

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 378

Representatives Hambley, Rezabek

**Cosponsors: Representatives Arndt, Boose, Brown, Conditt, LaTourette,
Manning, McColley, O'Brien, M., Schuring, Slaby**

A BILL

To amend sections 2935.03, 4513.35, and 4513.39 of 1
the Revised Code to authorize law enforcement 2
officers of township police districts and joint 3
police districts, and township constables, 4
serving specified small populations to make 5
arrests for motor vehicle-related violations 6
committed on an interstate highway in the same 7
manner as township law enforcement officers 8
serving larger populations. 9

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

Section 1. That sections 2935.03, 4513.35, and 4513.39 of 10
the Revised Code be amended to read as follows: 11

Sec. 2935.03. (A) (1) A sheriff, deputy sheriff, marshal, 12
deputy marshal, municipal police officer, township constable, 13
police officer of a township or joint police district, member of 14
a police force employed by a metropolitan housing authority 15
under division (D) of section 3735.31 of the Revised Code, 16
member of a police force employed by a regional transit 17
authority under division (Y) of section 306.35 of the Revised 18

Code, state university law enforcement officer appointed under 19
section 3345.04 of the Revised Code, veterans' home police 20
officer appointed under section 5907.02 of the Revised Code, 21
special police officer employed by a port authority under 22
section 4582.04 or 4582.28 of the Revised Code, or a special 23
police officer employed by a municipal corporation at a 24
municipal airport, or other municipal air navigation facility, 25
that has scheduled operations, as defined in section 119.3 of 26
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 27
amended, and that is required to be under a security program and 28
is governed by aviation security rules of the transportation 29
security administration of the United States department of 30
transportation as provided in Parts 1542. and 1544. of Title 49 31
of the Code of Federal Regulations, as amended, shall arrest and 32
detain, until a warrant can be obtained, a person found 33
violating, within the limits of the political subdivision, 34
metropolitan housing authority housing project, regional transit 35
authority facilities or areas of a municipal corporation that 36
have been agreed to by a regional transit authority and a 37
municipal corporation located within its territorial 38
jurisdiction, college, university, veterans' home operated under 39
Chapter 5907. of the Revised Code, port authority, or municipal 40
airport or other municipal air navigation facility, in which the 41
peace officer is appointed, employed, or elected, a law of this 42
state, an ordinance of a municipal corporation, or a resolution 43
of a township. 44

(2) A peace officer of the department of natural 45
resources, a state fire marshal law enforcement officer 46
described in division (A) (23) of section 109.71 of the Revised 47
Code, or an individual designated to perform law enforcement 48
duties under section 511.232, 1545.13, or 6101.75 of the Revised 49

Code shall arrest and detain, until a warrant can be obtained, a 50
person found violating, within the limits of the peace 51
officer's, state fire marshal law enforcement officer's, or 52
individual's territorial jurisdiction, a law of this state. 53

(3) The house sergeant at arms, if the house sergeant at 54
arms has arrest authority pursuant to division (E)(1) of section 55
101.311 of the Revised Code, and an assistant house sergeant at 56
arms shall arrest and detain, until a warrant can be obtained, a 57
person found violating, within the limits of the sergeant at 58
arms's or assistant sergeant at arms's territorial jurisdiction 59
specified in division (D)(1)(a) of section 101.311 of the 60
Revised Code or while providing security pursuant to division 61
(D)(1)(f) of section 101.311 of the Revised Code, a law of this 62
state, an ordinance of a municipal corporation, or a resolution 63
of a township. 64

(4) The senate sergeant at arms and an assistant senate 65
sergeant at arms shall arrest and detain, until a warrant can be 66
obtained, a person found violating, within the limits of the 67
sergeant at arms's or assistant sergeant at arms's territorial 68
jurisdiction specified in division (B) of section 101.312 of the 69
Revised Code, a law of this state, an ordinance of a municipal 70
corporation, or a resolution of a township. 71

(B)(1) When there is reasonable ground to believe that an 72
offense of violence, the offense of criminal child enticement as 73
defined in section 2905.05 of the Revised Code, the offense of 74
public indecency as defined in section 2907.09 of the Revised 75
Code, the offense of domestic violence as defined in section 76
2919.25 of the Revised Code, the offense of violating a 77
protection order as defined in section 2919.27 of the Revised 78
Code, the offense of menacing by stalking as defined in section 79

2903.211 of the Revised Code, the offense of aggravated trespass 80
as defined in section 2911.211 of the Revised Code, a theft 81
offense as defined in section 2913.01 of the Revised Code, or a 82
felony drug abuse offense as defined in section 2925.01 of the 83
Revised Code, has been committed within the limits of the 84
political subdivision, metropolitan housing authority housing 85
project, regional transit authority facilities or those areas of 86
a municipal corporation that have been agreed to by a regional 87
transit authority and a municipal corporation located within its 88
territorial jurisdiction, college, university, veterans' home 89
operated under Chapter 5907. of the Revised Code, port 90
authority, or municipal airport or other municipal air 91
navigation facility, in which the peace officer is appointed, 92
employed, or elected or within the limits of the territorial 93
jurisdiction of the peace officer, a peace officer described in 94
division (A) of this section may arrest and detain until a 95
warrant can be obtained any person who the peace officer has 96
reasonable cause to believe is guilty of the violation. 97

(2) For purposes of division (B)(1) of this section, the 98
execution of any of the following constitutes reasonable ground 99
to believe that the offense alleged in the statement was 100
committed and reasonable cause to believe that the person 101
alleged in the statement to have committed the offense is guilty 102
of the violation: 103

(a) A written statement by a person alleging that an 104
alleged offender has committed the offense of menacing by 105
stalking or aggravated trespass; 106

(b) A written statement by the administrator of the 107
interstate compact on mental health appointed under section 108
5119.71 of the Revised Code alleging that a person who had been 109

hospitalized, institutionalized, or confined in any facility 110
under an order made pursuant to or under authority of section 111
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 112
2945.402 of the Revised Code has escaped from the facility, from 113
confinement in a vehicle for transportation to or from the 114
facility, or from supervision by an employee of the facility 115
that is incidental to hospitalization, institutionalization, or 116
confinement in the facility and that occurs outside of the 117
facility, in violation of section 2921.34 of the Revised Code; 118

(c) A written statement by the administrator of any 119
facility in which a person has been hospitalized, 120
institutionalized, or confined under an order made pursuant to 121
or under authority of section 2945.37, 2945.371, 2945.38, 122
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 123
alleging that the person has escaped from the facility, from 124
confinement in a vehicle for transportation to or from the 125
facility, or from supervision by an employee of the facility 126
that is incidental to hospitalization, institutionalization, or 127
confinement in the facility and that occurs outside of the 128
facility, in violation of section 2921.34 of the Revised Code. 129

(3) (a) For purposes of division (B) (1) of this section, a 130
peace officer described in division (A) of this section has 131
reasonable grounds to believe that the offense of domestic 132
violence or the offense of violating a protection order has been 133
committed and reasonable cause to believe that a particular 134
person is guilty of committing the offense if any of the 135
following occurs: 136

(i) A person executes a written statement alleging that 137
the person in question has committed the offense of domestic 138
violence or the offense of violating a protection order against 139

the person who executes the statement or against a child of the 140
person who executes the statement. 141

(ii) No written statement of the type described in 142
division (B) (3) (a) (i) of this section is executed, but the peace 143
officer, based upon the peace officer's own knowledge and 144
observation of the facts and circumstances of the alleged 145
incident of the offense of domestic violence or the alleged 146
incident of the offense of violating a protection order or based 147
upon any other information, including, but not limited to, any 148
reasonably trustworthy information given to the peace officer by 149
the alleged victim of the alleged incident of the offense or any 150
witness of the alleged incident of the offense, concludes that 151
there are reasonable grounds to believe that the offense of 152
domestic violence or the offense of violating a protection order 153
has been committed and reasonable cause to believe that the 154
person in question is guilty of committing the offense. 155

(iii) No written statement of the type described in 156
division (B) (3) (a) (i) of this section is executed, but the peace 157
officer witnessed the person in question commit the offense of 158
domestic violence or the offense of violating a protection 159
order. 160

(b) If pursuant to division (B) (3) (a) of this section a 161
peace officer has reasonable grounds to believe that the offense 162
of domestic violence or the offense of violating a protection 163
order has been committed and reasonable cause to believe that a 164
particular person is guilty of committing the offense, it is the 165
preferred course of action in this state that the officer arrest 166
and detain that person pursuant to division (B) (1) of this 167
section until a warrant can be obtained. 168

If pursuant to division (B) (3) (a) of this section a peace 169

officer has reasonable grounds to believe that the offense of 170
domestic violence or the offense of violating a protection order 171
has been committed and reasonable cause to believe that family 172
or household members have committed the offense against each 173
other, it is the preferred course of action in this state that 174
the officer, pursuant to division (B)(1) of this section, arrest 175
and detain until a warrant can be obtained the family or 176
household member who committed the offense and whom the officer 177
has reasonable cause to believe is the primary physical 178
aggressor. There is no preferred course of action in this state 179
regarding any other family or household member who committed the 180
offense and whom the officer does not have reasonable cause to 181
believe is the primary physical aggressor, but, pursuant to 182
division (B)(1) of this section, the peace officer may arrest 183
and detain until a warrant can be obtained any other family or 184
household member who committed the offense and whom the officer 185
does not have reasonable cause to believe is the primary 186
physical aggressor. 187

(c) If a peace officer described in division (A) of this 188
section does not arrest and detain a person whom the officer has 189
reasonable cause to believe committed the offense of domestic 190
violence or the offense of violating a protection order when it 191
is the preferred course of action in this state pursuant to 192
division (B)(3)(b) of this section that the officer arrest that 193
person, the officer shall articulate in the written report of 194
the incident required by section 2935.032 of the Revised Code a 195
clear statement of the officer's reasons for not arresting and 196
detaining that person until a warrant can be obtained. 197

(d) In determining for purposes of division (B)(3)(b) of 198
this section which family or household member is the primary 199
physical aggressor in a situation in which family or household 200

members have committed the offense of domestic violence or the 201
offense of violating a protection order against each other, a 202
peace officer described in division (A) of this section, in 203
addition to any other relevant circumstances, should consider 204
all of the following: 205

(i) Any history of domestic violence or of any other 206
violent acts by either person involved in the alleged offense 207
that the officer reasonably can ascertain; 208

(ii) If violence is alleged, whether the alleged violence 209
was caused by a person acting in self-defense; 210

(iii) Each person's fear of physical harm, if any, 211
resulting from the other person's threatened use of force 212
against any person or resulting from the other person's use or 213
history of the use of force against any person, and the 214
reasonableness of that fear; 215

(iv) The comparative severity of any injuries suffered by 216
the persons involved in the alleged offense. 217

(e) (i) A peace officer described in division (A) of this 218
section shall not require, as a prerequisite to arresting or 219
charging a person who has committed the offense of domestic 220
violence or the offense of violating a protection order, that 221
the victim of the offense specifically consent to the filing of 222
charges against the person who has committed the offense or sign 223
a complaint against the person who has committed the offense. 224

(ii) If a person is arrested for or charged with 225
committing the offense of domestic violence or the offense of 226
violating a protection order and if the victim of the offense 227
does not cooperate with the involved law enforcement or 228
prosecuting authorities in the prosecution of the offense or, 229

subsequent to the arrest or the filing of the charges, informs 230
the involved law enforcement or prosecuting authorities that the 231
victim does not wish the prosecution of the offense to continue 232
or wishes to drop charges against the alleged offender relative 233
to the offense, the involved prosecuting authorities, in 234
determining whether to continue with the prosecution of the 235
offense or whether to dismiss charges against the alleged 236
offender relative to the offense and notwithstanding the 237
victim's failure to cooperate or the victim's wishes, shall 238
consider all facts and circumstances that are relevant to the 239
offense, including, but not limited to, the statements and 240
observations of the peace officers who responded to the incident 241
that resulted in the arrest or filing of the charges and of all 242
witnesses to that incident. 243

(f) In determining pursuant to divisions (B) (3) (a) to (g) 244
of this section whether to arrest a person pursuant to division 245
(B) (1) of this section, a peace officer described in division 246
(A) of this section shall not consider as a factor any possible 247
shortage of cell space at the detention facility to which the 248
person will be taken subsequent to the person's arrest or any 249
possibility that the person's arrest might cause, contribute to, 250
or exacerbate overcrowding at that detention facility or at any 251
other detention facility. 252

(g) If a peace officer described in division (A) of this 253
section intends pursuant to divisions (B) (3) (a) to (g) of this 254
section to arrest a person pursuant to division (B) (1) of this 255
section and if the officer is unable to do so because the person 256
is not present, the officer promptly shall seek a warrant for 257
the arrest of the person. 258

(h) If a peace officer described in division (A) of this 259

section responds to a report of an alleged incident of the 260
offense of domestic violence or an alleged incident of the 261
offense of violating a protection order and if the circumstances 262
of the incident involved the use or threatened use of a deadly 263
weapon or any person involved in the incident brandished a 264
deadly weapon during or in relation to the incident, the deadly 265
weapon that was used, threatened to be used, or brandished 266
constitutes contraband, and, to the extent possible, the officer 267
shall seize the deadly weapon as contraband pursuant to Chapter 268
2981. of the Revised Code. Upon the seizure of a deadly weapon 269
pursuant to division (B) (3) (h) of this section, section 2981.12 270
of the Revised Code shall apply regarding the treatment and 271
disposition of the deadly weapon. For purposes of that section, 272
the "underlying criminal offense" that was the basis of the 273
seizure of a deadly weapon under division (B) (3) (h) of this 274
section and to which the deadly weapon had a relationship is any 275
of the following that is applicable: 276

(i) The alleged incident of the offense of domestic 277
violence or the alleged incident of the offense of violating a 278
protection order to which the officer who seized the deadly 279
weapon responded; 280

(ii) Any offense that arose out of the same facts and 281
circumstances as the report of the alleged incident of the 282
offense of domestic violence or the alleged incident of the 283
offense of violating a protection order to which the officer who 284
seized the deadly weapon responded. 285

(4) If, in the circumstances described in divisions (B) (3) 286
(a) to (g) of this section, a peace officer described in 287
division (A) of this section arrests and detains a person 288
pursuant to division (B) (1) of this section, or if, pursuant to 289

division (B) (3) (h) of this section, a peace officer described in 290
division (A) of this section seizes a deadly weapon, the 291
officer, to the extent described in and in accordance with 292
section 9.86 or 2744.03 of the Revised Code, is immune in any 293
civil action for damages for injury, death, or loss to person or 294
property that arises from or is related to the arrest and 295
detention or the seizure. 296

(C) When there is reasonable ground to believe that a 297
violation of division (A) (1), (2), (3), (4), or (5) of section 298
4506.15 or a violation of section 4511.19 of the Revised Code 299
has been committed by a person operating a motor vehicle subject 300
to regulation by the public utilities commission of Ohio under 301
Title XLIX of the Revised Code, a peace officer with authority 302
to enforce that provision of law may stop or detain the person 303
whom the officer has reasonable cause to believe was operating 304
the motor vehicle in violation of the division or section and, 305
after investigating the circumstances surrounding the operation 306
of the vehicle, may arrest and detain the person. 307

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 308
municipal police officer, member of a police force employed by a 309
metropolitan housing authority under division (D) of section 310
3735.31 of the Revised Code, member of a police force employed 311
by a regional transit authority under division (Y) of section 312
306.35 of the Revised Code, special police officer employed by a 313
port authority under section 4582.04 or 4582.28 of the Revised 314
Code, special police officer employed by a municipal corporation 315
at a municipal airport or other municipal air navigation 316
facility described in division (A) of this section, township 317
constable, police officer of a township or joint police 318
district, state university law enforcement officer appointed 319
under section 3345.04 of the Revised Code, peace officer of the 320

department of natural resources, individual designated to 321
perform law enforcement duties under section 511.232, 1545.13, 322
or 6101.75 of the Revised Code, the house sergeant at arms if 323
the house sergeant at arms has arrest authority pursuant to 324
division (E)(1) of section 101.311 of the Revised Code, or an 325
assistant house sergeant at arms is authorized by division (A) 326
or (B) of this section to arrest and detain, within the limits 327
of the political subdivision, metropolitan housing authority 328
housing project, regional transit authority facilities or those 329
areas of a municipal corporation that have been agreed to by a 330
regional transit authority and a municipal corporation located 331
within its territorial jurisdiction, port authority, municipal 332
airport or other municipal air navigation facility, college, or 333
university in which the officer is appointed, employed, or 334
elected or within the limits of the territorial jurisdiction of 335
the peace officer, a person until a warrant can be obtained, the 336
peace officer, outside the limits of that territory, may pursue, 337
arrest, and detain that person until a warrant can be obtained 338
if all of the following apply: 339

(1) The pursuit takes place without unreasonable delay 340
after the offense is committed; 341

(2) The pursuit is initiated within the limits of the 342
political subdivision, metropolitan housing authority housing 343
project, regional transit authority facilities or those areas of 344
a municipal corporation that have been agreed to by a regional 345
transit authority and a municipal corporation located within its 346
territorial jurisdiction, port authority, municipal airport or 347
other municipal air navigation facility, college, or university 348
in which the peace officer is appointed, employed, or elected or 349
within the limits of the territorial jurisdiction of the peace 350
officer; 351

(3) The offense involved is a felony, a misdemeanor of the first degree or a substantially equivalent municipal ordinance, a misdemeanor of the second degree or a substantially equivalent municipal ordinance, or any offense for which points are chargeable pursuant to section 4510.036 of the Revised Code.

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

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

(2) A member of the police force of a township police district created under section 505.48 of the Revised Code, a member of the police force of a joint police district created under section 505.482 of the Revised Code, or a township constable appointed in accordance with 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, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint police district, in the case of a member of a township police district or joint police district police force, or the unincorporated territory of the township, in the case of a township constable.

~~However, if the population of the township that created the township police district served by the member's police force, or the townships and municipal corporations that created the joint police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E) (2) of this section on a state highway that is included as part of the interstate system.~~

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

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

(F) (1) A department of mental health and addiction 412
services special police officer or a department of developmental 413
disabilities special police officer may arrest without a warrant 414
and detain until a warrant can be obtained any person found 415
committing on the premises of any institution under the 416
jurisdiction of the particular department a misdemeanor under a 417
law of the state. 418

A department of mental health and addiction services 419
special police officer or a department of developmental 420
disabilities special police officer may arrest without a warrant 421
and detain until a warrant can be obtained any person who has 422
been hospitalized, institutionalized, or confined in an 423
institution under the jurisdiction of the particular department 424
pursuant to or under authority of section 2945.37, 2945.371, 425
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 426
Code and who is found committing on the premises of any 427
institution under the jurisdiction of the particular department 428
a violation of section 2921.34 of the Revised Code that involves 429
an escape from the premises of the institution. 430

(2) (a) If a department of mental health and addiction 431
services special police officer or a department of developmental 432
disabilities special police officer finds any person who has 433
been hospitalized, institutionalized, or confined in an 434
institution under the jurisdiction of the particular department 435
pursuant to or under authority of section 2945.37, 2945.371, 436
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 437
Code committing a violation of section 2921.34 of the Revised 438
Code that involves an escape from the premises of the 439
institution, or if there is reasonable ground to believe that a 440
violation of section 2921.34 of the Revised Code has been 441
committed that involves an escape from the premises of an 442

institution under the jurisdiction of the department of mental 443
health and addiction services or the department of developmental 444
disabilities and if a department of mental health and addiction 445
services special police officer or a department of developmental 446
disabilities special police officer has reasonable cause to 447
believe that a particular person who has been hospitalized, 448
institutionalized, or confined in the institution pursuant to or 449
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 450
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 451
the violation, the special police officer, outside of the 452
premises of the institution, may pursue, arrest, and detain that 453
person for that violation of section 2921.34 of the Revised 454
Code, until a warrant can be obtained, if both of the following 455
apply: 456

(i) The pursuit takes place without unreasonable delay 457
after the offense is committed; 458

(ii) The pursuit is initiated within the premises of the 459
institution from which the violation of section 2921.34 of the 460
Revised Code occurred. 461

(b) For purposes of division (F) (2) (a) of this section, 462
the execution of a written statement by the administrator of the 463
institution in which a person had been hospitalized, 464
institutionalized, or confined pursuant to or under authority of 465
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 466
or 2945.402 of the Revised Code alleging that the person has 467
escaped from the premises of the institution in violation of 468
section 2921.34 of the Revised Code constitutes reasonable 469
ground to believe that the violation was committed and 470
reasonable cause to believe that the person alleged in the 471
statement to have committed the offense is guilty of the 472

| | |
|--|---|
| violation. | 473 |
| (G) As used in this section: | 474 |
| (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. | 475 476 477 478 479 480 481 |
| (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. | 482 483 484 485 486 487 488 |
| (3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. | 489 490 |
| (4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. | 491 492 |
| (5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. | 493 494 |
| (6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. | 495 496 |
| (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 | 497 498 499 500 |

officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 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. 4513.35. (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 ~~patrolmen~~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 530
apprehended or arrested by a township constable or other 531
township police officer shall be paid to the township treasury 532
to be placed to the credit of the general fund. 533

(b) All fines collected from, and all moneys arising from 534
bonds forfeited by, persons apprehended or arrested by a 535
township constable or other township police officer pursuant to 536
division (B) ~~(2)~~ of section 4513.39 of the Revised Code for a 537
violation of section 4511.21 of the Revised Code or any other 538
law, ordinance, or regulation pertaining to speed that occurred 539
on a highway included as part of the interstate system, as 540
defined in section 5516.01 of the Revised Code, shall be paid 541
into the county treasury and be credited as provided in the 542
first paragraph of this section. 543

(B) Notwithstanding any other provision of this section or 544
of any other section of the Revised Code: 545

(1) All fines collected from, and all moneys arising from 546
bonds forfeited by, persons arrested under division (E) (1) or 547
(2) of section 2935.03 of the Revised Code are deemed to be 548
collected, and to arise, from arrests made within the 549
jurisdiction in which the arresting officer is appointed, 550
elected, or employed, for violations of one of the sections or 551
chapters of the Revised Code listed in division (E) (1) of that 552
section and shall be distributed accordingly. 553

(2) All fines collected from, and all moneys arising from 554
bonds forfeited by, persons arrested under division (E) (3) of 555
section 2935.03 of the Revised Code are deemed to be collected, 556
and to arise, from arrests made within the jurisdiction in which 557
the arresting officer is appointed, elected, or employed, for 558
violations of municipal ordinances that are substantially 559

equivalent to one of the sections or one of the provisions of 560
one of the chapters of the Revised Code listed in division (E) 561
(1) of that section and for violations of one of the sections or 562
one of the provisions of one of the chapters of the Revised Code 563
listed in division (E)(1) of that section, and shall be 564
distributed accordingly. 565

Sec. 4513.39. (A) The state highway patrol and sheriffs or 566
their deputies shall exercise, to the exclusion of all other 567
peace officers except within municipal corporations and except 568
as specified in division (B) of this section and division (E) of 569
section 2935.03 of the Revised Code, the power to make arrests 570
for violations on all state highways, of sections 4503.11, 571
4503.21, 4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 572
4511.40, 4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 573
4511.71, 4513.03 to 4513.13, 4513.15 to 4513.22, 4513.24 to 574
4513.34, 4549.01, 4549.08 to 4549.12, and 4549.62 of the Revised 575
Code. 576

(B) A member of the police force of a township police 577
district created under section 505.48 of the Revised Code or of 578
a joint police district created under section 505.482 of the 579
Revised Code, and a township constable appointed pursuant to 580
section 509.01 of the Revised Code, who has received a 581
certificate from the Ohio peace officer training commission 582
under section 109.75 of the Revised Code, shall exercise the 583
power to make arrests for violations of those sections listed in 584
division (A) of this section, other than sections 4513.33 and 585
4513.34 of the Revised Code, ~~as follows:~~ 586

~~(1) If the population of the township that created the 587
township or joint police district served by the member's police 588
force or the township that is served by the township constable 589~~

~~is fifty thousand or less, the member or constable shall~~ 590
~~exercise that power on those portions of all state highways,~~ 591
~~except those highways included as part of the interstate system,~~ 592
~~as defined in section 5516.01 of the Revised Code, that are~~ 593
~~located within the township or joint police district, in the~~ 594
~~case of a member of a township or joint police district police~~ 595
~~force, or within the unincorporated territory of the township,~~ 596
~~in the case of a township constable;~~ 597

~~(2) If the population of the township that created the~~ 598
~~township or joint police district served by the member's police~~ 599
~~force or the township that is served by the township constable~~ 600
~~is greater than fifty thousand, the member or constable shall~~ 601
~~exercise that power on those portions of all state highways and~~ 602
highways included as part of the interstate highway system, as 603
defined in section 5516.01 of the Revised Code, that are located 604
within the township or joint police district, in the case of a 605
member of a township or joint police district police force, or 606
within the unincorporated territory of the township, in the case 607
of a township constable. 608

Section 2. That existing sections 2935.03, 4513.35, and 609
4513.39 of the Revised Code are hereby repealed. 610