

As Introduced

134th General Assembly

Regular Session

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H. B. No. 475

Representatives Fraizer, Plummer

**Cosponsors: Representatives Click, Gross, Hillyer, LaRe, Ray, Riedel, Schmidt,
Smith, K.**

A BILL

To amend sections 2903.11, 2903.12, 2903.13, 1
2935.01, and 4973.17 of the Revised Code to 2
increase penalties for certain assault offenses 3
if the victim is a hospital police officer or 4
special police officer, to provide a municipal 5
corporation or county with immunity for certain 6
actions of a hospital police officer, and to 7
include gaming agents of the Casino Control 8
Commission as peace officers under the general 9
statutory definition of that term. 10

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

Section 1. That sections 2903.11, 2903.12, 2903.13, 11
2935.01, and 4973.17 of the Revised Code be amended to read as 12
follows: 13

Sec. 2903.11. (A) No person shall knowingly do either of 14
the following: 15

(1) Cause serious physical harm to another or to another's 16
unborn; 17

(2) Cause or attempt to cause physical harm to another or 18
to another's unborn by means of a deadly weapon or dangerous 19
ordnance. 20

(B) No person, with knowledge that the person has tested 21
positive as a carrier of a virus that causes acquired 22
immunodeficiency syndrome, shall knowingly do any of the 23
following: 24

(1) Engage in sexual conduct with another person without 25
disclosing that knowledge to the other person prior to engaging 26
in the sexual conduct; 27

(2) Engage in sexual conduct with a person whom the 28
offender knows or has reasonable cause to believe lacks the 29
mental capacity to appreciate the significance of the knowledge 30
that the offender has tested positive as a carrier of a virus 31
that causes acquired immunodeficiency syndrome; 32

(3) Engage in sexual conduct with a person under eighteen 33
years of age who is not the spouse of the offender. 34

(C) The prosecution of a person under this section does 35
not preclude prosecution of that person under section 2907.02 of 36
the Revised Code. 37

(D) (1) (a) Whoever violates this section is guilty of 38
felonious assault. Except as otherwise provided in this division 39
or division (D) (1) (b) of this section, felonious assault is a 40
felony of the second degree. If the victim of a violation of 41
division (A) of this section is a peace officer, a hospital 42
police officer, a special police officer, or an investigator of 43
the bureau of criminal identification and investigation, 44
felonious assault is a felony of the first degree. 45

(b) Regardless of whether the felonious assault is a 46

felony of the first or second degree under division (D) (1) (a) of 47
this section, if the offender also is convicted of or pleads 48
guilty to a specification as described in section 2941.1423 of 49
the Revised Code that was included in the indictment, count in 50
the indictment, or information charging the offense, except as 51
otherwise provided in this division or unless a longer prison 52
term is required under any other provision of law, the court 53
shall sentence the offender to a mandatory prison term as 54
provided in division (B) (8) of section 2929.14 of the Revised 55
Code. If the victim of the offense is a peace officer, a 56
hospital police officer, a special police officer, or an 57
investigator of the bureau of criminal identification and 58
investigation, and if the victim suffered serious physical harm 59
as a result of the commission of the offense, felonious assault 60
is a felony of the first degree, and the court, pursuant to 61
division (F) of section 2929.13 of the Revised Code, shall 62
impose as a mandatory prison term one of the definite prison 63
terms prescribed for a felony of the first degree in division 64
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 65
the violation is committed on or after ~~the effective date of~~ 66
~~this amendment~~ March 22, 2019, the court shall impose as the 67
minimum prison term for the offense a mandatory prison term that 68
is one of the minimum terms prescribed for a felony of the first 69
degree in division (A) (1) (a) of section 2929.14 of the Revised 70
Code. 71

(2) In addition to any other sanctions imposed pursuant to 72
division (D) (1) of this section for felonious assault committed 73
in violation of division (A) (1) or (2) of this section, if the 74
offender also is convicted of or pleads guilty to a 75
specification of the type described in section 2941.1425 of the 76
Revised Code that was included in the indictment, count in the 77

indictment, or information charging the offense, the court shall 78
sentence the offender to a mandatory prison term under division 79
(B) (9) of section 2929.14 of the Revised Code. 80

(3) If the victim of a felonious assault committed in 81
violation of division (A) of this section is a child under ten 82
years of age and if the offender also is convicted of or pleads 83
guilty to a specification of the type described in section 84
2941.1426 of the Revised Code that was included in the 85
indictment, count in the indictment, or information charging the 86
offense, in addition to any other sanctions imposed pursuant to 87
division (D) (1) of this section, the court shall sentence the 88
offender to a mandatory prison term pursuant to division (B) (10) 89
of section 2929.14 of the Revised Code. 90

(4) In addition to any other sanctions imposed pursuant to 91
division (D) (1) of this section for felonious assault committed 92
in violation of division (A) (2) of this section, if the deadly 93
weapon used in the commission of the violation is a motor 94
vehicle, the court shall impose upon the offender a class two 95
suspension of the offender's driver's license, commercial 96
driver's license, temporary instruction permit, probationary 97
license, or nonresident operating privilege as specified in 98
division (A) (2) of section 4510.02 of the Revised Code. 99

(E) As used in this section: 100

(1) "Deadly weapon" and "dangerous ordnance" have the same 101
meanings as in section 2923.11 of the Revised Code. 102

(2) "Motor vehicle" has the same meaning as in section 103
4501.01 of the Revised Code. 104

(3) "Peace officer" has the same meaning as in section 105
2935.01 of the Revised Code. 106

(4) "Sexual conduct" has the same meaning as in section 107
2907.01 of the Revised Code, except that, as used in this 108
section, it does not include the insertion of an instrument, 109
apparatus, or other object that is not a part of the body into 110
the vaginal or anal opening of another, unless the offender knew 111
at the time of the insertion that the instrument, apparatus, or 112
other object carried the offender's bodily fluid. 113

(5) "Investigator of the bureau of criminal identification 114
and investigation" means an investigator of the bureau of 115
criminal identification and investigation who is commissioned by 116
the superintendent of the bureau as a special agent for the 117
purpose of assisting law enforcement officers or providing 118
emergency assistance to peace officers pursuant to authority 119
granted under section 109.541 of the Revised Code. 120

(6) "Investigator" has the same meaning as in section 121
109.541 of the Revised Code. 122

(7) "Hospital police officer" means a police officer who 123
is employed by a hospital that employs and maintains its own 124
proprietary police department or security department, and who is 125
appointed and commissioned by the secretary of state pursuant to 126
sections 4973.17 to 4973.22 of the Revised Code. 127

(8) "Special police officer" means a special police 128
officer designated by the superintendent of the state highway 129
patrol, with the approval of the director of public safety, to 130
preserve the peace and enforce the laws of this state with 131
respect to persons and property under the patrol's jurisdiction 132
and control pursuant to section 5503.09 of the Ohio Revised 133
Code. 134

(F) The provisions of division (D) (2) of this section and 135

of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 136
(6) of section 2929.14, and section 2941.1425 of the Revised 137
Code shall be known as "Judy's Law." 138

Sec. 2903.12. (A) No person, while under the influence of 139
sudden passion or in a sudden fit of rage, either of which is 140
brought on by serious provocation occasioned by the victim that 141
is reasonably sufficient to incite the person into using deadly 142
force, shall knowingly: 143

(1) Cause serious physical harm to another or to another's 144
unborn; 145

(2) Cause or attempt to cause physical harm to another or 146
to another's unborn by means of a deadly weapon or dangerous 147
ordnance, as defined in section 2923.11 of the Revised Code. 148

(B) Whoever violates this section is guilty of aggravated 149
assault. Except as otherwise provided in this division, 150
aggravated assault is a felony of the fourth degree. If the 151
victim of the offense is a peace officer, a hospital police 152
officer, a special police officer, or an investigator of the 153
bureau of criminal identification and investigation, aggravated 154
assault is a felony of the third degree. Regardless of whether 155
the offense is a felony of the third or fourth degree under this 156
division, if the offender also is convicted of or pleads guilty 157
to a specification as described in section 2941.1423 of the 158
Revised Code that was included in the indictment, count in the 159
indictment, or information charging the offense, except as 160
otherwise provided in this division, the court shall sentence 161
the offender to a mandatory prison term as provided in division 162
(B) (8) of section 2929.14 of the Revised Code. If the victim of 163
the offense is a peace officer, a hospital police officer, a 164
special police officer, or an investigator of the bureau of 165

criminal identification and investigation, and if the victim 166
suffered serious physical harm as a result of the commission of 167
the offense, aggravated assault is a felony of the third degree, 168
and the court, pursuant to division (F) of section 2929.13 of 169
the Revised Code, shall impose as a mandatory prison term one of 170
the definite prison terms prescribed in division (A) (3) (b) of 171
section 2929.14 of the Revised Code for a felony of the third 172
degree. 173

(C) As used in this section: 174

(1) "Investigator of the bureau of criminal identification 175
and investigation," "hospital police officer," and "special 176
police officer" ~~has~~ have the same ~~meaning~~ meanings as in section 177
2903.11 of the Revised Code. 178

(2) "Peace officer" has the same meaning as in section 179
2935.01 of the Revised Code. 180

Sec. 2903.13. (A) No person shall knowingly cause or 181
attempt to cause physical harm to another or to another's 182
unborn. 183

(B) No person shall recklessly cause serious physical harm 184
to another or to another's unborn. 185

(C) (1) Whoever violates this section is guilty of assault, 186
and the court shall sentence the offender as provided in this 187
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 188
(8), (9), and (10) of this section. Except as otherwise provided 189
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 190
section, assault is a misdemeanor of the first degree. 191

(2) Except as otherwise provided in this division, if the 192
offense is committed by a caretaker against a functionally 193
impaired person under the caretaker's care, assault is a felony 194

of the fourth degree. If the offense is committed by a caretaker 195
against a functionally impaired person under the caretaker's 196
care, if the offender previously has been convicted of or 197
pleaded guilty to a violation of this section or section 2903.11 198
or 2903.16 of the Revised Code, and if in relation to the 199
previous conviction the offender was a caretaker and the victim 200
was a functionally impaired person under the offender's care, 201
assault is a felony of the third degree. 202

(3) If the offense occurs in or on the grounds of a state 203
correctional institution or an institution of the department of 204
youth services, the victim of the offense is an employee of the 205
department of rehabilitation and correction or the department of 206
youth services, and the offense is committed by a person 207
incarcerated in the state correctional institution or by a 208
person institutionalized in the department of youth services 209
institution pursuant to a commitment to the department of youth 210
services, assault is a felony of the third degree. 211

(4) If the offense is committed in any of the following 212
circumstances, assault is a felony of the fifth degree: 213

(a) The offense occurs in or on the grounds of a local 214
correctional facility, the victim of the offense is an employee 215
of the local correctional facility or a probation department or 216
is on the premises of the facility for business purposes or as a 217
visitor, and the offense is committed by a person who is under 218
custody in the facility subsequent to the person's arrest for 219
any crime or delinquent act, subsequent to the person's being 220
charged with or convicted of any crime, or subsequent to the 221
person's being alleged to be or adjudicated a delinquent child. 222

(b) The offense occurs off the grounds of a state 223
correctional institution and off the grounds of an institution 224

of the department of youth services, the victim of the offense 225
is an employee of the department of rehabilitation and 226
correction, the department of youth services, or a probation 227
department, the offense occurs during the employee's official 228
work hours and while the employee is engaged in official work 229
responsibilities, and the offense is committed by a person 230
incarcerated in a state correctional institution or 231
institutionalized in the department of youth services who 232
temporarily is outside of the institution for any purpose, by a 233
parolee, by an offender under transitional control, under a 234
community control sanction, or on an escorted visit, by a person 235
under post-release control, or by an offender under any other 236
type of supervision by a government agency. 237

(c) The offense occurs off the grounds of a local 238
correctional facility, the victim of the offense is an employee 239
of the local correctional facility or a probation department, 240
the offense occurs during the employee's official work hours and 241
while the employee is engaged in official work responsibilities, 242
and the offense is committed by a person who is under custody in 243
the facility subsequent to the person's arrest for any crime or 244
delinquent act, subsequent to the person being charged with or 245
convicted of any crime, or subsequent to the person being 246
alleged to be or adjudicated a delinquent child and who 247
temporarily is outside of the facility for any purpose or by a 248
parolee, by an offender under transitional control, under a 249
community control sanction, or on an escorted visit, by a person 250
under post-release control, or by an offender under any other 251
type of supervision by a government agency. 252

(d) The victim of the offense is a school teacher or 253
administrator or a school bus operator, and the offense occurs 254
in a school, on school premises, in a school building, on a 255

school bus, or while the victim is outside of school premises or 256
a school bus and is engaged in duties or official 257
responsibilities associated with the victim's employment or 258
position as a school teacher or administrator or a school bus 259
operator, including, but not limited to, driving, accompanying, 260
or chaperoning students at or on class or field trips, athletic 261
events, or other school extracurricular activities or functions 262
outside of school premises. 263

(5) If the victim of the offense is a peace officer, a 264
hospital police officer, a special police officer, or an 265
investigator of the bureau of criminal identification and 266
investigation, a firefighter, or a person performing emergency 267
medical service, while in the performance of their official 268
duties, assault is a felony of the fourth degree. 269

(6) If the victim of the offense is a peace officer, a 270
hospital police officer, a special police officer, or an 271
investigator of the bureau of criminal identification and 272
investigation and if the victim suffered serious physical harm 273
as a result of the commission of the offense, assault is a 274
felony of the fourth degree, and the court, pursuant to division 275
(F) of section 2929.13 of the Revised Code, shall impose as a 276
mandatory prison term one of the prison terms prescribed for a 277
felony of the fourth degree that is at least twelve months in 278
duration. 279

(7) If the victim of the offense is an officer or employee 280
of a public children services agency or a private child placing 281
agency and the offense relates to the officer's or employee's 282
performance or anticipated performance of official 283
responsibilities or duties, assault is either a felony of the 284
fifth degree or, if the offender previously has been convicted 285

of or pleaded guilty to an offense of violence, the victim of 286
that prior offense was an officer or employee of a public 287
children services agency or private child placing agency, and 288
that prior offense related to the officer's or employee's 289
performance or anticipated performance of official 290
responsibilities or duties, a felony of the fourth degree. 291

(8) If the victim of the offense is a health care 292
professional of a hospital, a health care worker of a hospital, 293
or a security officer of a hospital whom the offender knows or 294
has reasonable cause to know is a health care professional of a 295
hospital, a health care worker of a hospital, or a security 296
officer of a hospital, if the victim is engaged in the 297
performance of the victim's duties, and if the hospital offers 298
de-escalation or crisis intervention training for such 299
professionals, workers, or officers, assault is one of the 300
following: 301

(a) Except as otherwise provided in division (C) (8) (b) of 302
this section, assault committed in the specified circumstances 303
is a misdemeanor of the first degree. Notwithstanding the fine 304
specified in division (A) (2) ~~(b)~~ (a) of section 2929.28 of the 305
Revised Code for a misdemeanor of the first degree, in 306
sentencing the offender under this division and if the court 307
decides to impose a fine, the court may impose upon the offender 308
a fine of not more than five thousand dollars. 309

(b) If the offender previously has been convicted of or 310
pleaded guilty to one or more assault or homicide offenses 311
committed against hospital personnel, assault committed in the 312
specified circumstances is a felony of the fifth degree. 313

(9) If the victim of the offense is a judge, magistrate, 314
prosecutor, or court official or employee whom the offender 315

knows or has reasonable cause to know is a judge, magistrate, 316
prosecutor, or court official or employee, and if the victim is 317
engaged in the performance of the victim's duties, assault is 318
one of the following: 319

(a) Except as otherwise provided in division (C) ~~(8)~~ (9) (b) 320
of this section, assault committed in the specified 321
circumstances is a misdemeanor of the first degree. In 322
sentencing the offender under this division, if the court 323
decides to impose a fine, notwithstanding the fine specified in 324
division (A) (2) ~~(b)~~ (a) of section 2929.28 of the Revised Code 325
for a misdemeanor of the first degree, the court may impose upon 326
the offender a fine of not more than five thousand dollars. 327

(b) If the offender previously has been convicted of or 328
pleaded guilty to one or more assault or homicide offenses 329
committed against justice system personnel, assault committed in 330
the specified circumstances is a felony of the fifth degree. 331

(10) If an offender who is convicted of or pleads guilty 332
to assault when it is a misdemeanor also is convicted of or 333
pleads guilty to a specification as described in section 334
2941.1423 of the Revised Code that was included in the 335
indictment, count in the indictment, or information charging the 336
offense, the court shall sentence the offender to a mandatory 337
jail term as provided in division (G) of section 2929.24 of the 338
Revised Code. 339

If an offender who is convicted of or pleads guilty to 340
assault when it is a felony also is convicted of or pleads 341
guilty to a specification as described in section 2941.1423 of 342
the Revised Code that was included in the indictment, count in 343
the indictment, or information charging the offense, except as 344
otherwise provided in division (C) (6) of this section, the court 345

shall sentence the offender to a mandatory prison term as 346
provided in division (B) (8) of section 2929.14 of the Revised 347
Code. 348

(D) As used in this section: 349

(1) "Peace officer" has the same meaning as in section 350
2935.01 of the Revised Code. 351

(2) "Firefighter" has the same meaning as in section 352
3937.41 of the Revised Code. 353

(3) "Emergency medical service" has the same meaning as in 354
section 4765.01 of the Revised Code. 355

(4) "Local correctional facility" means a county, 356
multicounty, municipal, municipal-county, or multicounty- 357
municipal jail or workhouse, a minimum security jail established 358
under section 341.23 or 753.21 of the Revised Code, or another 359
county, multicounty, municipal, municipal-county, or 360
multicounty-municipal facility used for the custody of persons 361
arrested for any crime or delinquent act, persons charged with 362
or convicted of any crime, or persons alleged to be or 363
adjudicated a delinquent child. 364

(5) "Employee of a local correctional facility" means a 365
person who is an employee of the political subdivision or of one 366
or more of the affiliated political subdivisions that operates 367
the local correctional facility and who operates or assists in 368
the operation of the facility. 369

(6) "School teacher or administrator" means either of the 370
following: 371

(a) A person who is employed in the public schools of the 372
state under a contract described in section 3311.77 or 3319.08 373

of the Revised Code in a position in which the person is 374
required to have a certificate issued pursuant to sections 375
3319.22 to 3319.311 of the Revised Code. 376

(b) A person who is employed by a nonpublic school for 377
which the state board of education prescribes minimum standards 378
under section 3301.07 of the Revised Code and who is 379
certificated in accordance with section 3301.071 of the Revised 380
Code. 381

(7) "Community control sanction" has the same meaning as 382
in section 2929.01 of the Revised Code. 383

(8) "Escorted visit" means an escorted visit granted under 384
section 2967.27 of the Revised Code. 385

(9) "Post-release control" and "transitional control" have 386
the same meanings as in section 2967.01 of the Revised Code. 387

(10) "Investigator of the bureau of criminal 388
identification and investigation," "hospital police officer," 389
and "special police officer" ~~has~~ have the same ~~meaning~~ meanings 390
as in section 2903.11 of the Revised Code. 391

(11) "Health care professional" and "health care worker" 392
have the same meanings as in section 2305.234 of the Revised 393
Code. 394

(12) "Assault or homicide offense committed against 395
hospital personnel" means a violation of this section or of 396
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 397
2903.12, or 2903.14 of the Revised Code committed in 398
circumstances in which all of the following apply: 399

(a) The victim of the offense was a health care 400
professional of a hospital, a health care worker of a hospital, 401

or a security officer of a hospital. 402

(b) The offender knew or had reasonable cause to know that 403
the victim was a health care professional of a hospital, a 404
health care worker of a hospital, or a security officer of a 405
hospital. 406

(c) The victim was engaged in the performance of the 407
victim's duties. 408

(d) The hospital offered de-escalation or crisis 409
intervention training for such professionals, workers, or 410
officers. 411

(13) "De-escalation or crisis intervention training" means 412
de-escalation or crisis intervention training for health care 413
professionals of a hospital, health care workers of a hospital, 414
and security officers of a hospital to facilitate interaction 415
with patients, members of a patient's family, and visitors, 416
including those with mental impairments. 417

(14) "Assault or homicide offense committed against 418
justice system personnel" means a violation of this section or 419
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 420
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 421
circumstances in which the victim of the offense was a judge, 422
magistrate, prosecutor, or court official or employee whom the 423
offender knew or had reasonable cause to know was a judge, 424
magistrate, prosecutor, or court official or employee, and the 425
victim was engaged in the performance of the victim's duties. 426

(15) "Court official or employee" means any official or 427
employee of a court created under the constitution or statutes 428
of this state or of a United States court located in this state. 429

(16) "Judge" means a judge of a court created under the 430

constitution or statutes of this state or of a United States 431
court located in this state. 432

(17) "Magistrate" means an individual who is appointed by 433
a court of record of this state and who has the powers and may 434
perform the functions specified in Civil Rule 53, Criminal Rule 435
19, or Juvenile Rule 40, or an individual who is appointed by a 436
United States court located in this state who has similar powers 437
and functions. 438

(18) "Prosecutor" has the same meaning as in section 439
2935.01 of the Revised Code. 440

(19) (a) "Hospital" means, subject to division (D) (19) (b) 441
of this section, an institution classified as a hospital under 442
section 3701.01 of the Revised Code in which are provided to 443
patients diagnostic, medical, surgical, obstetrical, 444
psychiatric, or rehabilitation care or a hospital operated by a 445
health maintenance organization. 446

(b) "Hospital" does not include any of the following: 447

(i) A facility licensed under Chapter 3721. of the Revised 448
Code, a health care facility operated by the department of 449
mental health and addiction services or the department of 450
developmental disabilities, a health maintenance organization 451
that does not operate a hospital, or the office of any private, 452
licensed health care professional, whether organized for 453
individual or group practice; 454

(ii) An institution for the sick that is operated 455
exclusively for patients who use spiritual means for healing and 456
for whom the acceptance of medical care is inconsistent with 457
their religious beliefs, accredited by a national accrediting 458
organization, exempt from federal income taxation under section 459

501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 460
U.S.C. 1, as amended, and providing twenty-four-hour nursing 461
care pursuant to the exemption in division (E) of section 462
4723.32 of the Revised Code from the licensing requirements of 463
Chapter 4723. of the Revised Code. 464

(20) "Health maintenance organization" has the same 465
meaning as in section 3727.01 of the Revised Code. 466

Sec. 2935.01. As used in this chapter: 467

(A) "Magistrate" has the same meaning as in section 468
2931.01 of the Revised Code. 469

(B) "Peace officer" includes, except as provided in 470
section 2935.081 of the Revised Code, a sheriff; deputy sheriff; 471
marshal; deputy marshal; member of the organized police 472
department of any municipal corporation, including a member of 473
the organized police department of a municipal corporation in an 474
adjoining state serving in Ohio under a contract pursuant to 475
section 737.04 of the Revised Code; member of a police force 476
employed by a metropolitan housing authority under division (D) 477
of section 3735.31 of the Revised Code; member of a police force 478
employed by a regional transit authority under division (Y) of 479
section 306.05 of the Revised Code; state university law 480
enforcement officer appointed under section 3345.04 of the 481
Revised Code; enforcement agent of the department of public 482
safety designated under section 5502.14 of the Revised Code; 483
employee of the department of taxation to whom investigation 484
powers have been delegated under section 5743.45 of the Revised 485
Code; employee of the department of natural resources who is a 486
natural resources law enforcement staff officer designated 487
pursuant to section 1501.013 of the Revised Code, a forest-fire 488
investigator appointed pursuant to section 1503.09 of the 489

Revised Code, a natural resources officer appointed pursuant to 490
section 1501.24 of the Revised Code, or a wildlife officer 491
designated pursuant to section 1531.13 of the Revised Code; 492
individual designated to perform law enforcement duties under 493
section 511.232, 1545.13, or 6101.75 of the Revised Code; 494
veterans' home police officer appointed under section 5907.02 of 495
the Revised Code; special police officer employed by a port 496
authority under section 4582.04 or 4582.28 of the Revised Code; 497
police constable of any township; police officer of a township 498
or joint police district; a special police officer employed by a 499
municipal corporation at a municipal airport, or other municipal 500
air navigation facility, that has scheduled operations, as 501
defined in section 119.3 of Title 14 of the Code of Federal 502
Regulations, 14 C.F.R. 119.3, as amended, and that is required 503
to be under a security program and is governed by aviation 504
security rules of the transportation security administration of 505
the United States department of transportation as provided in 506
Parts 1542. and 1544. of Title 49 of the Code of Federal 507
Regulations, as amended; the house of representatives sergeant 508
at arms if the house of representatives sergeant at arms has 509
arrest authority pursuant to division (E) (1) of section 101.311 510
of the Revised Code; an assistant house of representatives 511
sergeant at arms; the senate sergeant at arms; an assistant 512
senate sergeant at arms; officer or employee of the bureau of 513
criminal identification and investigation established pursuant 514
to section 109.51 of the Revised Code who has been awarded a 515
certificate by the executive director of the Ohio peace officer 516
training commission attesting to the officer's or employee's 517
satisfactory completion of an approved state, county, municipal, 518
or department of natural resources peace officer basic training 519
program and who is providing assistance upon request to a law 520
enforcement officer or emergency assistance to a peace officer 521

pursuant to section 109.54 or 109.541 of the Revised Code; a 522
state fire marshal law enforcement officer described in division 523
(A) (23) of section 109.71 of the Revised Code; a gaming agent, 524
as defined in section 3772.01 of the Revised Code; and, for the 525
purpose of arrests within those areas, for the purposes of 526
Chapter 5503. of the Revised Code, and the filing of and service 527
of process relating to those offenses witnessed or investigated 528
by them, the superintendent and troopers of the state highway 529
patrol. 530

(C) "Prosecutor" includes the county prosecuting attorney 531
and any assistant prosecutor designated to assist the county 532
prosecuting attorney, and, in the case of courts inferior to 533
courts of common pleas, includes the village solicitor, city 534
director of law, or similar chief legal officer of a municipal 535
corporation, any such officer's assistants, or any attorney 536
designated by the prosecuting attorney of the county to appear 537
for the prosecution of a given case. 538

(D) "Offense," except where the context specifically 539
indicates otherwise, includes felonies, misdemeanors, and 540
violations of ordinances of municipal corporations and other 541
public bodies authorized by law to adopt penal regulations. 542

Sec. 4973.17. (A) (1) Upon the application of any bank; 543
savings and loan association; savings bank; credit union; or 544
association of banks, savings and loan associations, savings 545
banks, or credit unions in this state, the secretary of state 546
may appoint and commission any persons that the bank; savings 547
and loan association; savings bank; credit union; or association 548
of banks, savings and loan associations, savings banks, or 549
credit unions designates, or as many of those persons as the 550
secretary of state considers proper, to act as police officers 551

for and on the premises of that bank; savings and loan 552
association; savings bank; credit union; or association of 553
banks, savings and loan associations, savings banks, or credit 554
unions; or elsewhere, when directly in the discharge of their 555
duties. Police officers so appointed shall be citizens of this 556
state and of good character. Police officers so appointed who 557
start to perform their duties on or after April 14, 2006, shall 558
successfully complete a training program approved by the Ohio 559
peace officer training commission described in section 109.71 of 560
the Revised Code and be certified by the commission within six 561
months after starting to perform their duties. Police officers 562
so appointed shall hold office for three years, unless, for good 563
cause shown, their commission is revoked by the secretary of 564
state, or by the bank; savings and loan association; savings 565
bank; credit union; or association of banks, savings and loan 566
associations, savings banks, or credit unions, as provided by 567
law. 568

(2) Persons commissioned as police officers pursuant to 569
division (A) of this section prior to April 14, 2006, who have 570
not successfully completed a training program approved by the 571
Ohio peace officer training commission, and who have not been 572
certified by the commission, may be reappointed and re- 573
commissioned by the secretary of state only during the person's 574
continuous employment as a police officer by the institution for 575
which the person was employed on April 14, 2006, or by a 576
successor institution to the institution for which the person 577
was employed on April 14, 2006. The secretary of state shall 578
note on such appointments and commissions that the person is not 579
a peace officer as defined in section 109.71 of the Revised 580
Code. 581

(3) For the exclusive purpose of assigning break in 582

service update training as prescribed in rule 109:2-1-12 (D) of 583
the Administrative Code, a police officer appointed under 584
division (A) of this section, who began performing police 585
officer duties on or before April 14, 2006, shall be credited as 586
holding a valid peace officer appointment retroactive to the 587
date on which the officer began performing these duties. 588

(B) Upon the application of a company owning or using a 589
railroad in this state and subject to section 4973.171 of the 590
Revised Code, the secretary of state may appoint and commission 591
any persons that the railroad company designates, or as many of 592
those persons as the secretary of state considers proper, to act 593
as police officers for and on the premises of the railroad 594
company, its affiliates or subsidiaries, or elsewhere, when 595
directly in the discharge of their duties. Police officers so 596
appointed, within the time set by the Ohio peace officer 597
training commission, shall successfully complete a commission 598
approved training program and be certified by the commission. 599
They shall hold office for three years, unless, for good cause 600
shown, their commission is revoked by the secretary of state, or 601
railroad company, as provided by law. 602

Any person holding a similar commission in another state 603
may be commissioned and may hold office in this state without 604
completing the approved training program required by this 605
division provided that the person has completed a substantially 606
equivalent training program in the other state. The Ohio peace 607
officer training commission shall determine whether a training 608
program in another state meets the requirements of this 609
division. 610

(C) Upon the application of any company under contract 611
with the United States atomic energy commission for the 612

construction or operation of a plant at a site owned by the 613
commission, the secretary of state may appoint and commission 614
persons the company designates, not to exceed one hundred fifty, 615
to act as police officers for the company at the plant or site 616
owned by the commission. Police officers so appointed shall be 617
citizens of this state and of good character. They shall hold 618
office for three years, unless, for good cause shown, their 619
commission is revoked by the secretary of state or by the 620
company, as provided by law. 621

(D) (1) Upon the application of any hospital that is 622
operated by a public hospital agency or a nonprofit hospital 623
agency and that employs and maintains its own proprietary police 624
department or security department and subject to section 625
4973.171 of the Revised Code, the secretary of state may appoint 626
and commission any persons that the hospital designates, or as 627
many of those persons as the secretary of state considers 628
proper, to act as police officers for the hospital. No person 629
who is appointed as a police officer under this division shall 630
engage in any duties or activities as a police officer for the 631
hospital or any affiliate or subsidiary of the hospital unless 632
all of the following apply: 633

(a) The chief of police of the municipal corporation in 634
which the hospital is located or, if the hospital is located in 635
the unincorporated area of a county, the sheriff of that county 636
has granted approval to the hospital to permit persons appointed 637
as police officers under this division to engage in those duties 638
and activities. The approval required by this division is 639
general in nature and is intended to cover in the aggregate all 640
persons appointed as police officers for the hospital under this 641
division; a separate approval is not required for each appointee 642
on an individual basis. 643

(b) Subsequent to the grant of approval described in 644
division (D) (1) (a) of this section, the hospital has entered 645
into a written agreement with the chief of police of the 646
municipal corporation in which the hospital is located or, if 647
the hospital is located in the unincorporated area of a county, 648
with the sheriff of that county, that sets forth the standards 649
and criteria to govern the interaction and cooperation between 650
persons appointed as police officers for the hospital under this 651
division and law enforcement officers serving the agency 652
represented by the chief of police or sheriff who signed the 653
agreement in areas of their concurrent jurisdiction. The written 654
agreement shall be signed by the appointing authority of the 655
hospital and by the chief of police or sheriff. The standards 656
and criteria may include, but are not limited to, provisions 657
governing the reporting of offenses discovered by hospital 658
police officers to the agency represented by the chief of police 659
or sheriff, provisions governing investigatory responsibilities 660
relative to offenses committed on hospital property, and 661
provisions governing the processing and confinement of persons 662
arrested for offenses committed on hospital property. The 663
agreement required by this division is intended to apply in the 664
aggregate to all persons appointed as police officers for the 665
hospital under this division; a separate agreement is not 666
required for each appointee on an individual basis. 667

(c) The person has successfully completed a training 668
program approved by the Ohio peace officer training commission 669
and has been certified by the commission. A person appointed as 670
a police officer under this division may attend a training 671
program approved by the commission and be certified by the 672
commission regardless of whether the appropriate chief of police 673
or sheriff has granted the approval described in division (D) (1) 674

(a) of this section and regardless of whether the hospital has 675
entered into the written agreement described in division (D) (1) 676
(b) of this section with the appropriate chief of police or 677
sheriff. 678

(2) (a) A person who is appointed as a police officer under 679
division (D) (1) of this section is entitled, upon the grant of 680
approval described in division (D) (1) (a) of this section and 681
upon the person's and the hospital's compliance with the 682
requirements of divisions (D) (1) (b) and (c) of this section, to 683
act as a police officer for the hospital on the premises of the 684
hospital and of its affiliates and subsidiaries that are within 685
the territory of the municipal corporation served by the chief 686
of police or the unincorporated area of the county served by the 687
sheriff who signed the written agreement described in division 688
(D) (1) (b) of this section, whichever is applicable, and anywhere 689
else within the territory of that municipal corporation or 690
within the unincorporated area of that county. The authority to 691
act as a police officer as described in this division is granted 692
only if the person, when engaging in that activity, is directly 693
in the discharge of the person's duties as a police officer for 694
the hospital. The authority to act as a police officer as 695
described in this division shall be exercised in accordance with 696
the standards and criteria set forth in the written agreement 697
described in division (D) (1) (b) of this section. 698

(b) Additionally, a person appointed as a police officer 699
under division (D) (1) of this section is entitled, upon the 700
grant of approval described in division (D) (1) (a) of this 701
section and upon the person's and the hospital's compliance with 702
the requirements of divisions (D) (1) (b) and (c) of this section, 703
to act as a police officer elsewhere, within the territory of a 704
municipal corporation or within the unincorporated area of a 705

county, if the chief of police of that municipal corporation or 706
the sheriff of that county, respectively, has granted approval 707
for that activity to the hospital, police department, or 708
security department served by the person as a police officer and 709
if the person, when engaging in that activity, is directly in 710
the discharge of the person's duties as a police officer for the 711
hospital. The approval described in this division may be general 712
in nature or may be limited in scope, duration, or 713
applicability, as determined by the chief of police or sheriff 714
granting the approval. 715

(3) Police officers appointed under division (D)(1) of 716
this section shall hold office for three years, unless, for good 717
cause shown, their commission is revoked by the secretary of 718
state or by the hospital, as provided by law. 719

(4) The municipal corporation in which the hospital is 720
located or, if the hospital is located in the unincorporated 721
area of a county, the county is immune from civil or criminal 722
liability in any action brought under the laws of this state if 723
all of the following apply: 724

(a) The action arises out of the actions of a police 725
officer appointed under division (D)(1) of this section. 726

(b) The actions of the police officer are directly in the 727
discharge of the person's duties as a police officer for the 728
hospital. 729

(c) The actions of the police officer occur on the 730
premises of the hospital or its affiliates or subsidiaries that 731
are within the territory of the municipal corporation served by 732
the chief of police or the unincorporated area of the county 733
served by the sheriff who signed the agreement described in 734

division (D) (1) (b) of this section, whichever is applicable, or 735
anywhere else within the territory of that municipal corporation 736
or within the unincorporated area of that county. 737

(5) As used in ~~divisions~~ division (D) (1) ~~to (3)~~ of this 738
section, "public hospital agency" and "nonprofit hospital 739
agency" have the same meanings as in section 140.01 of the 740
Revised Code. 741

(E) (1) Upon the application of any owner or operator of an 742
amusement park that has an average yearly attendance in excess 743
of six hundred thousand guests and that employs and maintains 744
its own proprietary police department or security department and 745
subject to section 4973.171 of the Revised Code, any judge of 746
the municipal court or county court that has territorial 747
jurisdiction over the amusement park may appoint and commission 748
any persons that the owner or operator designates, or as many of 749
those persons as the judge considers proper, to act as police 750
officers for the amusement park. If the amusement park is 751
located in more than one county, any judge of the municipal 752
court or county court of any of those counties may make the 753
appointments and commissions as described in this division. No 754
person who is appointed as a police officer under this division 755
shall engage in any duties or activities as a police officer for 756
the amusement park or any affiliate or subsidiary of the owner 757
or operator of the amusement park unless all of the following 758
apply: 759

(a) The appropriate chief or chiefs of police of the 760
political subdivision or subdivisions in which the amusement 761
park is located as specified in this division have granted 762
approval to the owner or operator of the amusement park to 763
permit persons appointed as police officers under this division 764

to engage in those duties and activities. If the amusement park 765
is located in a single municipal corporation or a single 766
township, the chief of police of that municipal corporation or 767
township is the appropriate chief of police for the grant of 768
approval under this division. If the amusement park is located 769
in two or more townships, two or more municipal corporations, or 770
one or more townships and one or more municipal corporations, 771
the chiefs of police of all of the affected townships and 772
municipal corporations are the appropriate chiefs of police for 773
the grant of approval under this division, and the approval must 774
be jointly granted by all of those chiefs of police. The 775
approval required by this division is general in nature and is 776
intended to cover in the aggregate all persons appointed as 777
police officers for the amusement park under this division. A 778
separate approval is not required for each appointee on an 779
individual basis. 780

(b) Subsequent to the grant of approval described in 781
division (E)(1)(a) of this section, the owner or operator has 782
entered into a written agreement with the appropriate chief or 783
chiefs of police of the political subdivision or subdivisions in 784
which the amusement park is located as specified in this 785
division and has provided the sheriff of the county in which the 786
political subdivision or subdivisions are located with a copy of 787
the agreement. If the amusement park is located in a single 788
municipal corporation or a single township, the chief of police 789
of that municipal corporation or township is the appropriate 790
chief of police for entering into the written agreement under 791
this division. If the amusement park is located in two or more 792
townships, two or more municipal corporations, or one or more 793
townships and one or more municipal corporations, the chiefs of 794
police of all of the affected townships and municipal 795

corporations are the appropriate chiefs of police for entering 796
into the written agreement under this division, and the written 797
agreement must be jointly entered into by all of those chiefs of 798
police. The written agreement between the owner or operator and 799
the chief or chiefs of police shall address the scope of 800
activities, the duration of the agreement, and mutual aid 801
arrangements and shall set forth the standards and criteria to 802
govern the interaction and cooperation between persons appointed 803
as police officers for the amusement park under this division 804
and law enforcement officers serving the agency represented by 805
the chief of police who signed the agreement. The written 806
agreement shall be signed by the owner or operator and by the 807
chief or chiefs of police who enter into it. The standards and 808
criteria may include, but are not limited to, provisions 809
governing the reporting of offenses discovered by the amusement 810
park's police officers to the agency represented by the chief of 811
police of the municipal corporation or township in which the 812
offense occurred, provisions governing investigatory 813
responsibilities relative to offenses committed on amusement 814
park property, and provisions governing the processing and 815
confinement of persons arrested for offenses committed on 816
amusement park property. The agreement required by this division 817
is intended to apply in the aggregate to all persons appointed 818
as police officers for the amusement park under this division. A 819
separate agreement is not required for each appointee on an 820
individual basis. 821

(c) The person has successfully completed a training 822
program approved by the Ohio peace officer training commission 823
and has been certified by the commission. A person appointed as 824
a police officer under this division may attend a training 825
program approved by the commission and be certified by the 826

commission regardless of whether the appropriate chief of police 827
has granted the approval described in division (E) (1) (a) of this 828
section and regardless of whether the owner or operator of the 829
amusement park has entered into the written agreement described 830
in division (E) (1) (b) of this section with the appropriate chief 831
of police. 832

(2) (a) A person who is appointed as a police officer under 833
division (E) (1) of this section is entitled, upon the grant of 834
approval described in section (E) (1) (a) of this section and upon 835
the person's and the owner or operator's compliance with the 836
requirements of division (E) (1) (b) and (c) of this section, to 837
act as a police officer for the amusement park and its 838
affiliates and subsidiaries that are within the territory of the 839
political subdivision or subdivisions served by the chief of 840
police, or respective chiefs of police, who signed the written 841
agreement described in division (E) (1) (b) of this section, and 842
upon any contiguous real property of the amusement park that is 843
covered by the written agreement, whether within or adjacent to 844
the political subdivision or subdivisions. The authority to act 845
as a police officer as described in this division is granted 846
only if the person, when engaging in that activity, is directly 847
in the discharge of the person's duties as a police officer for 848
the amusement park. The authority to act as a police officer as 849
described in this division shall be exercised in accordance with 850
the standards and criteria set forth in the written agreement 851
described in division (E) (1) (b) of this section. 852

(b) In addition to the authority granted under division 853
(E) (2) (a) of this section, a person appointed as a police 854
officer under division (E) (1) of this section is entitled, upon 855
the grant of approval described in division (E) (1) (a) of this 856
section and upon the person's and the owner or operator's 857

compliance with the requirements of divisions (E) (1) (b) and (c) 858
of this section, to act as a police officer elsewhere within the 859
territory of a municipal corporation or township if the chief of 860
police of that municipal corporation or township has granted 861
approval for that activity to the owner or operator served by 862
the person as a police officer and if the person, when engaging 863
in that activity, is directly in the discharge of the person's 864
duties as a police officer for the amusement park. The approval 865
described in this division may be general in nature or may be 866
limited in scope, duration, or applicability, as determined by 867
the chief of police granting the approval. 868

(3) Police officers appointed under division (E) (1) of 869
this section shall hold office for five years, unless, for good 870
cause shown, their commission is revoked by the appointing judge 871
or the judge's successor or by the owner or operator, as 872
provided by law. 873

(F) A fee of fifteen dollars for each commission applied 874
for under this section shall be paid at the time the application 875
is made, and this amount shall be returned if for any reason a 876
commission is not issued. 877

Section 2. That existing sections 2903.11, 2903.12, 878
2903.13, 2935.01, and 4973.17 of the Revised Code are hereby 879
repealed. 880

Section 3. Section 2903.11 of the Revised Code is 881
presented in this act as a composite of the section as amended 882
by both Sub. S.B. 20 and Am. Sub. S.B. 201 of the 132 General 883
Assembly. The General Assembly, applying the principle stated in 884
division (B) of section 1.52 of the Revised Code that amendments 885
are to be harmonized if reasonably capable of simultaneous 886
operation, finds that the composite is the resulting version of 887

the section in effect prior to the effective date of the section	888
as presented in this act.	889