>contain content pertaining to all of the following:</u>	2554

<u>(i) The role of private investigators and security officers;</u>	2555
<u>(ii) The laws and rules governing the business of private investigation and security services in this state;</u>	2557
<u>(iii) The legal powers and limitation on private investigators and security officers, including civil liability;</u>	2558
<u>(iv) Emergency procedures;</u>	2559
<u>(v) Communications and human and public relations;</u>	2560
<u>(vi) Access control;</u>	2561
<u>(vii) Ethics and professional conduct.</u>	2562
<u>(C) All registrants who are registered on the effective date of this section are exempt from the training and examination required by this section.</u>	2563
Sec. 4749.07. (A) After refund of any license fees as required by section 4749.03 of the Revised Code, the department of public safety shall pay all fees received pursuant to this chapter to the treasurer of state, to be credited to the private investigator and security guard-officer provider fund, which is hereby created.	2564
(B) Moneys received in payment of fines levied pursuant to section 4749.99 of the Revised Code shall be distributed as follows:	2565
(1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs;	2566
(2) One-third to the general fund of the county in which the prosecution occurs;	2567
(3) One-third to the private investigator and security	2568

~~guard-officer provider fund.~~ 2582

Sec. 4749.08. (A) No class A, B, or C licensee, or 2583
~~registered employee registrant~~ of a class A, B, or C licensee 2584
shall be considered, because of licensure or registration under 2585
this chapter, a law enforcement officer or peace officer for any 2586
purpose. ~~Nothing in this chapter shall be construed as granting~~ 2587
~~the right to carry a concealed weapon.~~ 2588

(B) The rules of the department of public safety adopted 2589
for the administration of this chapter shall include provisions 2590
to assure that any uniform, badge, or identification or 2591
registration card shall be so designed as to avoid confusion of 2592
a ~~private investigator, security guard provider, or registered~~ 2593
~~employee class A, B, or C licensee or registrant~~ with any law 2594
enforcement officer or peace officer in this state. 2595

(C) (1) No licensee shall publish or cause to be published 2596
any document, or use, either of the following in relation to the 2597
services it provides: 2598

(a) The words "law enforcement," "police," "sheriff," 2599
"deputy," "peace officer," "trooper," "constable," or "patrol" 2600
in conjunction with the terms "Ohio" or "State"; 2601

(b) Any other phrase or statement of any sort that 2602
suggests that the licensee is an official law enforcement or 2603
governmental, investigative agency or that a registrant in the 2604
licensee's employ is an official law enforcement officer or 2605
peace officer. 2606

As used in this division, "document" includes any 2607
advertisement, letterhead, circular, electronic site, statement, 2608
or phrase. 2609

(2) Division (C) (1) of this section shall not apply to the 2610

licensee if the licensee has been commissioned as a peace 2611
officer pursuant to section 109.71 of the Revised Code, 2612
commissioned as a special police officer pursuant to section 2613
4973.17 of the Revised Code, commissioned as a private policeman 2614
pursuant to section 737.05 of the Revised Code, or as a 2615
commissioned or appointed police officer pursuant to any other 2616
statute in the Revised Code, and the licensee is acting pursuant 2617
to his or her authority as a commissioned officer. 2618

(D) No vehicle used by a licensee or registrant in the 2619
performance of the business of private investigation or security 2620
services shall be marked with the words "law enforcement," 2621
"police," "sheriff," "deputy," "peace officer," "trooper," 2622
"constable," or "patrol" in conjunction with "Ohio" or "State." 2623

Sec. 4749.09. Any class A, B, or C licensee, or ~~registered~~ 2624
~~employee-registrant~~ of a class A, B, or C licensee, who operates 2625
in a municipal corporation that provides by ordinance for the 2626
licensing, registering, or regulation of private investigators, 2627
~~security-guard providers~~ officers, or their employees shall 2628
conform to those ordinances insofar as they do not conflict with 2629
this chapter. No license or registration fees shall be charged 2630
by the state or any of its subdivisions for conducting the 2631
business of private investigation, the business of security 2632
services, or both businesses other than as provided in this 2633
chapter. 2634

Sec. 4749.10. (A) ~~No class A, B, or C licensee and no~~ 2635
~~registered employee of a class A, B, or C licensee shall~~ No 2636
registrant shall carry a firearm in the course of the 2637
registrant's duties as a private investigator, security officer, 2638
or both unless the registrant is authorized to do so by the 2639
director of public safety in accordance with this section. 2640

Nothing in this section shall be construed as authorizing a 2641
registrant to carry a concealed firearm under any circumstance, 2642
unless the registrant complies with sections 2923.124 to 2643
2923.1213 of the Revised Code or 18 U.S.C. 926C. 2644

(B) In order to carry a firearm, ~~as defined in section~~ 2645
~~2923.11 of the Revised Code,~~ in the course of engaging in the 2646
business of private investigation, the business of security 2647
services, or both businesses, ~~unless all of the following apply~~ 2648
the registrant shall comply with the provisions of this section, 2649
including all of the following: 2650

(1) The licensee or employee registrant shall have done 2651
either has successfully of the following: 2652

(a) Successfully completed a basic private security 2653
firearm basic training program at ~~a training school~~ approved by 2654
the Ohio peace officer training commission, ~~which and has~~ 2655
received a certificate of satisfactory completion and has 2656
qualified with each firearm type to be carried in the course of 2657
engaging in the business of private investigation or security 2658
services. The program includes twenty shall include forty hours 2659
of training ~~in handgun use and, if any firearm other than a~~ 2660
~~handgun is to be used, five hours of training in the use of~~ 2661
~~other firearms, and has received a certificate of satisfactory~~ 2662
~~completion of that program from the executive director of the~~ 2663
~~commission; the licensee or employee has, within three years~~ 2664
~~prior to November 27, 1985, satisfactorily completed firearms~~ 2665
~~training that has been approved by the commission as being~~ 2666
~~equivalent to such a program and has received written evidence~~ 2667
~~of approval of that training from the executive director of the~~ 2668
~~commission; or the licensee or employee is a former peace~~ 2669
~~officer, as defined in section 109.71 of the Revised Code, who~~ 2670

~~previously had successfully completed a firearms training course~~ 2671
~~at a training school approved by the Ohio peace officer training~~ 2672
~~commission and has received a certificate or other evidence of~~ 2673
~~satisfactory completion of that course from the executive~~ 2674
~~director of the commission.~~ that addresses all of the following 2675
topics: 2676

(i) The legal aspects of firearms use; 2677

(ii) Handgun marksmanship; 2678

(iii) Handgun handling and tactics; 2679

(iv) Shotgun marksmanship; 2680

(v) Shotgun handling and tactics. 2681

(b) Provided documentation that establishes both of the 2682
following: 2683

(i) That the applicant is an active or reserve member of 2684
the armed forces of the United States, was honorably discharged 2685
within the last three years from military service in the active 2686
or reserve armed forces of the United States, is a qualified law 2687
enforcement officer as defined in 18 U.S.C. 926B, or is a 2688
qualified retired law enforcement officer as defined in 18 2689
U.S.C. 926C; 2690

(ii) That, through participation in the military service 2691
or through employment described above, the applicant acquired 2692
experience with handling handguns and shotguns, and the 2693
experience so acquired was equivalent to training that the 2694
applicant could have acquired in the program described in 2695
division (B) (1) (a) of this section. 2696

(2) The licensee or employee registrant submits an 2697
application to the director of public safety, on a form 2698

prescribed by the director, in which the ~~licensee or employee-~~ 2699
~~registrant requests registration as a class A, B, or C licensee-~~ 2700
~~or employee authorization as a registrant~~ who may carry a 2701
firearm of the type for which the registrant has received the 2702
applicable training. The application shall be accompanied by a 2703
copy of the certificate or the written evidence or other 2704
evidence described in division ~~(A)-(B)~~(1) of this section, ~~the~~ 2705
~~identification card issued pursuant to section 4749.03 or~~ 2706
~~4749.06 of the Revised Code if one has previously been issued, a~~ 2707
~~statement of the duties that will be performed while the~~ 2708
~~licensee or employee is armed,~~ and a fee the director 2709
determines, ~~not to exceed fifteen dollars. In the case of a~~ 2710
~~registered employee, the statement shall be prepared by the~~ 2711
~~employing class A, B, or C licensee.~~ 2712

(3) ~~The licensee or employee~~ After the registrant receives 2713
a notation on the ~~licensee's or employee's identification-~~ 2714
registrant's registration card that the ~~licensee or employee-~~ 2715
registrant is a firearm-bearer ~~and,~~ the registrant carries the 2716
~~identification registration~~ card whenever the licensee or 2717
employee carries a firearm in the course of engaging in the 2718
business of private investigation, the business of security 2719
services, or both businesses. 2720

~~(4) At any time within the immediately preceding twelve-~~ 2721
~~month period, the licensee or employee has requalified in-~~ 2722
~~firearms use on a firearms training range at a firearms-~~ 2723
~~requalification program certified by the Ohio peace officer-~~ 2724
~~training commission or on a firearms training range under the~~ 2725
~~supervision of an instructor certified by the commission and has~~ 2726
~~received a certificate of satisfactory requalification from the~~ 2727
~~certified program or certified instructor, provided that this-~~ 2728
~~division does not apply to any licensee or employee prior to the-~~ 2729

~~expiration of eighteen months after the licensee's or employee's
completion of the program described in division (A) (1) of this
section. A certificate of satisfactory requalification is valid
and remains in effect for twelve months from the date of the
requalification.~~ 2730
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~~(5) If division (A) (4) of this section applies to the
licensee or employee, the licensee or employee carries the
certificate of satisfactory requalification that then is in
effect or any other evidence of requalification issued or
provided by the director.~~ 2735
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~~(B) (1) The director of public safety shall register an
applicant under division (A) of this section who satisfies
divisions (A) (1) and (2) of this section, and place a notation
on the applicant's identification card indicating that the
applicant is a firearm bearer and the date on which the
applicant completed the program described in division (A) (1) of
this section.~~ 2740
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~~(2) A firearms requalification training program or
instructor certified by the commission for the annual
requalification of class A, B, or C licensees or employees who
are authorized to carry a firearm under section 4749.10 of the
Revised Code shall award a certificate of satisfactory
requalification to each class A, B, or C licensee or registered
employee of a class A, B, or C licensee who satisfactorily
requalifies in firearms training. The certificate shall identify
the licensee or employee and indicate the date of the
requalification. A licensee or employee who receives such a
certificate shall submit a copy of it to the director of public
safety. A licensee shall submit the copy of the requalification
certificate at the same time that the licensee makes application~~ 2747
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~~for renewal of the licensee's class A, B, or C license. The~~ 2760
~~director shall keep a record of all copies of requalification~~ 2761
~~certificates the director receives under this division and shall~~ 2762
~~establish a procedure for the updating of identification cards~~ 2763
~~to provide evidence of compliance with the annual~~ 2764
~~requalification requirement. The procedure for the updating of~~ 2765
~~identification cards may provide for the issuance of a new card~~ 2766
~~containing the evidence, the entry of a new notation containing~~ 2767
~~the evidence on the existing card, the issuance of a separate~~ 2768
~~card or paper containing the evidence, or any other procedure~~ 2769
~~determined by the director to be reasonable. Each person who is~~ 2770
~~issued a requalification certificate under this division~~ 2771
~~promptly shall pay to the Ohio peace officer training commission~~ 2772
~~established by section 109.71 of the Revised Code a fee the~~ 2773
~~director determines, not to exceed fifteen dollars, which fee~~ 2774
~~shall be transmitted to the treasurer of state for deposit in~~ 2775
~~the peace officer private security fund established by section~~ 2776
~~109.78 of the Revised Code.~~ 2777

~~(C) Nothing in this section prohibits a private~~ 2778
~~investigator or a security guard provider from carrying a~~ 2779
~~concealed handgun if the private investigator or security guard~~ 2780
~~provider complies with sections 2923.124 to 2923.1213 of the~~ 2781
~~Revised Code.~~ 2782

(C) (1) The basic firearms training described in division 2783
(B) (1) of this section is valid until the end of the following 2784
calendar year in which it is successfully completed. 2785

(2) In order to carry a firearm pursuant to this section, 2786
a registrant shall requalify annually pursuant to section 2787
109.801 of the Revised Code and in accordance with rules adopted 2788
by the attorney general pursuant to section 109.743 of the 2789

<u>Revised Code.</u>	2790
<u>(3) Each firearms requalification is valid until the</u>	2791
<u>thirty-first of December of the year following the</u>	2792
<u>requalification.</u>	2793
<u>(4) A registrant who has not re-qualified within the prior</u>	2794
<u>three calendar years shall complete the initial training</u>	2795
<u>described in division (B) (1) of this section before carrying a</u>	2796
<u>firearm pursuant to this section.</u>	2797
<u>(5) The director of public safety shall receive the</u>	2798
<u>registrant's evidence of requalification signed by the</u>	2799
<u>instructor on a form prescribed by the director.</u>	2800
<u>(6) Upon receipt of that evidence and the payment of a fee</u>	2801
<u>prescribed by the director, the director shall renew the firearm</u>	2802
<u>bearer notation on the registrant's registration card.</u>	2803
<u>(D) (1) Private security firearms instructors and firearms</u>	2804
<u>requalification instructors with active certification by the</u>	2805
<u>Ohio peace officer training commission in the appropriate</u>	2806
<u>firearm type may requalify registrants pursuant to this</u>	2807
<u>division.</u>	2808
<u>(2) Registrants desiring to carry firearms other than</u>	2809
<u>handguns or shotguns in the course of engaging in the business</u>	2810
<u>of private investigation, the business of security services, or</u>	2811
<u>both businesses, shall comply with division (B) of this section</u>	2812
<u>and then subsequently shall complete a training course conducted</u>	2813
<u>by an instructor with active certification from the commission</u>	2814
<u>for the other firearm type and requalify annually with that</u>	2815
<u>other firearm type.</u>	2816
<u>(E) (1) The director of public safety may immediately</u>	2817
<u>revoke firearm-bearer privileges without a prior hearing upon</u>	2818

receiving notice that a registrant is prohibited from carrying a 2819
firearm under 18 U.S.C. 922, section 2923.13 of the Revised 2820
Code, or a violation of any other state or federal law that 2821
disqualifies a person from carrying a firearm. 2822

(2) Upon revoking firearm-bearer privileges, the director 2823
of public safety shall provide the registrant with notice of 2824
opportunity of hearing in accordance with section 4749.041 of 2825
the Revised Code. 2826

Sec. 4749.11. (A) The director of public safety may 2827
investigate ~~any applicant for the person listed on a class A, B,~~ 2828
~~or C license, any principal officer or qualifying agent of a~~ 2829
~~corporation who is specified in an application for licensure as~~ 2830
~~satisfying the requirements of divisions (A) (1) and (F) (1) of~~ 2831
~~section 4749.03 of the Revised Code, and any employee of a class~~ 2832
~~A, B, or C licensee who seeks to be registered under section~~ 2833
~~4749.06 of the Revised Code~~ application and any person applying 2834
for a class A, B, or C registration to determine whether the 2835
individual person satisfies the applicable requirements for 2836
licensure or registration. 2837

(B) (1) The director may investigate, on the director's own 2838
initiative, the actions or proposed actions of ~~a~~ any of the 2839
following persons to determine whether the person is, has been, 2840
or will be in violation of any of the provisions of this chapter 2841
or rules adopted thereunder: 2842

(a) A class A, B, or C licensee, ~~or registered employee of~~ 2843
~~a class A, B, or C licensee to determine whether the person is,~~ 2844
~~has been, or will be in violation of section 4749.13 of the~~ 2845
~~Revised Code.;~~ 2846

(b) A person having a legal or beneficial interest in the 2847

ownership of a business that falls under the jurisdiction of 2848
this chapter; 2849

(c) A qualifying agent; 2850

(d) If a person listed on a license issued under this 2851
chapter is a corporation or limited liability company, any of 2852
the following: 2853

(i) Each officer of the person; 2854

(ii) Each managing member of the person; 2855

(iii) If the management of the company is not reserved to 2856
its members, the managers of the company; 2857

(iv) Any person owning or controlling five per cent or 2858
more of the capital stock of such a person that is a 2859
corporation; 2860

(v) Each person owning or controlling five per cent or 2861
more of either the voting interests or membership interests of 2862
such a person that is a limited liability company. 2863

(e) If a person listed on a license issued under this 2864
chapter is a partnership or association, each partner or member 2865
of the association. 2866

(2) The director ~~shall~~ may investigate any of these 2867
persons if a ~~verified written~~ complaint is filed indicating that 2868
a person has violated, or is or will be violating, ~~section~~ 2869
4749.13 of the Revised Code; ~~the complaint is supported by~~ 2870
evidence submitted with it; and the director determines that a 2871
prima facie case exists that a violation of that section is 2872
being, has been, or will be committed by the person any 2873
provision of this chapter. 2874

(C) The director may investigate, on the director's own 2875
initiative, the actions or proposed actions of a person who is 2876
not licensed or registered under this chapter and who appears to 2877
be acting as a class A, B, or C licensee, ~~or employee of a class~~ 2878
~~A, B, or C licensee registrant~~. The director ~~shall~~ may 2879
investigate such a person if a ~~verified written~~ complaint is 2880
filed indicating that a person was, is, or will be acting as a 2881
class A, B, or C licensee or ~~employee of a class A, B, or C~~ 2882
~~licensee registrant~~ but is not licensed or registered as such 2883
under this chapter, ~~the complaint is supported by evidence that~~ 2884
~~is submitted with it, and the director determines that a prima~~ 2885
~~facie case exists that the person was, is, or will be acting in~~ 2886
~~the alleged manner.~~ 2887

(D) In connection with investigations under divisions (B) 2888
and (C) of this section, the director may file an action with 2889
the court of common pleas of Franklin county or the court of 2890
common pleas of the county in which the person who is the 2891
subject of the investigation resides, is engaging in actions, or 2892
proposing to engage in actions, to obtain an injunction, 2893
restraining order, or other appropriate relief. 2894

(E) The director may compel by subpoena witnesses to 2895
appear and testify in relation to investigations under this 2896
chapter and may require by subpoena duces tecum the production 2897
of any book, paper, or document pertaining to an investigation. 2898
If a person does not comply with a subpoena or subpoena duces 2899
tecum, the director may apply to the court of common pleas of 2900
Franklin county for an order compelling the person to comply 2901
with the subpoena or subpoena duces tecum or, for failure to do 2902
so, to be held in contempt of court. 2903

(F) If, in an investigation under division (C) of this 2904

section, the director determines that a person is not a class A, 2905
B, or C licensee, or a ~~registered employee of a class A, B, or C~~ 2906
~~licensee registrant~~, and that the person was, is, or will be 2907
acting in the alleged manner, the director may issue an order to 2908
the person to show cause why the person should not be subject to 2909
licensing or registration under this chapter. The director shall 2910
hold a hearing on the order, and if following the hearing the 2911
director determines that the person has engaged, or is or will 2912
be engaging, in activities requiring licensure or registration 2913
under this chapter, the director may issue a cease and desist 2914
order that shall describe the person and the activities that are 2915
the subject of it. The cease and desist order is enforceable in 2916
and may be appealed to a court of common pleas pursuant to 2917
Chapter 119. of the Revised Code. 2918

(G) In any proceeding or action brought under this 2919
chapter, the burden of proving an exemption from the licensure 2920
requirements of this chapter is on the person claiming the 2921
benefit of the exemption to a preponderance of the evidence. 2922

Sec. 4749.12. (A) A person who is a resident of another 2923
state and is validly licensed and in good standing in that state 2924
as a private investigator, security provider, or both, may 2925
conduct temporary assignments in this state for up to thirty 2926
days annually if the business or contract originated outside 2927
this state. 2928

(B) Any person conducting a temporary assignment in this 2929
state may not solicit business in this state. 2930

Sec. 4749.13. (A) No person shall engage in the business 2931
of private investigation, the business of security services, or 2932
both businesses in this state unless the person is licensed 2933
pursuant to this chapter or a registrant registered under this 2934

~~chapter and working for a licensee.~~ Each day of continuing 2935
violation constitutes a separate offense. Nothing in this 2936
chapter shall be construed to require ~~any employee of a class A,~~ 2937
~~B, or C licensee~~ a registrant to obtain a class A, B, or C 2938
license, provided that ~~an employee shall be registered by a~~ 2939
~~licensee when required by section 4749.06 of the Revised Code.~~ 2940
~~Nothing in this chapter shall be construed to require a partner~~ 2941
~~to be a class A, B, or C licensee except as provided in division~~ 2942
~~(A) (3) of section 4749.03 of the Revised Code. Nothing in this~~ 2943
~~chapter shall be construed to require a director, officer, or~~ 2944
~~qualifying agent of a corporation to individually be a class A,~~ 2945
~~B, or C licensee if the corporation is licensed pursuant to this~~ 2946
~~chapter.~~ 2947

~~(B) No class A, B, or C licensee, or registered employee~~ 2948
~~of a class A, B, or C licensee shall:~~ 2949

~~(1) Knowingly violate any provision of this chapter or any~~ 2950
~~rule of the director of public safety adopted for the~~ 2951
~~administration of this chapter;~~ 2952

~~(2) Knowingly make a false report with respect to any~~ 2953
~~matter with which the licensee or registered employee is~~ 2954
~~employed;~~ 2955

~~(3) Divulge any information acquired from or for a client~~ 2956
~~to persons other than the client or the client's authorized~~ 2957
~~agent without express authorization to do so or unless required~~ 2958
~~by law;~~ 2959

~~(4) Knowingly accept employment which includes obtaining~~ 2960
~~information intended for illegal purposes.~~ 2961

~~(C) No person shall knowingly authorize or permit another~~ 2962
~~person to violate any provision of this chapter or any rule of~~ 2963

~~the director adopted for the administration of this chapter.~~ 2964

~~(D) the registrant is engaging in the business of private investigation, the business of security services, or both as an employee of a licensee.~~ 2965
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(B) No person who is not licensed as a class A, B, or C licensee shall advertise that the person is or otherwise hold his or her self out as a class A, B, or C licensee. This division does not prohibit ~~registered employees registrants~~ from indicating in the course of authorized employment for a class A, B, or C licensee that they are authorized to engage in ~~investigatory investigation, security services activities, or both activities.~~ 2968
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Sec. 4749.151. Except as provided in division (F) of section 4749.06 of the Revised Code, any person providing private investigator services, security services, or both and holding the person's self out as an independent contractor shall either: 2976
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(A) Hold a class A, B, or C license in accordance with sections 4749.03 to 4749.034 of the Revised Code; 2981
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(B) Hold a class A, B, or C registration in accordance with section 4749.06 of the Revised Code and be providing services on behalf of a class A, B, or C licensee; 2983
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(C) Be exempt from this chapter pursuant to division (L) of section 4749.01 of the Revised Code. 2986
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Sec. 4749.99. (A) Except as otherwise provided in this division, whoever violates division (A) of section 4749.13 of the Revised Code is guilty of a misdemeanor of the first degree. 2988
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Whoever violates division (A) of section 4749.13 of the Revised Code and previously has been convicted of one or more violations 2991
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of division (A) of that section is guilty of a felony of the 2993
fifth degree. If the offender previously has been convicted of 2994
two or more violations of division (A) of that section, the 2995
offender shall be fined ten thousand dollars and also may be 2996
imprisoned not more than one year. 2997

(B) Whoever violates division (B), ~~(C), or (D)~~ of section 2998
4749.13 of the Revised Code shall be fined not less than one 2999
hundred or more than one thousand dollars, imprisoned not more 3000
than one year, or both. 3001

Sec. 5502.011. (A) As used in this section, "department of 3002
public safety" and "department" include all divisions within the 3003
department of public safety. 3004

(B) The director of public safety is the chief executive 3005
and administrative officer of the department. The director may 3006
establish policies governing the department, the performance of 3007
its employees and officers, the conduct of its business, and the 3008
custody, use, and preservation of departmental records, papers, 3009
books, documents, and property. The director also may authorize 3010
and approve investigations to be conducted by any of the 3011
department's divisions. Whenever the Revised Code imposes a duty 3012
upon or requires an action of the department, the director may 3013
perform the action or duty in the name of the department or 3014
direct such performance to be performed by the director's 3015
designee. 3016

(C) In addition to any other duties enumerated in the 3017
Revised Code, the director or the director's designee shall do 3018
all of the following: 3019

(1) Administer and direct the performance of the duties of 3020
the department; 3021

(2) Pursuant to Chapter 119. of the Revised Code, approve,	3022
adopt, and prescribe such forms and rules as are necessary to	3023
carry out the duties of the department;	3024
(3) On behalf of the department and in addition to any	3025
authority the Revised Code otherwise grants to the department,	3026
have the authority and responsibility for approving and entering	3027
into contracts, agreements, and other business arrangements;	3028
(4) Make appointments for the department as needed to	3029
comply with requirements of the Revised Code;	3030
(5) Approve employment actions of the department,	3031
including appointments, promotions, discipline, investigations,	3032
and terminations;	3033
(6) Accept, hold, and use, for the benefit of the	3034
department, any gift, donation, bequest, or devise, and may	3035
agree to and perform all conditions of the gift, donation,	3036
bequest, or devise, that are not contrary to law;	3037
(7) Apply for, allocate, disburse, and account for grants	3038
made available under federal law or from other federal, state,	3039
or private sources;	3040
(8) Develop a list of disqualifying offenses for licensure	3041
as a private investigator or a security guard <u>officer</u> provider	3042
pursuant to sections 4749.03, 4749.04, 4749.10, and 4776.10 of	3043
the Revised Code;	3044
(9) Do all other acts necessary or desirable to carry out	3045
this chapter.	3046
(D) (1) The director of public safety may assess a	3047
reasonable fee, plus the amount of any charge or fee passed on	3048
from a financial institution, on a drawer or indorser for each	3049

of the following: 3050

(a) A check, draft, or money order that is returned or 3051
dishonored; 3052

(b) An automatic bank transfer that is declined, due to 3053
insufficient funds or for any other reason; 3054

(c) Any financial transaction device that is returned or 3055
dishonored for any reason. 3056

(2) The director shall deposit any fee collected under 3057
this division in an appropriate fund as determined by the 3058
director based on the tax, fee, or fine being paid. 3059

(3) As used in this division, "financial transaction 3060
device" has the same meaning as in section 113.40 of the Revised 3061
Code. 3062

(E) The director shall establish a homeland security 3063
advisory council to advise the director on homeland security, 3064
including homeland security funding efforts. The advisory 3065
council shall include, but not be limited to, state and local 3066
government officials who have homeland security or emergency 3067
management responsibilities and who represent first responders. 3068
The director shall appoint the members of the council, who shall 3069
serve without compensation. 3070

Section 2. That existing sections 9.07, 109.78, 2921.51, 3071
2925.01, 3743.06, 3743.19, 4749.01, 4749.02, 4749.021, 4749.031, 3072
4749.05, 4749.06, 4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 3073
4749.13, 4749.99, and 5502.011 and sections 4749.03, 4749.04, 3074
and 4749.12 of the Revised Code are hereby repealed. 3075

Section 3. Sections 1 and 2 of this act take effect one 3076
year after enactment of this act. 3077