As Introduced

132nd General Assembly Regular Session

2017-2018

H. B. No. 255

Representative Hambley

Cosponsors: Representatives Rezabek, Slaby, DeVitis, Riedel, Becker, Arndt, Kick, Stein

A BILL

То	amend sections 2935.03, 4511.093, and 4513.39 of	1
	the Revised Code to authorize a township officer	2
	who serves a population of greater than 5,000 to	3
	make arrests for specified traffic offenses on	4
	interstate highways within and adjacent to the	5
	officer's territory and to prohibit townships	6
	from using traffic law photo-monitoring devices	7
	on interstate highways.	8

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

Section 1 . That sections 2935.03, 4511.093, and 4513.39 of	9
the Revised Code be amended to read as follows:	10
Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal,	11
deputy marshal, municipal police officer, township constable,	12
police officer of a township or joint police district, member of	13
a police force employed by a metropolitan housing authority	14
under division (D) of section 3735.31 of the Revised Code,	15
member of a police force employed by a regional transit	16
authority under division (Y) of section 306.35 of the Revised	17
Code, state university law enforcement officer appointed under	18

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

(2) A peace officer of the department of natural

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resources, a state fire marshal law enforcement officer

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described in division (A) (23) of section 109.71 of the Revised

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Code, or an individual designated to perform law enforcement

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duties under section 511.232, 1545.13, or 6101.75 of the Revised

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Code shall arrest and detain, until a warrant can be obtained, a

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person found violating, within the limits of the peace officer's, state fire marshal law enforcement officer's, or individual's territorial jurisdiction, a law of this state.

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- (3) The house sergeant at arms, if the house sergeant at 53 arms has arrest authority pursuant to division (E)(1) of section 54 101.311 of the Revised Code, and an assistant house sergeant at 55 arms shall arrest and detain, until a warrant can be obtained, a 56 person found violating, within the limits of the sergeant at 57 arms's or assistant sergeant at arms's territorial jurisdiction 58 specified in division (D)(1)(a) of section 101.311 of the 59 60 Revised Code or while providing security pursuant to division (D)(1)(f) of section 101.311 of the Revised Code, a law of this 61 state, an ordinance of a municipal corporation, or a resolution 62 of a township. 63
- (4) The senate sergeant at arms and an assistant senate sergeant at arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at arms's or assistant sergeant at arms's territorial jurisdiction specified in division (B) of section 101.312 of the Revised Code, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.
- (B)(1) When there is reasonable ground to believe that an 71 offense of violence, the offense of criminal child enticement as 72 defined in section 2905.05 of the Revised Code, the offense of 73 public indecency as defined in section 2907.09 of the Revised 74 Code, the offense of domestic violence as defined in section 75 2919.25 of the Revised Code, the offense of violating a 76 protection order as defined in section 2919.27 of the Revised 77 Code, the offense of menacing by stalking as defined in section 78 2903.211 of the Revised Code, the offense of aggravated trespass 79

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as defined in section 2911.211 of the Revised Code, a theft	80
offense as defined in section 2913.01 of the Revised Code, or a	81
felony drug abuse offense as defined in section 2925.01 of the	82
Revised Code, has been committed within the limits of the	83
political subdivision, metropolitan housing authority housing	84
project, regional transit authority facilities or those areas of	85
a municipal corporation that have been agreed to by a regional	86
transit authority and a municipal corporation located within its	87
territorial jurisdiction, college, university, veterans' home	88
operated under Chapter 5907. of the Revised Code, port	89
authority, or municipal airport or other municipal air	90
navigation facility, in which the peace officer is appointed,	91
employed, or elected or within the limits of the territorial	92
jurisdiction of the peace officer, a peace officer described in	93
division (A) of this section may arrest and detain until a	94
warrant can be obtained any person who the peace officer has	95
reasonable cause to believe is guilty of the violation.	96
(2) For purposes of division (B)(1) of this section, the	97
execution of any of the following constitutes reasonable ground	98
to believe that the offense alleged in the statement was	99
committed and reasonable cause to believe that the person	100

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

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alleged in the statement to have committed the offense is guilty

of the violation:

(b) A written statement by the administrator of the
interstate compact on mental health appointed under section
5119.71 of the Revised Code alleging that a person who had been
hospitalized, institutionalized, or confined in any facility
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under an order made pursuant to or under authority of section	110
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or	111
2945.402 of the Revised Code has escaped from the facility, from	112
confinement in a vehicle for transportation to or from the	113
facility, or from supervision by an employee of the facility	114
that is incidental to hospitalization, institutionalization, or	115
confinement in the facility and that occurs outside of the	116
facility, in violation of section 2921.34 of the Revised Code;	117
(c) A written statement by the administrator of any	118
facility in which a person has been hospitalized,	119
institutionalized, or confined under an order made pursuant to	120
or under authority of section 2945.37, 2945.371, 2945.38,	121
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code	122
alleging that the person has escaped from the facility, from	123
confinement in a vehicle for transportation to or from the	124
facility, or from supervision by an employee of the facility	125
that is incidental to hospitalization, institutionalization, or	126
confinement in the facility and that occurs outside of the	127
facility, in violation of section 2921.34 of the Revised Code.	128
(3)(a) For purposes of division (B)(1) of this section, a	129
peace officer described in division (A) of this section has	130
reasonable grounds to believe that the offense of domestic	131
violence or the offense of violating a protection order has been	132
committed and reasonable cause to believe that a particular	133
person is guilty of committing the offense if any of the	134
following occurs:	135
(i) A person executes a written statement alleging that	136
the person in question has committed the offense of domestic	137
violence or the offense of violating a protection order against	138

the person who executes the statement or against a child of the 139

person who executes the statement. 140 (ii) No written statement of the type described in 141 division (B)(3)(a)(i) of this section is executed, but the peace 142 officer, based upon the peace officer's own knowledge and 143 observation of the facts and circumstances of the alleged 144 incident of the offense of domestic violence or the alleged 145 incident of the offense of violating a protection order or based 146 upon any other information, including, but not limited to, any 147 reasonably trustworthy information given to the peace officer by 148 the alleged victim of the alleged incident of the offense or any 149 witness of the alleged incident of the offense, concludes that 150 there are reasonable grounds to believe that the offense of 151 domestic violence or the offense of violating a protection order 152 has been committed and reasonable cause to believe that the 153 person in question is guilty of committing the offense. 154 (iii) No written statement of the type described in 155 division (B)(3)(a)(i) of this section is executed, but the peace 156 officer witnessed the person in question commit the offense of 157 domestic violence or the offense of violating a protection 158 order. 159 (b) If pursuant to division (B)(3)(a) of this section a 160 peace officer has reasonable grounds to believe that the offense 161 of domestic violence or the offense of violating a protection 162 order has been committed and reasonable cause to believe that a 163 particular person is quilty of committing the offense, it is the 164 preferred course of action in this state that the officer arrest 165 and detain that person pursuant to division (B)(1) of this 166 section until a warrant can be obtained. 167 If pursuant to division (B)(3)(a) of this section a peace 168 officer has reasonable grounds to believe that the offense of 169

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

- (c) If a peace officer described in division (A) of this 187 section does not arrest and detain a person whom the officer has 188 reasonable cause to believe committed the offense of domestic 189 violence or the offense of violating a protection order when it 190 is the preferred course of action in this state pursuant to 191 division (B)(3)(b) of this section that the officer arrest that 192 person, the officer shall articulate in the written report of 193 the incident required by section 2935.032 of the Revised Code a 194 clear statement of the officer's reasons for not arresting and 195 detaining that person until a warrant can be obtained. 196
- (d) In determining for purposes of division (B)(3)(b) of
 this section which family or household member is the primary
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 physical aggressor in a situation in which family or household
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 members have committed the offense of domestic violence or the
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offense of violating a protection order against each other, a	201
peace officer described in division (A) of this section, in	202
addition to any other relevant circumstances, should consider	203
all of the following:	204
(i) Any history of domestic violence or of any other	205
violent acts by either person involved in the alleged offense	206
that the officer reasonably can ascertain;	207
(ii) If violence is alleged, whether the alleged violence	208
was caused by a person acting in self-defense;	209
(iii) Each person's fear of physical harm, if any,	210
resulting from the other person's threatened use of force	211
against any person or resulting from the other person's use or	212
history of the use of force against any person, and the	213
reasonableness of that fear;	214
(iv) The comparative severity of any injuries suffered by	215
the persons involved in the alleged offense.	216
(e)(i) A peace officer described in division (A) of this	217
section shall not require, as a prerequisite to arresting or	218
charging a person who has committed the offense of domestic	219
violence or the offense of violating a protection order, that	220
the victim of the offense specifically consent to the filing of	221
charges against the person who has committed the offense or sign	222
a complaint against the person who has committed the offense.	223
(ii) If a person is arrested for or charged with	224
committing the offense of domestic violence or the offense of	225
violating a protection order and if the victim of the offense	226
does not cooperate with the involved law enforcement or	227
prosecuting authorities in the prosecution of the offense or,	228
subsequent to the arrest or the filing of the charges, informs	229

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

(f) In determining pursuant to divisions (B)(3)(a) to (g) 243 of this section whether to arrest a person pursuant to division 244 (B)(1) of this section, a peace officer described in division 245 (A) of this section shall not consider as a factor any possible 246 shortage of cell space at the detention facility to which the 247 person will be taken subsequent to the person's arrest or any 248 possibility that the person's arrest might cause, contribute to, 249 or exacerbate overcrowding at that detention facility or at any 250 other detention facility. 251

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- (g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.
- (h) If a peace officer described in division (A) of this 258 section responds to a report of an alleged incident of the 259

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

(i) The alleged incident of the offense of domestic 276 violence or the alleged incident of the offense of violating a 277 protection order to which the officer who seized the deadly 278 weapon responded; 279

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- (ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.
- (4) If, in the circumstances described in divisions (B)(3)

 (a) to (g) of this section, a peace officer described in

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 division (A) of this section arrests and detains a person

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 pursuant to division (B)(1) of this section, or if, pursuant to

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 division (B)(3)(h) of this section, a peace officer described in

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

- (C) When there is reasonable ground to believe that a 296 violation of division (A)(1), (2), (3), (4), or (5) of section 297 4506.15 or a violation of section 4511.19 of the Revised Code 298 299 has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under 300 Title XLIX of the Revised Code, a peace officer with authority 301 to enforce that provision of law may stop or detain the person 302 whom the officer has reasonable cause to believe was operating 303 the motor vehicle in violation of the division or section and, 304 after investigating the circumstances surrounding the operation 305 of the vehicle, may arrest and detain the person. 306
- (D) If a sheriff, deputy sheriff, marshal, deputy marshal, 307 municipal police officer, member of a police force employed by a 308 metropolitan housing authority under division (D) of section 309 3735.31 of the Revised Code, member of a police force employed 310 by a regional transit authority under division (Y) of section 311 306.35 of the Revised Code, special police officer employed by a 312 port authority under section 4582.04 or 4582.28 of the Revised 313 Code, special police officer employed by a municipal corporation 314 at a municipal airport or other municipal air navigation 315 facility described in division (A) of this section, township 316 constable, police officer of a township or joint police 317 district, state university law enforcement officer appointed 318 under section 3345.04 of the Revised Code, peace officer of the 319 department of natural resources, individual designated to 320

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

- (1) The pursuit takes place without unreasonable delay 339 after the offense is committed; 340
- (2) The pursuit is initiated within the limits of the 341 political subdivision, metropolitan housing authority housing 342 project, regional transit authority facilities or those areas of 343 a municipal corporation that have been agreed to by a regional 344 transit authority and a municipal corporation located within its 345 territorial jurisdiction, port authority, municipal airport or 346 other municipal air navigation facility, college, or university 347 in which the peace officer is appointed, employed, or elected or 348 within the limits of the territorial jurisdiction of the peace 349 officer; 350

(3) The offense involved is a felony, a misdemeanor of the	351
first degree or a substantially equivalent municipal ordinance,	352
a misdemeanor of the second degree or a substantially equivalent	353
municipal ordinance, or any offense for which points are	354
chargeable pursuant to section 4510.036 of the Revised Code.	355
(E) In addition to the authority granted under division	356
(A) or (B) of this section:	357
(1) A sheriff or deputy sheriff may arrest and detain,	358
until a warrant can be obtained, any person found violating	359
section 4503.11, 4503.21, or 4549.01, sections 4549.08 to	360
4549.12, section 4549.62, or Chapter 4511. or 4513. of the	361
Revised Code on the portion of any street or highway that is	362
located immediately adjacent to the boundaries of the county in	363
which the sheriff or deputy sheriff is elected or appointed.	364
(2) A member of the police force of a township police	365
district created under section 505.48 of the Revised Code, a	366
member of the police force of a joint police district created	367
under section 505.482 of the Revised Code, or a township	368
constable appointed in accordance with section 509.01 of the	369
Revised Code, who has received a certificate from the Ohio peace	370
officer training commission under section 109.75 of the Revised	371
Code, may arrest and detain, until a warrant can be obtained,	372
any person found violating any section or chapter of the Revised	373
Code listed in division (E)(1) of this section, other than	374
sections 4513.33 and 4513.34 of the Revised Code, on the portion	375
of any street or highway that is located immediately adjacent to	376
the boundaries of the township police district or joint police	377

district, in the case of a member of a township police district

territory of the township, in the case of a township constable.

or joint police district police force, or the unincorporated

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

- (3) A police officer or village marshal appointed, 390 elected, or employed by a municipal corporation may arrest and 391 detain, until a warrant can be obtained, any person found 392 violating any section or chapter of the Revised Code listed in 393 division (E)(1) of this section on the portion of any street or 394 highway that is located immediately adjacent to the boundaries 395 of the municipal corporation in which the police officer or 396 village marshal is appointed, elected, or employed. 397
- (4) A peace officer of the department of natural 398 resources, a state fire marshal law enforcement officer 399 described in division (A)(23) of section 109.71 of the Revised 400 Code, or an individual designated to perform law enforcement 401 duties under section 511.232, 1545.13, or 6101.75 of the Revised 402 Code may arrest and detain, until a warrant can be obtained, any 403 person found violating any section or chapter of the Revised 404 Code listed in division (E)(1) of this section, other than 405 sections 4513.33 and 4513.34 of the Revised Code, on the portion 406 of any street or highway that is located immediately adjacent to 407 the boundaries of the lands and waters that constitute the 408 territorial jurisdiction of the peace officer or state fire 409 marshal law enforcement officer. 410

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

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

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

institution under the jurisdiction of the department of mental	442
health and addiction services or the department of developmental	443
disabilities and if a department of mental health and addiction	444
services special police officer or a department of developmental	445
disabilities special police officer has reasonable cause to	446
believe that a particular person who has been hospitalized,	447
institutionalized, or confined in the institution pursuant to or	448
under authority of section 2945.37, 2945.371, 2945.38, 2945.39,	449
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of	450
the violation, the special police officer, outside of the	451
premises of the institution, may pursue, arrest, and detain that	452
person for that violation of section 2921.34 of the Revised	453
Code, until a warrant can be obtained, if both of the following	454
apply:	455
(i) The pursuit takes place without unreasonable delay	456
after the offense is committed;	457
arter the Offense is Committeed,	437

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

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

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

investigator appointed pursuant to section 1503.09 of the	500
Revised Code, a natural resources officer appointed pursuant to	501
section 1501.24 of the Revised Code, or a wildlife officer	502
designated pursuant to section 1531.13 of the Revised Code.	503
(8) "Portion of any street or highway" means all lanes of	504
the street or highway irrespective of direction of travel,	505
including designated turn lanes, and any berm, median, or	506
shoulder.	507
Sec. 4511.093. (A) A local authority may utilize a traffic	508
law photo-monitoring device for the purpose of detecting traffic	509
law violations. If the local authority is a county or township,	510
the board of county commissioners or the board of township	511
trustees may adopt such resolutions as may be necessary to	512
enable the county or township to utilize traffic law photo-	513
monitoring devices.	514
(B) The use of a traffic law photo-monitoring device is	515
subject to the following conditions:	516
(1) A local authority shall use a traffic law photo-	517
monitoring device to detect and enforce traffic law violations	518
only if a law enforcement officer is present at the location of	519
the device at all times during the operation of the device and	520
if the local authority complies with sections 4511.094 and	521
4511.095 of the Revised Code.	522
(2) A law enforcement officer who is present at the	523
location of any traffic law photo-monitoring device and who	524
personally witnesses a traffic law violation may issue a ticket	525
for the violation. Such a ticket shall be issued in accordance	526
with section 2935.25 of the Revised Code and is not subject to	527
sections 4511.096 to 4511.0910 and section 4511.912 of the	528

Revised Code.	529
(3) If a traffic law photo-monitoring device records a	530
traffic law violation and the law enforcement officer who was	531
present at the location of the traffic law photo-monitoring	532
device does not issue a ticket as provided under division (B)(2)	533
of this section, the local authority may only issue a ticket in	534
accordance with sections 4511.096 to 4511.0912 of the Revised	535
Code.	536
(C) No township constable or member of a police force of a	537
township or joint police district shall utilize a traffic law	538
photo-monitoring device to detect and enforce traffic law	539
violations on an interstate highway.	540
Sec. 4513.39. (A) The state highway patrol and sheriffs or	541
their deputies shall exercise, to the exclusion of all other	542
peace officers except within municipal corporations and except	543
as specified in division (B) of this section and division (E) of	544
section 2935.03 of the Revised Code, the power to make arrests	545
for violations on all state highways, of sections 4503.11,	546
4503.21, 4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to	547
4511.40, 4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to	548
4511.71, 4513.03 to 4513.13, 4513.15 to 4513.22, 4513.24 to	549
4513.34, 4549.01, 4549.08 to 4549.12, and 4549.62 of the Revised	550
Code.	551
(B) A member of the police force of a township police	552
district created under section 505.48 of the Revised Code or of	553
a joint police district created under section 505.482 of the	554
Revised Code, and a township constable appointed pursuant to	555
section 509.01 of the Revised Code, who has received a	556
certificate from the Ohio peace officer training commission	557
under section 109.75 of the Revised Code, shall exercise the	558

power to make arrests for violations of those sections listed in	559
division (A) of this section, other than sections 4513.33 and	560
4513.34 of the Revised Code, as follows:	561
(1) If the population of the township that created the	562
township or joint police district served by the member's police	563
force or the township that is served by the township constable	564
is— <u>fifty five</u> thousand or less, the member or constable shall	565
exercise that power on those portions of all state highways,	566
including those highways that are part of the national highway	567
system but that are not part of the interstate system, that are	568
located within the township or joint police district, in the	569
case of a member of a township or joint police district police	570
force, or within the unincorporated territory of the township,	571
in the case of a township constable;	572
(2) If the population of the township that created the	573
township or joint police district served by the member's police	574
force or the township that is served by the township constable	575
is greater than <u>fifty five</u> thousand, the member or constable	576
shall exercise that power on those portions of all state	577
highways, including any highway that is a part of the interstate	578
highway system or otherwise a part of the national highway	579
system, that are located within the township or joint police	580
district, in the case of a member of a township or joint police	581
district police force, or within the unincorporated territory of	582
the township, in the case of a township constable.	583

Section 2. That existing sections 2935.03, 4511.093, and

4513.39 of the Revised Code are hereby repealed.

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