

As Reported by the House Criminal Justice Committee

133rd General Assembly

Regular Session

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H. B. No. 539

Representatives Ghanbari, Blair

**Cosponsors: Representatives Abrams, Becker, Carfagna, Cross, Crossman,
Galonski, Hambley, Kick, LaRe, O'Brien, Plummer, Riedel, Swearingen, Rogers,
Smith, T.**

A BILL

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

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

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

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

officer appointed under section 5907.02 of the Revised Code, 18
special police officer employed by a port authority under 19
section 4582.04 or 4582.28 of the Revised Code, or a special 20
police officer employed by a municipal corporation at a 21
municipal airport, or other municipal air navigation facility, 22
that has scheduled operations, as defined in section 119.3 of 23
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 24
amended, and that is required to be under a security program and 25
is governed by aviation security rules of the transportation 26
security administration of the United States department of 27
transportation as provided in Parts 1542. and 1544. of Title 49 28
of the Code of Federal Regulations, as amended, shall arrest and 29
detain, until a warrant can be obtained, a person found 30
violating, within the limits of the political subdivision, 31
metropolitan housing authority housing project, regional transit 32
authority facilities or areas of a municipal corporation that 33
have been agreed to by a regional transit authority and a 34
municipal corporation located within its territorial 35
jurisdiction, college, university, veterans' home operated under 36
Chapter 5907. of the Revised Code, port authority, or municipal 37
airport or other municipal air navigation facility, in which the 38
peace officer is appointed, employed, or elected, a law of this 39
state, an ordinance of a municipal corporation, or a resolution 40
of a township. 41

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

officer's, state fire marshal law enforcement officer's, or 49
individual's territorial jurisdiction, a law of this state. 50

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

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

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

offense as defined in section 2913.01 of the Revised Code, or a 79
felony drug abuse offense as defined in section 2925.01 of the 80
Revised Code, has been committed within the limits of the 81
political subdivision, metropolitan housing authority housing 82
project, regional transit authority facilities or those areas of 83
a municipal corporation that have been agreed to by a regional 84
transit authority and a municipal corporation located within its 85
territorial jurisdiction, college, university, veterans' home 86
operated under Chapter 5907. of the Revised Code, port 87
authority, or municipal airport or other municipal air 88
navigation facility, in which the peace officer is appointed, 89
employed, or elected or within the limits of the territorial 90
jurisdiction of the peace officer, a peace officer described in 91
division (A) of this section may arrest and detain until a 92
warrant can be obtained any person who the peace officer has 93
reasonable cause to believe is guilty of the violation. 94

(2) For purposes of division (B)(1) of this section, the 95
execution of any of the following constitutes reasonable ground 96
to believe that the offense alleged in the statement was 97
committed and reasonable cause to believe that the person 98
alleged in the statement to have committed the offense is guilty 99
of the violation: 100

(a) A written statement by a person alleging that an 101
alleged offender has committed the offense of menacing by 102
stalking or aggravated trespass; 103

(b) A written statement by the administrator of the 104
interstate compact on mental health appointed under section 105
5119.71 of the Revised Code alleging that a person who had been 106
hospitalized, institutionalized, or confined in any facility 107
under an order made pursuant to or under authority of section 108

2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 109
2945.402 of the Revised Code has escaped from the facility, from 110
confinement in a vehicle for transportation to or from the 111
facility, or from supervision by an employee of the facility 112
that is incidental to hospitalization, institutionalization, or 113
confinement in the facility and that occurs outside of the 114
facility, in violation of section 2921.34 of the Revised Code; 115

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

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

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

(ii) No written statement of the type described in 139
division (B) (3) (a) (i) of this section is executed, but the peace 140
officer, based upon the peace officer's own knowledge and 141
observation of the facts and circumstances of the alleged 142
incident of the offense of domestic violence or the alleged 143
incident of the offense of violating a protection order or based 144
upon any other information, including, but not limited to, any 145
reasonably trustworthy information given to the peace officer by 146
the alleged victim of the alleged incident of the offense or any 147
witness of the alleged incident of the offense, concludes that 148
there are reasonable grounds to believe that the offense of 149
domestic violence or the offense of violating a protection order 150
has been committed and reasonable cause to believe that the 151
person in question is guilty of committing the offense. 152

(iii) No written statement of the type described in 153
division (B) (3) (a) (i) of this section is executed, but the peace 154
officer witnessed the person in question commit the offense of 155
domestic violence or the offense of violating a protection 156
order. 157

(b) If pursuant to division (B) (3) (a) of this section a 158
peace officer has reasonable grounds to believe that the offense 159
of domestic violence or the offense of violating a protection 160
order has been committed and reasonable cause to believe that a 161
particular person is guilty of committing the offense, it is the 162
preferred course of action in this state that the officer arrest 163
and detain that person pursuant to division (B) (1) of this 164
section until a warrant can be obtained. 165

If pursuant to division (B) (3) (a) of this section a peace 166
officer has reasonable grounds to believe that the offense of 167
domestic violence or the offense of violating a protection order 168

has been committed and reasonable cause to believe that family 169
or household members have committed the offense against each 170
other, it is the preferred course of action in this state that 171
the officer, pursuant to division (B) (1) of this section, arrest 172
and detain until a warrant can be obtained the family or 173
household member who committed the offense and whom the officer 174
has reasonable cause to believe is the primary physical 175
aggressor. There is no preferred course of action in this state 176
regarding any other family or household member who committed the 177
offense and whom the officer does not have reasonable cause to 178
believe is the primary physical aggressor, but, pursuant to 179
division (B) (1) of this section, the peace officer may arrest 180
and detain until a warrant can be obtained any other family or 181
household member who committed the offense and whom the officer 182
does not have reasonable cause to believe is the primary 183
physical aggressor. 184

(c) If a peace officer described in division (A) of this 185
section does not arrest and detain a person whom the officer has 186
reasonable cause to believe committed the offense of domestic 187
violence or the offense of violating a protection order when it 188
is the preferred course of action in this state pursuant to 189
division (B) (3) (b) of this section that the officer arrest that 190
person, the officer shall articulate in the written report of 191
the incident required by section 2935.032 of the Revised Code a 192
clear statement of the officer's reasons for not arresting and 193
detaining that person until a warrant can be obtained. 194

(d) In determining for purposes of division (B) (3) (b) of 195
this section which family or household member is the primary 196
physical aggressor in a situation in which family or household 197
members have committed the offense of domestic violence or the 198
offense of violating a protection order against each other, a 199

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| peace officer described in division (A) of this section, in | 200 |
| addition to any other relevant circumstances, should consider | 201 |
| all of the following: | 202 |
| (i) Any history of domestic violence or of any other | 203 |
| violent acts by either person involved in the alleged offense | 204 |
| that the officer reasonably can ascertain; | 205 |
| (ii) If violence is alleged, whether the alleged violence | 206 |
| was caused by a person acting in self-defense; | 207 |
| (iii) Each person's fear of physical harm, if any, | 208 |
| resulting from the other person's threatened use of force | 209 |
| against any person or resulting from the other person's use or | 210 |
| history of the use of force against any person, and the | 211 |
| reasonableness of that fear; | 212 |
| (iv) The comparative severity of any injuries suffered by | 213 |
| the persons involved in the alleged offense. | 214 |
| (e) (i) A peace officer described in division (A) of this | 215 |
| section shall not require, as a prerequisite to arresting or | 216 |
| charging a person who has committed the offense of domestic | 217 |
| violence or the offense of violating a protection order, that | 218 |
| the victim of the offense specifically consent to the filing of | 219 |
| charges against the person who has committed the offense or sign | 220 |
| a complaint against the person who has committed the offense. | 221 |
| (ii) If a person is arrested for or charged with | 222 |
| committing the offense of domestic violence or the offense of | 223 |
| violating a protection order and if the victim of the offense | 224 |
| does not cooperate with the involved law enforcement or | 225 |
| prosecuting authorities in the prosecution of the offense or, | 226 |
| subsequent to the arrest or the filing of the charges, informs | 227 |
| the involved law enforcement or prosecuting authorities that the | 228 |

victim does not wish the prosecution of the offense to continue 229
or wishes to drop charges against the alleged offender relative 230
to the offense, the involved prosecuting authorities, in 231
determining whether to continue with the prosecution of the 232
offense or whether to dismiss charges against the alleged 233
offender relative to the offense and notwithstanding the 234
victim's failure to cooperate or the victim's wishes, shall 235
consider all facts and circumstances that are relevant to the 236
offense, including, but not limited to, the statements and 237
observations of the peace officers who responded to the incident 238
that resulted in the arrest or filing of the charges and of all 239
witnesses to that incident. 240

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

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

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

offense of violating a protection order and if the circumstances 259
of the incident involved the use or threatened use of a deadly 260
weapon or any person involved in the incident brandished a 261
deadly weapon during or in relation to the incident, the deadly 262
weapon that was used, threatened to be used, or brandished 263
constitutes contraband, and, to the extent possible, the officer 264
shall seize the deadly weapon as contraband pursuant to Chapter 265
2981. of the Revised Code. Upon the seizure of a deadly weapon 266
pursuant to division (B) (3) (h) of this section, section 2981.12 267
of the Revised Code shall apply regarding the treatment and 268
disposition of the deadly weapon. For purposes of that section, 269
the "underlying criminal offense" that was the basis of the 270
seizure of a deadly weapon under division (B) (3) (h) of this 271
section and to which the deadly weapon had a relationship is any 272
of the following that is applicable: 273

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

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

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

officer, to the extent described in and in accordance with 289
section 9.86 or 2744.03 of the Revised Code, is immune in any 290
civil action for damages for injury, death, or loss to person or 291
property that arises from or is related to the arrest and 292
detention or the seizure. 293

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

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

or 6101.75 of the Revised Code, the house sergeant at arms if 320
the house sergeant at arms has arrest authority pursuant to 321
division (E) (1) of section 101.311 of the Revised Code, or an 322
assistant house sergeant at arms is authorized by division (A) 323
or (B) of this section to arrest and detain, within the limits 324
of the political subdivision, metropolitan housing authority 325
housing project, regional transit authority facilities or those 326
areas of a municipal corporation that have been agreed to by a 327
regional transit authority and a municipal corporation located 328
within its territorial jurisdiction, port authority, municipal 329
airport or other municipal air navigation facility, college, or 330
university in which the officer is appointed, employed, or 331
elected or within the limits of the territorial jurisdiction of 332
the peace officer, a person until a warrant can be obtained, the 333
peace officer, outside the limits of that territory, may pursue, 334
arrest, and detain that person until a warrant can be obtained 335
if all of the following apply: 336

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

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

(3) The offense involved is a felony, a misdemeanor of the 349

first degree or a substantially equivalent municipal ordinance, 350
a misdemeanor of the second degree or a substantially equivalent 351
municipal ordinance, or any offense for which points are 352
chargeable pursuant to section 4510.036 of the Revised Code. 353

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

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

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

township police district served by the member's police force, or 380
the townships and municipal corporations that created the joint 381
police district served by the member's police force, or the 382
township that is served by the township constable, is ~~sixty~~ 383
fifty thousand or less, the member of the township police 384
district or joint police district police force or the township 385
constable may not make an arrest under division (E) (2) of this 386
section on a state highway that is included as part of the 387
interstate system, unless authorized under division (C) of 388
section 4513.39 of the Revised Code. 389

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

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

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

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

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

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

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

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

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

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| violation. | 472 |
| (G) As used in this section: | 473 |
| (1) A "department of mental health and addiction services special police officer" means a special police officer of the department of mental health and addiction services designated under section 5119.08 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. | 474 475 476 477 478 479 480 |
| (2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. | 481 482 483 484 485 486 487 |
| (3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. | 488 489 |
| (4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. | 490 491 |
| (5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. | 492 493 |
| (6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. | 494 495 |
| (7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire | 496 497 498 499 |

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

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.

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

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

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

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

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

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

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

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

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

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

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

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