

As Reported by the House Public Safety Committee

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H. B. No. 852

Representative Miller, K.

Cosponsors: Representatives Abrams, Ghanbari, Willis

To amend sections 109.77 and 737.15 and to enact 1
sections 505.496 and 737.053 of the Revised Code 2
to require an individual appointed as a chief of 3
police to complete a peace officer basic 4
training program. 5

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

Section 1. That sections 109.77 and 737.15 be amended and 6
sections 505.496 and 737.053 of the Revised Code be enacted to 7
read as follows: 8

Sec. 109.77. (A) As used in this section: 9

(1) "Felony" has the same meaning as in section 109.511 of 10
the Revised Code. 11

(2) "Companion animal" has the same meaning as in section 12
959.131 of the Revised Code. 13

(B) (1) Notwithstanding any general, special, or local law 14
or charter to the contrary, and except as otherwise provided in 15
this section, no person shall receive an original appointment on 16
a permanent basis as any of the following unless the person 17
previously has been awarded a certificate by the executive 18
director of the Ohio peace officer training commission attesting 19

to the person's satisfactory completion of an approved state, 20
county, municipal, or department of natural resources peace 21
officer basic training program: 22

(a) A peace officer of any county, township, municipal 23
corporation, regional transit authority, or metropolitan housing 24
authority; 25

(b) A natural resources law enforcement staff officer, 26
forest-fire investigator, wildlife officer, or natural resources 27
officer of the department of natural resources; 28

(c) An employee of a park district under section 511.232 29
or 1545.13 of the Revised Code; 30

(d) An employee of a conservancy district who is 31
designated pursuant to section 6101.75 of the Revised Code; 32

(e) A state university law enforcement officer; 33

(f) A special police officer employed by the department of 34
~~mental health and addiction services~~ behavioral health pursuant 35
to section 5119.08 of the Revised Code or the department of 36
developmental disabilities pursuant to section 5123.13 of the 37
Revised Code; 38

(g) An enforcement agent of the department of public 39
safety whom the director of public safety designates under 40
section 5502.14 of the Revised Code; 41

(h) A special police officer employed by a port authority 42
under section 4582.04 or 4582.28 of the Revised Code; 43

(i) A special police officer employed by a municipal 44
corporation at a municipal airport, or other municipal air 45
navigation facility, that has scheduled operations, as defined 46
in section 119.3 of Title 14 of the Code of Federal Regulations, 47

14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;

(j) A gaming agent employed under section 3772.03 of the Revised Code;

(k) A chief of police or village marshal appointed under section 505.49, 737.05, or 737.15 of the Revised Code.

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

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

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

(c) An employee of a park district under section 511.232

or 1545.13 of the Revised Code; 77

(d) An employee of a conservancy district who is 78
designated pursuant to section 6101.75 of the Revised Code; 79

(e) A special police officer employed by the department of 80
~~mental health and addiction services~~ behavioral health pursuant 81
to section 5119.08 of the Revised Code or the department of 82
developmental disabilities pursuant to section 5123.13 of the 83
Revised Code; 84

(f) An enforcement agent of the department of public 85
safety whom the director of public safety designates under 86
section 5502.14 of the Revised Code; 87

(g) A special police officer employed by a port authority 88
under section 4582.04 or 4582.28 of the Revised Code; 89

(h) A special police officer employed by a municipal 90
corporation at a municipal airport, or other municipal air 91
navigation facility, that has scheduled operations, as defined 92
in section 119.3 of Title 14 of the Code of Federal Regulations, 93
14 C.F.R. 119.3, as amended, and that is required to be under a 94
security program and is governed by aviation security rules of 95
the transportation security administration of the United States 96
department of transportation as provided in Parts 1542. and 97
1544. of Title 49 of the Code of Federal Regulations, as 98
amended. 99

(3) For purposes of division (B) of this section, a state, 100
county, municipal, or department of natural resources peace 101
officer basic training program, regardless of whether the 102
program is to be completed by peace officers appointed on a 103
permanent or temporary, probationary, or other nonpermanent 104
basis, shall include training in the handling of the offense of 105

domestic violence, other types of domestic violence-related 106
offenses and incidents, protection orders and consent agreements 107
issued or approved under section 2919.26 or 3113.31 of the 108
Revised Code, crisis intervention training, and training on 109
companion animal encounters and companion animal behavior. The 110
requirement to complete training in the handling of the offense 111
of domestic violence, other types of domestic violence-related 112
offenses and incidents, and protection orders and consent 113
agreements issued or approved under section 2919.26 or 3113.31 114
of the Revised Code does not apply to any person serving as a 115
peace officer on March 27, 1979, and the requirement to complete 116
training in crisis intervention does not apply to any person 117
serving as a peace officer on April 4, 1985. Any person who is 118
serving as a peace officer on April 4, 1985, who terminates that 119
employment after that date, and who subsequently is hired as a 120
peace officer by the same or another law enforcement agency 121
shall complete training in crisis intervention as prescribed by 122
rules adopted by the attorney general pursuant to section 123
109.742 of the Revised Code. No peace officer shall have 124
employment as a peace officer terminated and then be reinstated 125
with intent to circumvent this section. 126

(4) Division (B) of this section does not apply to any 127
person serving on a permanent basis on March 28, 1985, as a park 128
officer, forest officer, preserve officer, wildlife officer, or 129
state watercraft officer of the department of natural resources 130
or as an employee of a park district under section 511.232 or 131
1545.13 of the Revised Code, to any person serving on a 132
permanent basis on March 6, 1986, as an employee of a 133
conservancy district designated pursuant to section 6101.75 of 134
the Revised Code, to any person serving on a permanent basis on 135
January 10, 1991, as a preserve officer of the department of 136

natural resources, to any person employed on a permanent basis 137
on July 2, 1992, as a special police officer by the department 138
of ~~mental health and addiction services~~ behavioral health 139
pursuant to section 5119.08 of the Revised Code or by the 140
department of developmental disabilities pursuant to section 141
5123.13 of the Revised Code, to any person serving on a 142
permanent basis on May 17, 2000, as a special police officer 143
employed by a port authority under section 4582.04 or 4582.28 of 144
the Revised Code, to any person serving on a permanent basis on 145
March 19, 2003, as a special police officer employed by a 146
municipal corporation at a municipal airport or other municipal 147
air navigation facility described in division (A)(19) of section 148
109.71 of the Revised Code, to any person serving on a permanent 149
basis on June 19, 1978, as a state university law enforcement 150
officer pursuant to section 3345.04 of the Revised Code and who, 151
immediately prior to June 19, 1978, was serving as a special 152
police officer designated under authority of that section, or to 153
any person serving on a permanent basis on September 20, 1984, 154
as a liquor control investigator, known after June 30, 1999, as 155
an enforcement agent of the department of public safety, engaged 156
in the enforcement of Chapters 4301. and 4303. of the Revised 157
Code. 158

(5) Division (B) of this section does not apply to any 159
person who is appointed as a regional transit authority police 160
officer pursuant to division (Y) of section 306.35 of the 161
Revised Code if, on or before July 1, 1996, the person has 162
completed satisfactorily an approved state, county, municipal, 163
or department of natural resources peace officer basic training 164
program and has been awarded a certificate by the executive 165
director of the Ohio peace officer training commission attesting 166
to the person's satisfactory completion of such an approved 167

program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority. 168
169

(6) Division (B) of this section does not apply to either 170
of the following: 171

(a) An individual serving as a chief of police or village 172
marshal on the effective date of this amendment; 173

(b) An individual serving as an interim chief of police or 174
interim village marshal in accordance with section 505.496, 175
737.053, or 737.15 of the Revised Code, as applicable. 176

(C) No person, after September 20, 1984, shall receive an 177
original appointment on a permanent basis as a veterans' home 178
police officer designated under section 5907.02 of the Revised 179
Code unless the person previously has been awarded a certificate 180
by the executive director of the Ohio peace officer training 181
commission attesting to the person's satisfactory completion of 182
an approved police officer basic training program. Every person 183
who is appointed on a temporary basis or for a probationary term 184
or on other than a permanent basis as a veterans' home police 185
officer designated under section 5907.02 of the Revised Code 186
shall forfeit that position unless the person previously has 187
completed satisfactorily or, within one year from the time of 188
appointment, satisfactorily completes an approved police officer 189
basic training program. 190

(D) No bailiff or deputy bailiff of a court of record of 191
this state and no criminal investigator who is employed by the 192
state public defender shall carry a firearm, as defined in 193
section 2923.11 of the Revised Code, while on duty unless the 194
bailiff, deputy bailiff, or criminal investigator has done or 195
received one of the following: 196

(1) Has been awarded a certificate by the executive 197
director of the Ohio peace officer training commission, which 198
certificate attests to satisfactory completion of an approved 199
state, county, or municipal basic training program for bailiffs 200
and deputy bailiffs of courts of record and for criminal 201
investigators employed by the state public defender that has 202
been recommended by the Ohio peace officer training commission; 203

(2) Has successfully completed a firearms training program 204
approved by the Ohio peace officer training commission prior to 205
employment as a bailiff, deputy bailiff, or criminal 206
investigator; 207

(3) Prior to June 6, 1986, was authorized to carry a 208
firearm by the court that employed the bailiff or deputy bailiff 209
or, in the case of a criminal investigator, by the state public 210
defender and has received training in the use of firearms that 211
the Ohio peace officer training commission determines is 212
equivalent to the training that otherwise is required by 213
division (D) of this section. 214

(E) (1) Before a person seeking a certificate completes an 215
approved peace officer basic training program, the executive 216
director of the Ohio peace officer training commission shall 217
request the person to disclose, and the person shall disclose, 218
any previous criminal conviction of or plea of guilty of that 219
person to a felony. 220

(2) Before a person seeking a certificate completes an 221
approved peace officer basic training program, the executive 222
director shall request a criminal history records check on the 223
person. The executive director shall submit the person's 224
fingerprints to the bureau of criminal identification and 225
investigation, which shall submit the fingerprints to the 226

federal bureau of investigation for a national criminal history 227
records check. 228

Upon receipt of the executive director's request, the 229
bureau of criminal identification and investigation and the 230
federal bureau of investigation shall conduct a criminal history 231
records check on the person and, upon completion of the check, 232
shall provide a copy of the criminal history records check to 233
the executive director. The executive director shall not award 234
any certificate prescribed in this section unless the executive 235
director has received a copy of the criminal history records 236
check on the person to whom the certificate is to be awarded. 237

(3) The executive director of the commission shall not 238
award a certificate prescribed in this section to a person who 239
has been convicted of or has pleaded guilty to a felony or who 240
fails to disclose any previous criminal conviction of or plea of 241
guilty to a felony as required under division (E)(1) of this 242
section. 243

(4) The executive director of the commission shall revoke 244
the certificate awarded to a person as prescribed in this 245
section, and that person shall forfeit all of the benefits 246
derived from being certified as a peace officer under this 247
section, if the person, before completion of an approved peace 248
officer basic training program, failed to disclose any previous 249
criminal conviction of or plea of guilty to a felony as required 250
under division (E)(1) of this section. 251

(F)(1) Regardless of whether the person has been awarded 252
the certificate or has been classified as a peace officer prior 253
to, on, or after October 16, 1996, the executive director of the 254
Ohio peace officer training commission shall revoke any 255
certificate that has been awarded to a person as prescribed in 256

this section if the person does either of the following:	257
(a) Pleads guilty to a felony committed on or after	258
January 1, 1997;	259
(b) Pleads guilty to a misdemeanor committed on or after	260
January 1, 1997, pursuant to a negotiated plea agreement as	261
provided in division (D) of section 2929.43 of the Revised Code	262
in which the person agrees to surrender the certificate awarded	263
to the person under this section.	264
(2) The executive director of the commission shall suspend	265
any certificate that has been awarded to a person as prescribed	266
in this section if the person is convicted, after trial, of a	267
felony committed on or after January 1, 1997. The executive	268
director shall suspend the certificate pursuant to division (F)	269
(2) of this section pending the outcome of an appeal by the	270
person from that conviction to the highest court to which the	271
appeal is taken or until the expiration of the period in which	272
an appeal is required to be filed. If the person files an appeal	273
that results in that person's acquittal of the felony or	274
conviction of a misdemeanor, or in the dismissal of the felony	275
charge against that person, the executive director shall	276
reinstate the certificate awarded to the person under this	277
section. If the person files an appeal from that person's	278
conviction of the felony and the conviction is upheld by the	279
highest court to which the appeal is taken or if the person does	280
not file a timely appeal, the executive director shall revoke	281
the certificate awarded to the person under this section.	282
(G) (1) If a person is awarded a certificate under this	283
section and the certificate is revoked pursuant to division (E)	284
(4) or (F) of this section, the person shall not be eligible to	285
receive, at any time, a certificate attesting to the person's	286

satisfactory completion of a peace officer basic training program.	287 288
(2) The revocation or suspension of a certificate under division (E) (4) or (F) of this section shall be in accordance with Chapter 119. of the Revised Code.	289 290 291
(H) (1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer, or equivalent service as determined by the executive director of the Ohio peace officer training commission, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.	292 293 294 295 296 297 298 299 300 301
(2) Any person who held an appointment as a state highway trooper on January 1, 1966, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.	302 303 304 305 306 307
(I) No person who is appointed as a peace officer of a county, township, or municipal corporation on or after April 9, 1985, shall serve as a peace officer of that county, township, or municipal corporation unless the person has received training in the handling of missing children and child abuse and neglect cases from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.	308 309 310 311 312 313 314 315 316

(J) No part of any approved state, county, or municipal 317
basic training program for bailiffs and deputy bailiffs of 318
courts of record and no part of any approved state, county, or 319
municipal basic training program for criminal investigators 320
employed by the state public defender shall be used as credit 321
toward the completion by a peace officer of any part of the 322
approved state, county, or municipal peace officer basic 323
training program that the peace officer is required by this 324
section to complete satisfactorily. 325

(K) This section does not apply to any member of the 326
police department of a municipal corporation in an adjoining 327
state serving in this state under a contract pursuant to section 328
737.04 of the Revised Code. 329

(L) The executive director of the commission shall issue a 330
certificate of completion of a training program required under 331
this section in accordance with Chapter 4796. of the Revised 332
Code to an individual if either of the following applies: 333

(1) The individual holds a certificate of completion of 334
such a program in another state. 335

(2) The individual has satisfactory work experience, a 336
government certification, or a private certification as 337
described in that chapter in the same profession, occupation, or 338
occupational activity as the profession, occupation, or 339
occupational activity for which the certificate is required in 340
this state in a state that does not require completion of such a 341
training program. 342

(M) (1) Except as provided in division (M) (2) of this 343
section, no certificate awarded by the executive director of the 344
Ohio peace officer training commission attesting to a person's 345

satisfactory completion of an approved state, county, municipal, 346
or department of natural resources peace officer basic training 347
program shall be deemed insufficient for an appointment to a 348
position listed in division (B) (1) of this section because of a 349
lapse in the person's service as a peace officer. 350

(2) The Ohio peace officer training commission shall 351
require a re-appointed peace officer to complete refresher 352
training of the following duration prior to performing the 353
functions of a peace officer, if the peace officer, having 354
previously been awarded a certificate by the executive director 355
of the commission attesting to the person's satisfactory 356
completion of an approved state, county, municipal, or 357
department of natural resources peace officer basic training 358
program or pursuant to Chapter 4796. of the Revised Code, for at 359
least one year prior to an appointment, was not employed as a 360
peace officer: 361

(a) If the period of lapse was at least one year, but less 362
than four years, up to forty hours; 363

(b) If the period of lapse was four years or longer, 364
eighty hours. 365

Sec. 505.496. (A) Except as provided in division (B) of 366
this section, a board of township trustees of a township police 367
district or joint police district board shall not appoint an 368
individual as a chief of police under section 505.49 of the 369
Revised Code after the effective date of this section unless the 370
individual holds a certificate attesting to the individual's 371
satisfactory completion of an approved peace officer basic 372
training program under section 109.77 of the Revised Code. 373

(B) (1) A board of township trustees of a township police 374

district or joint police district board may appoint an 375
individual who does not hold a peace officer certificate as an 376
interim chief of police. An interim chief of police shall not 377
perform the functions of a peace officer or carry a weapon in 378
connection with peace officer duties until the individual has 379
been awarded a certificate. 380

(2) An individual appointed as an interim chief of police 381
shall serve a term of not longer than six months, except that a 382
board of township trustees or joint police district board may 383
extend the term for good cause. The individual must enroll in an 384
approved peace officer basic training program leading to a 385
certificate of completion under section 109.77 of the Revised 386
Code during the individual's term. 387

(C) A board of township trustees of a township police 388
district or joint police district board may appoint as a chief 389
of police an individual serving as an interim chief of police 390
under division (B) of this section who has been awarded a 391
certificate attesting to the individual's satisfactory 392
completion of an approved peace officer basic training program 393
under section 109.77 of the Revised Code. 394

(D) Except as provided in division (E) of section 505.49 395
of the Revised Code, no board of township trustees of a township 396
police district or joint police district board shall fail to do 397
either of the following: 398

(1) Fill a vacant position of chief of police or interim 399
chief of police within one hundred eighty days of the position 400
becoming vacant; 401

(2) Comply with division (A) of this section. 402

(E) A township or joint police district is ineligible to 403

receive either of the following for a violation of division (D) 404
of this section: 405

(1) A reimbursement from the attorney general of any funds 406
the board of township trustees or joint police district board 407
paid for continuing professional training under section 109.803 408
of the Revised Code; 409

(2) Any law enforcement grant administered by the 410
department of public safety that the township or joint police 411
district would otherwise be entitled to receive. 412

Sec. 737.053. (A) Except as provided in division (B) of 413
this section, a city's director of public safety shall not 414
appoint an individual as a chief of police under section 737.05 415
of the Revised Code after the effective date of this section 416
unless the individual holds a certificate attesting to the 417
individual's satisfactory completion of an approved peace 418
officer basic training program under section 109.77 of the 419
Revised Code. 420

(B) (1) A city's director of public safety may appoint an 421
individual who does not hold a peace officer certificate as an 422
interim chief of police. An interim chief of police shall not 423
perform the functions of a peace officer or carry a weapon in 424
connection with peace officer duties until the individual has 425
been awarded a certificate. 426

(2) An individual appointed as an interim chief of police 427
shall serve a term of not longer than six months, except that 428
the director of public safety may extend the term for good 429
cause. The individual must enroll in an approved peace officer 430
basic training program leading to a certificate of completion 431
under section 109.77 of the Revised Code during the individual's 432

<u>term.</u>	433
<u>(C) A city's director of public safety may appoint as a</u>	434
<u>chief of police an individual serving as an interim chief of</u>	435
<u>police under division (B) of this section who has been awarded a</u>	436
<u>certificate attesting to the individual's satisfactory</u>	437
<u>completion of an approved peace officer basic training program</u>	438
<u>under section 109.77 of the Revised Code.</u>	439
<u>(D) No city's director of public safety shall fail to do</u>	440
<u>either of the following:</u>	441
<u>(1) Fill a vacant position of chief of police or interim</u>	442
<u>chief of police within one hundred eighty days of the position</u>	443
<u>becoming vacant;</u>	444
<u>(2) Comply with division (A) of this section.</u>	445
<u>(E) A city police department is ineligible to receive</u>	446
<u>either of the following for a violation of division (D) of this</u>	447
<u>section:</u>	448
<u>(1) A reimbursement from the attorney general of any funds</u>	449
<u>the director of public safety paid for continuing professional</u>	450
<u>training under section 109.803 of the Revised Code;</u>	451
<u>(2) Any law enforcement grant administered by the</u>	452
<u>department of public safety that the police department would</u>	453
<u>otherwise be entitled to receive.</u>	454
Sec. 737.15. (A) Each village shall have a marshal,	455
designated chief of police, appointed by the mayor with the	456
advice and consent of the legislative authority of the village,	457
who need not be a resident of the village at the time of	458
appointment but shall become a resident thereof within six	459
months after appointment by the mayor and confirmation by the	460

legislative authority unless such residence requirement is 461
waived by ordinance, and who shall continue in office until 462
removed therefrom as provided by section 737.171 of the Revised 463
Code. 464

(B) No person shall receive an appointment under this 465
section after January 1, 1970, unless, not more than sixty days 466
prior to receiving such appointment, the person has passed a 467
physical examination, given by a licensed physician, a physician 468
assistant, a clinical nurse specialist, a certified nurse 469
practitioner, or a certified nurse-midwife, showing that the 470
person meets the physical requirements necessary to perform the 471
duties of village marshal as established by the legislative 472
authority of the village. The appointing authority shall, prior 473
to making any such appointment, file with the Ohio police and 474
fire pension fund a copy of the report or findings of said 475
licensed physician, physician assistant, clinical nurse 476
specialist, certified nurse practitioner, or certified nurse- 477
midwife. The professional fee for such physical examination 478
shall be paid for by such legislative authority. 479

(C) Except as provided in division (D) of this section, an 480
appointing authority shall not appoint an individual as a 481
village marshal under this section after the effective date of 482
this amendment unless the individual holds a certificate 483
attesting to the individual's satisfactory completion of an 484
approved peace officer basic training program under section 485
109.77 of the Revised Code. 486

(D) (1) An appointing authority may appoint an individual 487
who does not hold a peace officer certificate as an interim 488
village marshal. An interim village marshal shall not perform 489
the functions of a peace officer or carry a weapon in connection 490

with peace officer duties until the individual has been awarded 491
a certificate. 492

(2) An individual appointed as an interim village marshal 493
shall serve a term of not longer than six months, except that an 494
appointing authority may extend the term for good cause. The 495
individual must enroll in an approved peace officer basic 496
training program leading to a certificate of completion under 497
section 109.77 of the Revised Code during the individual's term. 498

(E) An appointing authority may appoint as a village 499
marshal an individual serving as an interim village marshal 500
under division (D) of this section who has been awarded a 501
certificate attesting to the individual's satisfactory 502
completion of an approved peace officer basic training program 503
under section 109.77 of the Revised Code. 504

(F) No appointing authority shall fail to do either of the 505
following: 506

(1) Fill a vacant position of village marshal or interim 507
village marshal within one hundred eighty days of the position 508
becoming vacant; 509

(2) Comply with division (C) of this section. 510

(G) An appointing authority is ineligible to receive 511
either of the following for a violation of division (F) of this 512
section: 513

(1) A reimbursement from the attorney general of any funds 514
the appointing authority paid for continuing professional 515
training under section 109.803 of the Revised Code; 516

(2) Any law enforcement grant administered by the 517
department of public safety that the appointing authority would 518

otherwise be entitled to receive. 519

Section 2. That existing sections 109.77 and 737.15 of the 520
Revised Code are hereby repealed. 521