

As Reported by the House Transportation and Public Safety Committee

134th General Assembly

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H. B. No. 206

Representatives Ghanbari, O'Brien

Cosponsors: Representatives LaRe, Stein, Plummer, Hoops, Stephens, Abrams, Riedel, Seitz, Kick, Baldrige, Ginter, Click, Swearingen, Carfagna, Weinstein, Cutrona, White, Creech, Hall, Young, T., Jones, Brent, Johnson, Kelly, Miranda, Miller, A., Miller, J., Sheehy, John, Richardson, McClain, Carruthers, Stoltzfus, Gross, Fowler Arthur, Lampton, Ray, Loychik, Pavliga, Bird, Fraizer, Lanese, Sobecki, Upchurch, Robinson, Lightbody, Cross, Denson



A BILL

To amend sections 4513.35 and 4513.39 of the Revised Code to permit a township police officer who serves a population between 5,000 and 50,000 to enforce specified traffic offenses on interstate highways within the township if authorized by that township's board of trustees.

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

Section 1. That sections 4513.35 and 4513.39 of the Revised Code be amended to read as follows:

Sec. 4513.35. (A) All fines collected under sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code shall be paid into the county treasury and, with the exception of that portion distributed under section 307.515 of the Revised Code, shall be placed to the credit of the fund for the maintenance and repair of the highways within that county, except that:

(1) All fines for violations of division (B) of section 4513.263 shall be delivered to the treasurer of state as provided in division (E) of section 4513.263 of the Revised Code.

(2) All fines collected from, or moneys arising from bonds forfeited by, persons apprehended or arrested by state highway patrol troopers shall be distributed as provided in section 5503.04 of the Revised Code.

(3) (a) Subject to division (E) of section 4513.263 of the Revised Code and except as otherwise provided in division (A) (3) (b) of this section, one-half of all fines collected from, and one-half of all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer shall be paid to the township treasury to be placed to the credit of the general fund.

(b) All fines collected from, and all moneys arising from bonds forfeited by, persons apprehended or arrested by a township constable or other township police officer pursuant to division (B) (2) or (C) of section 4513.39 of the Revised Code for a violation of section 4511.21 of the Revised Code or any other law, ordinance, or regulation pertaining to speed that occurred on a highway that is part of the interstate system or otherwise part of the national highway system, shall be paid into the county treasury and be credited as provided in the first paragraph of this section.

(B) Notwithstanding any other provision of this section or of any other section of the Revised Code:

(1) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E) (1) or

(2) of section 2935.03 of the Revised Code are deemed to be 45
collected, and to arise, from arrests made within the 46
jurisdiction in which the arresting officer is appointed, 47
elected, or employed, for violations of one of the sections or 48
chapters of the Revised Code listed in division (E)(1) of that 49
section and shall be distributed accordingly. 50

(2) All fines collected from, and all moneys arising from 51
bonds forfeited by, persons arrested under division (E)(3) of 52
section 2935.03 of the Revised Code are deemed to be collected, 53
and to arise, from arrests made within the jurisdiction in which 54
the arresting officer is appointed, elected, or employed, for 55
violations of municipal ordinances that are substantially 56
equivalent to one of the sections or one of the provisions of 57
one of the chapters of the Revised Code listed in division (E) 58
(1) of that section and for violations of one of the sections or 59
one of the provisions of one of the chapters of the Revised Code 60
listed in division (E)(1) of that section, and shall be 61
distributed accordingly. 62

Sec. 4513.39. (A) The state highway patrol and sheriffs or 63
their deputies shall exercise, to the exclusion of all other 64
peace officers, except within municipal corporations and except 65
as specified in ~~division~~ divisions (B) and (C) of this section 66
and division (E) of section 2935.03 of the Revised Code, the 67
power to make arrests for violations on all state highways, of 68
sections 4503.11, 4503.21, 4511.14 to 4511.16, 4511.20 to 69
4511.23, 4511.26 to 4511.40, 4511.42 to 4511.48, 4511.58, 70
4511.59, 4511.62 to 4511.71, 4513.03 to 4513.13, 4513.15 to 71
4513.22, 4513.24 to 4513.34, 4549.01, 4549.08 to 4549.12, and 72
4549.62 of the Revised Code. 73

(B) A member of the police force of a township police 74

district created under section 505.48 of the Revised Code or of 75
a joint police district created under section 505.482 of the 76
Revised Code, and a township constable appointed pursuant to 77
section 509.01 of the Revised Code, who has received a 78
certificate from the Ohio peace officer training commission 79
under section 109.75 of the Revised Code, shall exercise the 80
power to make arrests for violations of those sections listed in 81
division (A) of this section, other than sections 4513.33 and 82
4513.34 of the Revised Code, as follows: 83

(1) ~~If~~ Except as specified in division (C) of this 84
section, if the population of the township that created the 85
township or joint police district served by the member's police 86
force or the township that is served by the township constable 87
is fifty thousand or less according to the most recent federal 88
decennial census, the member or constable shall exercise that 89
power on those portions of all state highways, including those 90
highways that are part of the national highway system but that 91
are not part of the interstate system, that are located within 92
the township or joint police district, in the case of a member 93
of a township or joint police district police force, or within 94
the unincorporated territory of the township, in the case of a 95
township constable~~r~~. 96

(2) If the population of the township that created the 97
township or joint police district served by the member's police 98
force or the township that is served by the township constable 99
is greater than fifty thousand according to the most recent 100
federal decennial census, the member or constable shall exercise 101
that power on those portions of all state highways, including 102
any highway that is a part of the interstate highway system or 103
otherwise a part of the national highway system, that are 104
located within the township or joint police district, in the 105

case of a member of a township or joint police district police 106
force, or within the unincorporated territory of the township, 107
in the case of a township constable. 108

(C) If the population of the township that created the 109
township or joint police district served by the member's police 110
force or the township that is served by the township constable 111
is between five thousand and fifty thousand according to the 112
most recent federal decennial census, the township board of 113
trustees may adopt, and may subsequently rescind, a resolution 114
authorizing a member or constable to make arrests for violations 115
of those sections listed in division (A) of this section, other 116
than sections 4513.33 and 4513.34 of the Revised Code, on any 117
highway that meets all of the following conditions: 118

(1) The highway is a part of the interstate highway 119
system. 120

(2) The highway is located within the township or joint 121
police district, in the case of a member of a township or joint 122
police district police force, or within the unincorporated 123
territory of the township, in the case of a township constable. 124

(3) (a) There is a permanent access point on and off the 125
highway open to the general public for the member or constable 126
to use that is located within the township or joint police 127
district, in the case of a member of a township or joint police 128
district police force, or within the unincorporated territory of 129
the township, in the case of a township constable. 130

(b) An access point specified by division (C) (3) (a) of 131
this section that is available as of the effective date of this 132
section remains an available access point for a member or 133
constable even if the territory in which the access point is 134

located is subsequently annexed by a municipal corporation. 135

Section 2. That existing sections 4513.35 and 4513.39 of 136
the Revised Code are hereby repealed. 137