

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 441

Representatives Edwards, Miller, A.

**Cosponsors: Representatives Brennan, Brown, Carruthers, Plummer, Seitz, Troy,
Weinstein**

A BILL

To amend sections 145.01 and 5149.04 and to enact 1
section 145.336 of the Revised Code to set 2
parole officer caseloads, to make changes to the 3
Public Employees Retirement System law 4
enforcement division for parole officers, and to 5
make an appropriation. 6

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

Section 1. That sections 145.01 and 5149.04 be amended and 7
section 145.336 of the Revised Code be enacted to read as 8
follows: 9

Sec. 145.01. As used in this chapter: 10

(A) "Public employee" means: 11

(1) Any person holding an office, not elective, under the 12
state or any county, township, municipal corporation, park 13
district, conservancy district, sanitary district, health 14
district, metropolitan housing authority, state retirement 15
board, Ohio history connection, public library, county law 16
library, union cemetery, joint hospital, institutional 17

commissary, state university, or board, bureau, commission, 18
council, committee, authority, or administrative body as the 19
same are, or have been, created by action of the general 20
assembly or by the legislative authority of any of the units of 21
local government named in division (A) (1) of this section, or 22
employed and paid in whole or in part by the state or any of the 23
authorities named in division (A) (1) of this section in any 24
capacity not covered by section 742.01, 3307.01, 3309.01, or 25
5505.01 of the Revised Code. 26

(2) A person who is a member of the public employees 27
retirement system and who continues to perform the same or 28
similar duties under the direction of a contractor who has 29
contracted to take over what before the date of the contract was 30
a publicly operated function. The governmental unit with which 31
the contract has been made shall be deemed the employer for the 32
purposes of administering this chapter. 33

(3) Any person who is an employee of a public employer, 34
notwithstanding that the person's compensation for that 35
employment is derived from funds of a person or entity other 36
than the employer. Credit for such service shall be included as 37
total service credit, provided that the employee makes the 38
payments required by this chapter, and the employer makes the 39
payments required by sections 145.48 and 145.51 of the Revised 40
Code. 41

(4) A person who elects in accordance with section 145.015 42
of the Revised Code to remain a contributing member of the 43
public employees retirement system. 44

(5) A person who is an employee of the legal rights 45
service on September 30, 2012, and continues to be employed by 46
the nonprofit entity established under Section 319.20 of Am. 47

Sub. H.B. 153 of the 129th general assembly. The nonprofit 48
entity is the employer for the purpose of this chapter. 49

In all cases of doubt, the public employees retirement 50
board shall determine under section 145.036, 145.037, or 145.038 51
of the Revised Code whether any person is a public employee, and 52
its decision is final. 53

(B) "Member" means any public employee, other than a 54
public employee excluded or exempted from membership in the 55
retirement system by section 145.03, 145.031, 145.032, 145.033, 56
145.034, 145.035, or 145.38 of the Revised Code. "Member" 57
includes a PERS retirant who becomes a member under division (C) 58
of section 145.38 of the Revised Code. "Member" also includes a 59
disability benefit recipient. 60

(C) "Head of the department" means the elective or 61
appointive head of the several executive, judicial, and 62
administrative departments, institutions, boards, and 63
commissions of the state and local government as the same are 64
created and defined by the laws of this state or, in case of a 65
charter government, by that charter. 66

(D) "Employer" or "public employer" means the state or any 67
county, township, municipal corporation, park district, 68
conservancy district, sanitary district, health district, 69
metropolitan housing authority, state retirement board, Ohio 70
history connection, public library, county law library, union 71
cemetery, joint hospital, institutional commissary, state 72
medical university, state university, or board, bureau, 73
commission, council, committee, authority, or administrative 74
body as the same are, or have been, created by action of the 75
general assembly or by the legislative authority of any of the 76
units of local government named in this division not covered by 77

section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior military service" also means all service credited for active duty with the armed forces of the United States as provided in section 145.30 of the Revised Code.

(F) "Contributor" means any person who has an account in the employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H) (1) "Total service credit," except as provided in sections 145.016 and 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its

own retirement plan for its employees or a part of its 107
employees, provided that all employees of that municipal 108
retirement plan who have eighteen or more months of such 109
employment, upon establishing membership in the public employees 110
retirement system, shall make a payment of the contributions 111
they would have paid had they been members of this system for 112
the eighteen months of employment preceding the date membership 113
was established. When that payment has been made by all such 114
employee members, a corresponding payment shall be paid into the 115
employers' accumulation fund by that municipal corporation as 116
the employer of the employees. 117

(3) Not more than one year of credit may be given for any 118
period of twelve months. 119

(4) "Ohio service credit" means credit for service that 120
was rendered to the state or any of its political subdivisions 121
or any employer. 122

(I) "Regular interest" means interest at any rates for the 123
respective funds and accounts as the public employees retirement 124
board may determine from time to time. 125

(J) "Accumulated contributions" means the sum of all 126
amounts credited to a contributor's individual account in the 127
employees' savings fund together with any interest credited to 128
the contributor's account under section 145.471 or 145.472 of 129
the Revised Code. 130

(K) (1) "Final average salary" means the greater of the 131
following: 132

(a) The sum of the member's earnable salaries for the 133
appropriate number of calendar years of contributing service, 134
determined under section 145.017 of the Revised Code, in which 135

the member's earnable salary was highest, divided by the same 136
number of calendar years or, if the member has fewer than the 137
appropriate number of calendar years of contributing service, 138
the total of the member's earnable salary for all years of 139
contributing service divided by the number of calendar years of 140
the member's contributing service; 141

(b) The sum of a member's earnable salaries for the 142
appropriate number of consecutive months, determined under 143
section 145.017 of the Revised Code, that were the member's last 144
months of service, up to and including the last month, divided 145
by the appropriate number of years or, if the time between the 146
first and final months of service is less than the appropriate 147
number of consecutive months, the total of the member's earnable 148
salary for all months of contributing service divided by the 149
number of years between the first and final months of 150
contributing service, including any fraction of a year, except 151
that the member's final average salary shall not exceed the 152
member's highest earnable salary for any twelve consecutive 153
months. 154

(2) If contributions were made in only one calendar year, 155
"final average salary" means the member's total earnable salary. 156

(L) "Annuity" means payments for life derived from 157
contributions made by a contributor and paid from the annuity 158
and pension reserve fund as provided in this chapter. All 159
annuities shall be paid in twelve equal monthly installments. 160

(M) "Annuity reserve" means the present value, computed 161
upon the basis of the mortality and other tables adopted by the 162
board, of all payments to be made on account of any annuity, or 163
benefit in lieu of any annuity, granted to a retirant as 164
provided in this chapter. 165

(N) (1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.	166 167
(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.	168 169
(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.	170 171 172 173 174
(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	175 176
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.	177 178 179
(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.	180 181 182 183 184 185
(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.	186 187 188
(R) (1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings	189 190 191 192 193 194

fund under section 145.47 of the Revised Code and without regard	195
to whether any of the salary, wages, or other earnings are	196
treated as deferred income for federal income tax purposes.	197
"Earnable salary" includes the following:	198
(a) Payments made by the employer in lieu of salary,	199
wages, or other earnings for sick leave, personal leave, or	200
vacation used by the contributor;	201
(b) Payments made by the employer for the conversion of	202
sick leave, personal leave, and vacation leave accrued, but not	203
used if the payment is made during the year in which the leave	204
is accrued, except that payments made pursuant to section	205
124.383 or 124.386 of the Revised Code are not earnable salary;	206
(c) Allowances paid by the employer for maintenance,	207
consisting of housing, laundry, and meals, as certified to the	208
retirement board by the employer or the head of the department	209
that employs the contributor;	210
(d) Fees and commissions paid under section 507.09 of the	211
Revised Code;	212
(e) Payments that are made under a disability leave	213
program sponsored by the employer and for which the employer is	214
required by section 145.296 of the Revised Code to make periodic	215
employer and employee contributions;	216
(f) Amounts included pursuant to former division (K) (3)	217
and former division (Y) of this section and section 145.2916 of	218
the Revised Code.	219
(2) "Earnable salary" does not include any of the	220
following:	221
(a) Fees and commissions, other than those paid under	222

section 507.09 of the Revised Code, paid as sole compensation	223
for personal services and fees and commissions for special	224
services over and above services for which the contributor	225
receives a salary;	226
(b) Amounts paid by the employer to provide life	227
insurance, sickness, accident, endowment, health, medical,	228
hospital, dental, or surgical coverage, or other insurance for	229
the contributor or the contributor's family, or amounts paid by	230
the employer to the contributor in lieu of providing the	231
insurance;	232
(c) Incidental benefits, including lodging, food, laundry,	233
parking, or services furnished by the employer, or use of the	234
employer's property or equipment, or amounts paid by the	235
employer to the contributor in lieu of providing the incidental	236
benefits;	237
(d) Reimbursement for job-related expenses authorized by	238
the employer, including moving and travel expenses and expenses	239
related to professional development;	240
(e) Payments for accrued but unused sick leave, personal	241
leave, or vacation that are made at any time other than in the	242
year in which the sick leave, personal leave, or vacation was	243
accrued;	244
(f) Payments made to or on behalf of a contributor that	245
are in excess of the annual compensation that may be taken into	246
account by the retirement system under division (a) (17) of	247
section 401 of the "Internal Revenue Code of 1986," 100 Stat.	248
2085, 26 U.S.C.A. 401(a) (17), as amended;	249
(g) Payments made under division (B), (C), or (E) of	250
section 5923.05 of the Revised Code, Section 4 of Substitute	251

Senate Bill No. 3 of the 119th general assembly, Section 3 of	252
Amended Substitute Senate Bill No. 164 of the 124th general	253
assembly, or Amended Substitute House Bill No. 405 of the 124th	254
general assembly;	255
(h) Anything of value received by the contributor that is	256
based on or attributable to retirement or an agreement to	257
retire, except that payments made on or before January 1, 1989,	258
that are based on or attributable to an agreement to retire	259
shall be included in earnable salary if both of the following	260
apply:	261
(i) The payments are made in accordance with contract	262
provisions that were in effect prior to January 1, 1986;	263
(ii) The employer pays the retirement system an amount	264
specified by the retirement board equal to the additional	265
liability resulting from the payments.	266
(i) The portion of any amount included in section 145.2916	267
of the Revised Code that represents employer contributions.	268
(3) The retirement board shall determine by rule whether	269
any compensation not enumerated in division (R) of this section	270
is earnable salary, and its decision shall be final.	271
(S) "Pension reserve" means the present value, computed	272
upon the basis of the mortality and other tables adopted by the	273
board, of all payments to be made on account of any retirement	274
allowance or benefit in lieu of any retirement allowance,	275
granted to a member or beneficiary under this chapter.	276
(T) "Contributing service" means both of the following:	277
(1) All service credited to a member of the system since	278
January 1, 1935, for which contributions are made as required by	279

sections 145.47, 145.48, and 145.483 of the Revised Code. In any	280
year subsequent to 1934, credit for any service shall be allowed	281
in accordance with section 145.016 of the Revised Code.	282
(2) Service credit received by election of the member	283
under section 145.814 of the Revised Code.	284
(U) "State retirement board" means the public employees	285
retirement board, the school employees retirement board, or the	286
state teachers retirement board.	287
(V) "Retirant" means any former member who retires and is	288
receiving a monthly allowance as provided in sections 145.32,	289
145.33, 145.331, 145.332, 145.335, and 145.46 and former section	290
145.34 of the Revised Code.	291
(W) "Employer contribution" means the amount paid by an	292
employer as determined under section 145.48 of the Revised Code.	293
(X) "Public service terminates" means the last day for	294
which a public employee is compensated for services performed	295
for an employer or the date of the employee's death, whichever	296
occurs first.	297
(Y) "Five years of service credit," for the exclusive	298
purpose of satisfying the service credit requirements and of	299
determining eligibility under section 145.33 or 145.332 of the	300
Revised Code, means employment covered under this chapter or	301
under a former retirement plan operated, recognized, or endorsed	302
by the employer prior to coverage under this chapter or under a	303
combination of the coverage.	304
(Z) "Deputy sheriff" means any person who is commissioned	305
and employed as a full-time peace officer by the sheriff of any	306
county, and has been so employed since on or before December 31,	307
1965; any person who is or has been commissioned and employed as	308

a peace officer by the sheriff of any county since January 1, 309
1966, and who has received a certificate attesting to the 310
person's satisfactory completion of the peace officer training 311
school as required by section 109.77 of the Revised Code; or any 312
person deputized by the sheriff of any county and employed 313
pursuant to section 2301.12 of the Revised Code as a criminal 314
bailiff or court constable who has received a certificate 315
attesting to the person's satisfactory completion of the peace 316
officer training school as required by section 109.77 of the 317
Revised Code. 318

(AA) "Township constable or police officer in a township 319
police department or district" means any person who is 320
commissioned and employed as a full-time peace officer pursuant 321
to Chapter 505. or 509. of the Revised Code, who has received a 322
certificate attesting to the person's satisfactory completion of 323
the peace officer training school as required by section 109.77 324
of the Revised Code. 325

(BB) "Drug agent" means any person who is either of the 326
following: 327

(1) Employed full time as a narcotics agent by a county 328
narcotics agency created pursuant to section 307.15 of the 329
Revised Code and has received a certificate attesting to the 330
satisfactory completion of the peace officer training school as 331
required by section 109.77 of the Revised Code; 332

(2) Employed full time as an undercover drug agent as 333
defined in section 109.79 of the Revised Code and is in 334
compliance with section 109.77 of the Revised Code. 335

(CC) "Department of public safety enforcement agent" means 336
a full-time employee of the department of public safety who is 337

designated under section 5502.14 of the Revised Code as an 338
enforcement agent and who is in compliance with section 109.77 339
of the Revised Code. 340

(DD) "Natural resources law enforcement staff officer" 341
means a full-time employee of the department of natural 342
resources who is designated a natural resources law enforcement 343
staff officer under section 1501.013 of the Revised Code and is 344
in compliance with section 109.77 of the Revised Code. 345

(EE) "Forest-fire investigator" means a full-time employee 346
of the department of natural resources who is appointed a 347
forest-fire investigator under section 1503.09 of the Revised 348
Code and is in compliance with section 109.77 of the Revised 349
Code. 350

(FF) "Natural resources officer" means a full-time 351
employee of the department of natural resources who is appointed 352
as a natural resources officer under section 1501.24 of the 353
Revised Code and is in compliance with section 109.77 of the 354
Revised Code. 355

(GG) "Wildlife officer" means a full-time employee of the 356
department of natural resources who is designated a wildlife 357
officer under section 1531.13 of the Revised Code and is in 358
compliance with section 109.77 of the Revised Code. 359

(HH) "Park district police officer" means a full-time 360
employee of a park district who is designated pursuant to 361
section 511.232 or 1545.13 of the Revised Code and is in 362
compliance with section 109.77 of the Revised Code. 363

(II) "Conservancy district officer" means a full-time 364
employee of a conservancy district who is designated pursuant to 365
section 6101.75 of the Revised Code and is in compliance with 366

section 109.77 of the Revised Code. 367

(JJ) "Municipal police officer" means a member of the 368
organized police department of a municipal corporation who is 369
employed full time, is in compliance with section 109.77 of the 370
Revised Code, and is not a member of the Ohio police and fire 371
pension fund. 372

(KK) "Veterans' home police officer" means any person who 373
is employed at a veterans' home as a police officer pursuant to 374
section 5907.02 of the Revised Code and is in compliance with 375
section 109.77 of the Revised Code. 376

(LL) "Special police officer for a mental health 377
institution" means any person who is designated as such pursuant 378
to section 5119.08 of the Revised Code and is in compliance with 379
section 109.77 of the Revised Code. 380

(MM) "Special police officer for an institution for 381
persons with intellectual disabilities" means any person who is 382
designated as such pursuant to section 5123.13 of the Revised 383
Code and is in compliance with section 109.77 of the Revised 384
Code. 385

(NN) "State university law enforcement officer" means any 386
person who is employed full time as a state university law 387
enforcement officer pursuant to section 3345.04 of the Revised 388
Code and who is in compliance with section 109.77 of the Revised 389
Code. 390

(OO) "House sergeant at arms" means any person appointed 391
by the speaker of the house of representatives under division 392
(B) (1) of section 101.311 of the Revised Code who has arrest 393
authority under division (E) (1) of that section. 394

(PP) "Assistant house sergeant at arms" means any person 395

appointed by the house sergeant at arms under division (C) (1) of 396
section 101.311 of the Revised Code. 397

(QQ) "Regional transit authority police officer" means a 398
person who is employed full time as a regional transit authority 399
police officer under division (Y) of section 306.35 of the 400
Revised Code and is in compliance with section 109.77 of the 401
Revised Code. 402

(RR) "State highway patrol police officer" means a special 403
police officer employed full time and designated by the 404
superintendent of the state highway patrol pursuant to section 405
5503.09 of the Revised Code or a person serving full time as a 406
special police officer pursuant to that section on a permanent 407
basis on October 21, 1997, who is in compliance with section 408
109.77 of the Revised Code. 409

(SS) "Municipal public safety director" means a person who 410
serves full time as the public safety director of a municipal 411
corporation with the duty of directing the activities of the 412
municipal corporation's police department and fire department. 413

(TT) "Bureau of criminal identification and investigation 414
investigator" means a person who is in compliance with section 415
109.77 of the Revised Code and is employed full time as an 416
investigator, as defined in section 109.541 of the Revised Code, 417
of the bureau of criminal identification and investigation 418
commissioned by the superintendent of the bureau as a special 419
agent for the purpose of assisting law enforcement officers or 420
providing emergency assistance to peace officers pursuant to 421
authority granted under that section. 422

(UU) "Gaming agent" means a person who is in compliance 423
with section 109.77 of the Revised Code and is employed full 424

time as a gaming agent with the Ohio casino control commission 425
pursuant to section 3772.03 of the Revised Code. 426

(VV) "Department of taxation investigator" means a person 427
employed full time with the department of taxation to whom both 428
of the following apply: 429

(1) The person has been delegated investigation powers 430
pursuant to section 5743.45 of the Revised Code for the 431
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 432
5747. of the Revised Code. 433

(2) The person is in compliance with section 109.77 of the 434
Revised Code. 435

(WW) "Special police officer for a port authority" means a 436
person who is in compliance with section 109.77 of the Revised 437
Code and is employed full time as a special police officer with 438
a port authority under section 4582.04 or 4582.28 of the Revised 439
Code. 440

(XX) "Special police officer for a municipal airport" 441
means a person to whom both of the following apply: 442

(1) The person is employed full time as a special police 443
officer with a municipal corporation at a municipal airport or 444
other municipal air navigation facility that meets both of the 445
following requirements: 446

(a) The airport or navigation facility has scheduled 447
operations, as defined in 14 C.F.R. 110.2, as amended. 448

(b) The airport or navigation facility is required to be 449
under a security program and is governed by aviation security 450
rules of the transportation security administration of the 451
United States department of transportation as provided in 49 452

C.F.R. parts 1542 and 1544, as amended. 453

(2) The person is in compliance with section 109.77 of the 454
Revised Code. 455

~~(YY)~~ (YY) (1) "Parole officer" means either of the 456
following: 457

(a) A member who is employed full time by the department 458
of rehabilitation and correction in the adult parole authority 459
created under section 5149.02 of the Revised Code to supervise 460
criminal offenders released from prison on parole or post- 461
release control; 462

(b) A member who is employed full time by the department 463
of youth services as a juvenile parole officer as described in 464
section 5139.18 of the Revised Code. 465

(2) As used in division (YY) (1) (a) of this section, 466
"parole" and "post-release control" have the same meanings as in 467
section 2967.01 of the Revised Code. 468

(ZZ) Notwithstanding section 2901.01 of the Revised Code, 469
"PERS law enforcement officer" means a sheriff or any of the 470
following whose primary duties are to preserve the peace, 471
protect life and property, and enforce the laws of this state: a 472
deputy sheriff, township constable or police officer in a 473
township police department or district, drug agent, department 474
of public safety enforcement agent, natural resources law 475
enforcement staff officer, wildlife officer, forest-fire 476
investigator, natural resources officer, park district police 477
officer, conservancy district officer, veterans' home police 478
officer, special police officer for a mental health institution, 479
special police officer for an institution for persons with 480
developmental disabilities, state university law enforcement 481

officer, municipal police officer, house sergeant at arms, 482
assistant house sergeant at arms, regional transit authority 483
police officer, or state highway patrol police officer. 484

"PERS law enforcement officer" also includes a person 485
employed as a bureau of criminal identification and 486
investigation investigator, gaming agent, department of taxation 487
investigator, special police officer for a port authority, or 488
special police officer for a municipal airport who commences 489
employment in any of those positions on or after April 6, 2017, 490
or makes the election described in section 145.334 of the 491
Revised Code. 492

"PERS law enforcement officer" also includes a person 493
serving as a municipal public safety director at any time during 494
the period from September 29, 2005, to March 24, 2009, if the 495
duties of that service were to preserve the peace, protect life 496
and property, and enforce the laws of this state. 497

~~ZZ~~"PERS law enforcement officer" also includes a person 498
employed as a parole officer who commences employment on or 499
after the effective date of this amendment or who makes the 500
election described in section 145.336 of the Revised Code. 501

AAA "Hamilton county municipal court bailiff" means a 502
person appointed by the clerk of courts of the Hamilton county 503
municipal court under division (A)(3) of section 1901.32 of the 504
Revised Code who is employed full time as a bailiff or deputy 505
bailiff, who has received a certificate attesting to the 506
person's satisfactory completion of the peace officer basic 507
training described in division (D)(1) of section 109.77 of the 508
Revised Code. 509

~~AAA~~BBB "PERS public safety officer" means a Hamilton 510

county municipal court bailiff, or any of the following whose 511
primary duties are other than to preserve the peace, protect 512
life and property, and enforce the laws of this state: a deputy 513
sheriff, township constable or police officer in a township 514
police department or district, drug agent, department of public 515
safety enforcement agent, natural resources law enforcement 516
staff officer, wildlife officer, forest-fire investigator, 517
natural resources officer, park district police officer, 518
conservancy district officer, veterans' home police officer, 519
special police officer for a mental health institution, special 520
police officer for an institution for persons with developmental 521
disabilities, state university law enforcement officer, 522
municipal police officer, house sergeant at arms, assistant 523
house sergeant at arms, regional transit authority police 524
officer, or state highway patrol police officer. 525

"PERS public safety officer" also includes a person 526
employed as a bureau of criminal identification and 527
investigation investigator, gaming agent, department of taxation 528
investigator, special police officer for a port authority, or 529
special police officer for a municipal airport who commences 530
employment in any of those positions on or after April 6, 2017, 531
or makes the election described in section 145.334 of the 532
Revised Code. 533

"PERS public safety officer" also includes a person 534
serving as a municipal public safety director at any time during 535
the period from September 29, 2005, to March 24, 2009, if the 536
duties of that service were other than to preserve the peace, 537
protect life and property, and enforce the laws of this state. 538

~~(BBB)~~ (CCC) "Fiduciary" means a person who does any of the 539
following: 540

(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

~~(CCC)~~ (DDD) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

~~(DDD)~~ (EEE) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.

~~(EEE)~~ (FFF) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.

Sec. 145.336. (A) A member who, on the effective date of this section, meets the definition of parole officer in section 145.01 of the Revised Code may make an election to be considered a PERS law enforcement officer by giving notice to the public employees retirement system on a form provided by the public employees retirement board. To be valid, the notice must be received by the retirement system not later than ninety days after the effective date of this section. The election, once made, causes the member to be considered a PERS law enforcement officer and is irrevocable.

(B) Except as provided in division (C) of this section, 569
service credit earned by a member of the retirement system 570
before the first day of the first month following the retirement 571
system's receipt of the notice of election made under this 572
section shall not be considered service credit as a PERS law 573
enforcement officer. 574

(C) (1) A member may apply to the retirement system on a 575
form provided by the system to have the member's service credit 576
under division (B) of this section considered as service credit 577
as a PERS law enforcement officer. The member and the member's 578
employer, subject to board rules, shall pay to the system for 579
credit to the member's accumulated account an amount equal to 580
the difference between the contributions the member and the 581
member's employer made to the system and the contributions that 582
would have been paid pursuant to section 145.49 of the Revised 583
Code if the member had been a PERS law enforcement officer. The 584
board shall notify the member and the member's employer of the 585
amount to be paid to purchase credit under this division. 586

(2) The board shall not require the member or the member's 587
employer to pay any amount to the system in addition to the 588
amount required under division (C) (1) of this section to 589
purchase the service credit, including interest or an amount 590
equal to any percentage of the actuarial liability resulting 591
from the purchase. 592

Sec. 5149.04. (A) As used in this section: 593

(1) "Caseload" means the maximum number of persons 594
paroled, conditionally pardoned, or released to community 595
supervision who should be under the supervision of any parole or 596
field officer. 597

(2) "Parole or field officer" means an adult parole, 598
senior adult parole, or adult field officer, a juvenile parole, 599
senior juvenile parole, or juvenile field officer, or a 600
combination adult and juvenile parole or field officer, of the 601
field services section. 602

(B) Persons paroled, conditionally pardoned, or released 603
to community supervision shall be under jurisdiction of the 604
adult parole authority and shall be supervised by the field 605
services section through its staff of parole and field officers 606
in such manner as to insure as nearly as possible the offender's 607
rehabilitation while at the same time providing maximum 608
protection to the general public. All state and local officials 609
shall furnish such information to officers of the section as 610
they may request in the performance of their duties. 611

~~(B)~~(C) The superintendent, or superintendents, of the 612
field services section shall be a person, or persons, especially 613
qualified by training and experience in the field of 614
corrections. The superintendent, or superintendents, shall 615
supervise the work of the section and shall formulate and 616
execute an effective program of offender supervision. The 617
superintendent, or superintendents, shall collect and preserve 618
any records and statistics with respect to offenders that are 619
required by the chief of the authority. The section also shall 620
include other personnel who are necessary for the performance of 621
the section's duties. 622

No person shall be appointed as a superintendent who is 623
not qualified by education or experience in correctional work 624
including law enforcement, probation, or parole work, in law, in 625
social work, or in a combination of the three categories. 626

~~(C)~~(D) The superintendent, or superintendents, of the 627

field services section, with the approval of the chief of the 628
authority, may establish district offices for the section and 629
may assign necessary parole and field officers and clerical 630
staff to the district offices. 631

~~(D)~~ (E) The field services section in the exercise of its 632
supervision over offenders and persons conditionally pardoned 633
shall carry out all lawful orders, terms, and conditions 634
prescribed by the authority, the chief of the division of parole 635
and community services, or the governor. 636

(F) (1) Not later than one year after the effective date of 637
this amendment, the adult parole authority shall establish 638
supervision standards for parole and field officers. The 639
standards shall include a specification of a caseload, 640
consistent with this division, and a workload for parole and 641
field officers. The caseload and workload specified in the 642
standards, except as otherwise provided in this division with 643
respect to caseload, shall comport with industry standards set 644
forth by the American probation and parole association. The 645
caseload standards shall specify that in no case shall an 646
individual parole or field officer's caseload be larger than 647
fifty offenders per parole or field officer, regardless of the 648
classification of the offenders. 649

(2) Not later than two years after establishing the 650
standards required under division (F) (1) of this section, the 651
department of rehabilitation and correction shall ensure that 652
the field services section has enough parole and field officers 653
to comply with the standards and that the officers have been 654
trained to the extent required to comply with the standards. 655

Section 2. That existing sections 145.01 and 5149.04 of 656
the Revised Code are hereby repealed. 657

Section 3. On the effective date of this section or as 658
soon as possible thereafter, the Public Employees Retirement 659
System (PERS) shall determine the additional liability, after 660
taking into account the required amounts the member and the 661
member's employer must pay to the system to purchase service 662
credit under section 145.336 of the Revised Code, arising from 663
purchasing any PERS regular service credit, earned by a parole 664
officer before the first day of the first month following the 665
system's receipt of the parole officer's election to participate 666
in the PERS law enforcement division under the section, into law 667
enforcement service credit under the PERS law enforcement 668
division and certify to the Director of Budget and Management 669
the amounts necessary to cover the additional liability placed 670
on the system. Upon certification, the amounts are hereby 671
appropriated and the Director shall transfer the amounts to the 672
system for deposit into the annuity and pension reserve fund 673
created in section 145.23 of the Revised Code. The operating 674
appropriations made in this act are in addition to any other 675
operating appropriations made for the FY 2024-FY 2025 biennium. 676

Section 4. Within the limits set forth in this act, the 677
Director of Budget and Management shall establish accounts 678
indicating the source and amount of funds for each appropriation 679
made in this act, and shall determine the form and manner in 680
which appropriation accounts shall be maintained. Expenditures 681
from operating appropriations contained in this act shall be 682
accounted for as though made in H.B. 33 of the 135th General 683
Assembly. The operating appropriations made in this act are 684
subject to all provisions of H.B. 33 of the 135th General 685
Assembly that are generally applicable to such appropriations. 686