

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 122

Senator Turner

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A B I L L

To amend sections 109.57, 109.71, 109.77, 145.01, 1
145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2
2935.24 and to enact section 3313.175 of the 3
Revised Code to authorize a board of education of 4
a school district or governing board of an 5
educational service center to employ public high 6
school law enforcement officers, to provide that 7
public high school law enforcement officers are 8
members of the Ohio Public Employees Retirement 9
System, to prohibit the impersonation of a public 10
high school law enforcement officer, and to 11
specify the powers of arrest and citation of 12
public high school law enforcement officers. 13

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

Section 1. That sections 109.57, 109.71, 109.77, 145.01, 14
145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2935.24 be 15
amended and section 3313.175 of the Revised Code be enacted to 16
read as follows: 17

Sec. 109.57. (A)(1) The superintendent of the bureau of 18
criminal identification and investigation shall procure from 19
wherever procurable and file for record photographs, pictures, 20

descriptions, fingerprints, measurements, and other information 21
that may be pertinent of all persons who have been convicted of 22
committing within this state a felony, any crime constituting a 23
misdemeanor on the first offense and a felony on subsequent 24
offenses, or any misdemeanor described in division (A)(1)(a), 25
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 26
of all children under eighteen years of age who have been 27
adjudicated delinquent children for committing within this state 28
an act that would be a felony or an offense of violence if 29
committed by an adult or who have been convicted of or pleaded 30
guilty to committing within this state a felony or an offense of 31
violence, and of all well-known and habitual criminals. The person 32
in charge of any county, multicounty, municipal, municipal-county, 33
or multicounty-municipal jail or workhouse, community-based 34
correctional facility, halfway house, alternative residential 35
facility, or state correctional institution and the person in 36
charge of any state institution having custody of a person 37
suspected of having committed a felony, any crime constituting a 38
misdemeanor on the first offense and a felony on subsequent 39
offenses, or any misdemeanor described in division (A)(1)(a), 40
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 41
having custody of a child under eighteen years of age with respect 42
to whom there is probable cause to believe that the child may have 43
committed an act that would be a felony or an offense of violence 44
if committed by an adult shall furnish such material to the 45
superintendent of the bureau. Fingerprints, photographs, or other 46
descriptive information of a child who is under eighteen years of 47
age, has not been arrested or otherwise taken into custody for 48
committing an act that would be a felony or an offense of violence 49
who is not in any other category of child specified in this 50
division, if committed by an adult, has not been adjudicated a 51
delinquent child for committing an act that would be a felony or 52
an offense of violence if committed by an adult, has not been 53

convicted of or pleaded guilty to committing a felony or an 54
offense of violence, and is not a child with respect to whom there 55
is probable cause to believe that the child may have committed an 56
act that would be a felony or an offense of violence if committed 57
by an adult shall not be procured by the superintendent or 58
furnished by any person in charge of any county, multicounty, 59
municipal, municipal-county, or multicounty-municipal jail or 60
workhouse, community-based correctional facility, halfway house, 61
alternative residential facility, or state correctional 62
institution, except as authorized in section 2151.313 of the 63
Revised Code. 64

(2) Every clerk of a court of record in this state, other 65
than the supreme court or a court of appeals, shall send to the 66
superintendent of the bureau a weekly report containing a summary 67
of each case involving a felony, involving any crime constituting 68
a misdemeanor on the first offense and a felony on subsequent 69
offenses, involving a misdemeanor described in division (A)(1)(a), 70
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 71
or involving an adjudication in a case in which a child under 72
eighteen years of age was alleged to be a delinquent child for 73
committing an act that would be a felony or an offense of violence 74
if committed by an adult. The clerk of the court of common pleas 75
shall include in the report and summary the clerk sends under this 76
division all information described in divisions (A)(2)(a) to (f) 77
of this section regarding a case before the court of appeals that 78
is served by that clerk. The summary shall be written on the 79
standard forms furnished by the superintendent pursuant to 80
division (B) of this section and shall include the following 81
information: 82

(a) The incident tracking number contained on the standard 83
forms furnished by the superintendent pursuant to division (B) of 84
this section; 85

(b) The style and number of the case;	86
(c) The date of arrest, offense, summons, or arraignment;	87
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	88 89 90 91 92 93 94 95 96 97 98 99
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	100 101
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	102 103 104 105
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	106 107 108 109 110
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on	111 112 113 114 115 116

subsequent offenses, or a misdemeanor described in division 117
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 118
Revised Code and of all children under eighteen years of age 119
arrested or otherwise taken into custody for committing an act 120
that would be a felony or an offense of violence if committed by 121
an adult. The superintendent also shall file for record the 122
fingerprint impressions of all persons confined in a county, 123
multicounty, municipal, municipal-county, or multicounty-municipal 124
jail or workhouse, community-based correctional facility, halfway 125
house, alternative residential facility, or state correctional 126
institution for the violation of state laws and of all children 127
under eighteen years of age who are confined in a county, 128
multicounty, municipal, municipal-county, or multicounty-municipal 129
jail or workhouse, community-based correctional facility, halfway 130
house, alternative residential facility, or state correctional 131
institution or in any facility for delinquent children for 132
committing an act that would be a felony or an offense of violence 133
if committed by an adult, and any other information that the 134
superintendent may receive from law enforcement officials of the 135
state and its political subdivisions. 136

(4) The superintendent shall carry out Chapter 2950. of the 137
Revised Code with respect to the registration of persons who are 138
convicted of or plead guilty to a sexually oriented offense or a 139
child-victim oriented offense and with respect to all other duties 140
imposed on the bureau under that chapter. 141

(5) The bureau shall perform centralized recordkeeping 142
functions for criminal history records and services in this state 143
for purposes of the national crime prevention and privacy compact 144
set forth in section 109.571 of the Revised Code and is the 145
criminal history record repository as defined in that section for 146
purposes of that compact. The superintendent or the 147
superintendent's designee is the compact officer for purposes of 148

that compact and shall carry out the responsibilities of the 149
compact officer specified in that compact. 150

(B) The superintendent shall prepare and furnish to every 151
county, multicounty, municipal, municipal-county, or 152
multicounty-municipal jail or workhouse, community-based 153
correctional facility, halfway house, alternative residential 154
facility, or state correctional institution and to every clerk of 155
a court in this state specified in division (A)(2) of this section 156
standard forms for reporting the information required under 157
division (A) of this section. The standard forms that the 158
superintendent prepares pursuant to this division may be in a 159
tangible format, in an electronic format, or in both tangible 160
formats and electronic formats. 161

(C)(1) The superintendent may operate a center for 162
electronic, automated, or other data processing for the storage 163
and retrieval of information, data, and statistics pertaining to 164
criminals and to children under eighteen years of age who are 165
adjudicated delinquent children for committing an act that would 166
be a felony or an offense of violence if committed by an adult, 167
criminal activity, crime prevention, law enforcement, and criminal 168
justice, and may establish and operate a statewide communications 169
network to gather and disseminate information, data, and 170
statistics for the use of law enforcement agencies and for other 171
uses specified in this division. The superintendent may gather, 172
store, retrieve, and disseminate information, data, and statistics 173
that pertain to children who are under eighteen years of age and 174
that are gathered pursuant to sections 109.57 to 109.61 of the 175
Revised Code together with information, data, and statistics that 176
pertain to adults and that are gathered pursuant to those 177
sections. 178

(2) The superintendent or the superintendent's designee shall 179
gather information of the nature described in division (C)(1) of 180

this section that pertains to the offense and delinquency history 181
of a person who has been convicted of, pleaded guilty to, or been 182
adjudicated a delinquent child for committing a sexually oriented 183
offense or a child-victim oriented offense for inclusion in the 184
state registry of sex offenders and child-victim offenders 185
maintained pursuant to division (A)(1) of section 2950.13 of the 186
Revised Code and in the internet database operated pursuant to 187
division (A)(13) of that section and for possible inclusion in the 188
internet database operated pursuant to division (A)(11) of that 189
section. 190

(3) In addition to any other authorized use of information, 191
data, and statistics of the nature described in division (C)(1) of 192
this section, the superintendent or the superintendent's designee 193
may provide and exchange the information, data, and statistics 194
pursuant to the national crime prevention and privacy compact as 195
described in division (A)(5) of this section. 196

(D) The information and materials furnished to the 197
superintendent pursuant to division (A) of this section and 198
information and materials furnished to any board or person under 199
division (F) or (G) of this section are not public records under 200
section 149.43 of the Revised Code. The superintendent or the 201
superintendent's designee shall gather and retain information so 202
furnished under division (A) of this section that pertains to the 203
offense and delinquency history of a person who has been convicted 204
of, pleaded guilty to, or been adjudicated a delinquent child for 205
committing a sexually oriented offense or a child-victim oriented 206
offense for the purposes described in division (C)(2) of this 207
section. 208

(E) The attorney general shall adopt rules, in accordance 209
with Chapter 119. of the Revised Code, setting forth the procedure 210
by which a person may receive or release information gathered by 211
the superintendent pursuant to division (A) of this section. A 212

reasonable fee may be charged for this service. If a temporary 213
employment service submits a request for a determination of 214
whether a person the service plans to refer to an employment 215
position has been convicted of or pleaded guilty to an offense 216
listed in division (A)(1), (3), (4), (5), or (6) of section 217
109.572 of the Revised Code, the request shall be treated as a 218
single request and only one fee shall be charged. 219

(F)(1) As used in division (F)(2) of this section, "head 220
start agency" means an entity in this state that has been approved 221
to be an agency for purposes of subchapter II of the "Community 222
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 223
as amended. 224

(2)(a) In addition to or in conjunction with any request that 225
is required to be made under section 109.572, 2151.86, 3301.32, 226
3301.541, 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 227
5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 228
Code or that is made under section 3314.41, 3319.392, or 3326.25 229
of the Revised Code, the board of education of any school 230
district; the director of mental retardation and developmental 231
disabilities; any county board of mental retardation and 232
developmental disabilities; any entity under contract with a 233
county board of mental retardation and developmental disabilities; 234
the chief administrator of any chartered nonpublic school; the 235
chief administrator of any home health agency; the chief 236
administrator of or person operating any child day-care center, 237
type A family day-care home, or type B family day-care home 238
licensed or certified under Chapter 5104. of the Revised Code; the 239
administrator of any type C family day-care home certified 240
pursuant to Section 1 of Sub. H.B. 62 of the 121st general 241
assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general 242
assembly; the chief administrator of any head start agency; the 243
executive director of a public children services agency; a private 244

company described in section 3314.41, 3319.392, or 3326.25 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section 3319.39 of the Revised Code, except for employment of an individual as a public high school law enforcement officer under section 3313.175 of the Revised Code, it

may accept a certified copy of records that were issued by the 278
bureau of criminal identification and investigation and that are 279
presented by an individual applying for employment with the 280
district in lieu of requesting that information itself. In such a 281
case, the board shall accept the certified copy issued by the 282
bureau in order to make a photocopy of it for that individual's 283
employment application documents and shall return the certified 284
copy to the individual. In a case of that nature, a district only 285
shall accept a certified copy of records of that nature within one 286
year after the date of their issuance by the bureau. 287

(3) The state board of education may request, with respect to 288
any individual who has applied for employment after October 2, 289
1989, in any position with the state board or the department of 290
education, any information that a school district board of 291
education is authorized to request under division (F)(2) of this 292
section, and the superintendent of the bureau shall proceed as if 293
the request has been received from a school district board of 294
education under division (F)(2) of this section. 295

(4) When the superintendent of the bureau receives a request 296
for information under section 3319.291 of the Revised Code, the 297
superintendent shall proceed as if the request has been received 298
from a school district board of education under division (F)(2) of 299
this section. 300

(5) When a recipient of a classroom reading improvement grant 301
paid under section 3301.86 of the Revised Code requests, with 302
respect to any individual who applies to participate in providing 303
any program or service funded in whole or in part by the grant, 304
the information that a school district board of education is 305
authorized to request under division (F)(2)(a) of this section, 306
the superintendent of the bureau shall proceed as if the request 307
has been received from a school district board of education under 308
division (F)(2)(a) of this section. 309

(G) In addition to or in conjunction with any request that is 310
required to be made under section 3701.881, 3712.09, 3721.121, or 311
3722.151 of the Revised Code with respect to an individual who has 312
applied for employment in a position that involves providing 313
direct care to an older adult, the chief administrator of a home 314
health agency, hospice care program, home licensed under Chapter 315
3721. of the Revised Code, adult day-care program operated 316
pursuant to rules adopted under section 3721.04 of the Revised 317
Code, or adult care facility may request that the superintendent 318
of the bureau investigate and determine, with respect to any 319
individual who has applied after January 27, 1997, for employment 320
in a position that does not involve providing direct care to an 321
older adult, whether the bureau has any information gathered under 322
division (A) of this section that pertains to that individual. 323

In addition to or in conjunction with any request that is 324
required to be made under section 173.27 of the Revised Code with 325
respect to an individual who has applied for employment in a 326
position that involves providing ombudsperson services to 327
residents of long-term care facilities or recipients of 328
community-based long-term care services, the state long-term care 329
ombudsperson, ombudsperson's designee, or director of health may 330
request that the superintendent investigate and determine, with 331
respect to any individual who has applied for employment in a 332
position that does not involve providing such ombudsperson 333
services, whether the bureau has any information gathered under 334
division (A) of this section that pertains to that applicant. 335

In addition to or in conjunction with any request that is 336
required to be made under section 173.394 of the Revised Code with 337
respect to an individual who has applied for employment in a 338
position that involves providing direct care to an individual, the 339
chief administrator of a community-based long-term care agency may 340
request that the superintendent investigate and determine, with 341

respect to any individual who has applied for employment in a 342
position that does not involve providing direct care, whether the 343
bureau has any information gathered under division (A) of this 344
section that pertains to that applicant. 345

On receipt of a request under this division, the 346
superintendent shall determine whether that information exists 347
and, on request of the individual requesting information, shall 348
also request from the federal bureau of investigation any criminal 349
records it has pertaining to the applicant. The superintendent or 350
the superintendent's designee also may request criminal history 351
records from other states or the federal government pursuant to 352
the national crime prevention and privacy compact set forth in 353
section 109.571 of the Revised Code. Within thirty days of the 354
date a request is received, the superintendent shall send to the 355
requester a report of any information determined to exist, 356
including information contained in records that have been sealed 357
under section 2953.32 of the Revised Code, and, within thirty days 358
of its receipt, shall send the requester a report of any 359
information received from the federal bureau of investigation, 360
other than information the dissemination of which is prohibited by 361
federal law. 362

(H) Information obtained by a government entity or person 363
under this section is confidential and shall not be released or 364
disseminated. 365

(I) The superintendent may charge a reasonable fee for 366
providing information or criminal records under division (F)(2) or 367
(G) of this section. 368

(J) As used in this section, "sexually oriented offense" and 369
"child-victim oriented offense" have the same meanings as in 370
section 2950.01 of the Revised Code. 371

Sec. 109.71. There is hereby created in the office of the 372

attorney general the Ohio peace officer training commission. The 373
commission shall consist of nine members appointed by the governor 374
with the advice and consent of the senate and selected as follows: 375
one member representing the public; two members who are incumbent 376
sheriffs; two members who are incumbent chiefs of police; one 377
member from the bureau of criminal identification and 378
investigation; one member from the state highway patrol; one 379
member who is the special agent in charge of a field office of the 380
federal bureau of investigation in this state; and one member from 381
the department of education, trade and industrial education 382
services, law enforcement training. 383

This section does not confer any arrest authority or any 384
ability or authority to detain a person, write or issue any 385
citation, or provide any disposition alternative, as granted under 386
Chapter 2935. of the Revised Code. 387

As used in sections 109.71 to 109.801 of the Revised Code: 388

(A) "Peace officer" means: 389

(1) A deputy sheriff, marshal, deputy marshal, member of the 390
organized police department of a township or municipal 391
corporation, member of a township police district or joint 392
township police district police force, member of a police force 393
employed by a metropolitan housing authority under division (D) of 394
section 3735.31 of the Revised Code, or township constable, who is 395
commissioned and employed as a peace officer by a political 396
subdivision of this state or by a metropolitan housing authority, 397
and whose primary duties are to preserve the peace, to protect 398
life and property, and to enforce the laws of this state, 399
ordinances of a municipal corporation, resolutions of a township, 400
or regulations of a board of county commissioners or board of 401
township trustees, or any of those laws, ordinances, resolutions, 402
or regulations; 403

(2) A police officer who is employed by a railroad company	404
and appointed and commissioned by the secretary of state pursuant	405
to sections 4973.17 to 4973.22 of the Revised Code;	406
(3) Employees of the department of taxation engaged in the	407
enforcement of Chapter 5743. of the Revised Code and designated by	408
the tax commissioner for peace officer training for purposes of	409
the delegation of investigation powers under section 5743.45 of	410
the Revised Code;	411
(4) An undercover drug agent;	412
(5) Enforcement agents of the department of public safety	413
whom the director of public safety designates under section	414
5502.14 of the Revised Code;	415
(6) An employee of the department of natural resources who is	416
a natural resources law enforcement staff officer designated	417
pursuant to section 1501.013, a park officer designated pursuant	418
to section 1541.10, a forest officer designated pursuant to	419
section 1503.29, a preserve officer designated pursuant to section	420
1517.10, a wildlife officer designated pursuant to section	421
1531.13, or a state watercraft officer designated pursuant to	422
section 1547.521 of the Revised Code;	423
(7) An employee of a park district who is designated pursuant	424
to section 511.232 or 1545.13 of the Revised Code;	425
(8) An employee of a conservancy district who is designated	426
pursuant to section 6101.75 of the Revised Code;	427
(9) A police officer who is employed by a hospital that	428
employs and maintains its own proprietary police department or	429
security department, and who is appointed and commissioned by the	430
secretary of state pursuant to sections 4973.17 to 4973.22 of the	431
Revised Code;	432
(10) Veterans' homes police officers designated under section	433

5907.02 of the Revised Code;	434
(11) A police officer who is employed by a qualified	435
nonprofit corporation police department pursuant to section	436
1702.80 of the Revised Code;	437
(12) A state university law enforcement officer appointed	438
under section 3345.04 of the Revised Code or a person serving as a	439
state university law enforcement officer on a permanent basis on	440
June 19, 1978, who has been awarded a certificate by the executive	441
director of the Ohio peace officer training commission attesting	442
to the person's satisfactory completion of an approved state,	443
county, municipal, or department of natural resources peace	444
officer basic training program;	445
(13) A special police officer employed by the department of	446
mental health pursuant to section 5119.14 of the Revised Code or	447
the department of mental retardation and developmental	448
disabilities pursuant to section 5123.13 of the Revised Code;	449
(14) A member of a campus police department appointed under	450
section 1713.50 of the Revised Code;	451
(15) A member of a police force employed by a regional	452
transit authority under division (Y) of section 306.35 of the	453
Revised Code;	454
(16) Investigators appointed by the auditor of state pursuant	455
to section 117.091 of the Revised Code and engaged in the	456
enforcement of Chapter 117. of the Revised Code;	457
(17) A special police officer designated by the	458
superintendent of the state highway patrol pursuant to section	459
5503.09 of the Revised Code or a person who was serving as a	460
special police officer pursuant to that section on a permanent	461
basis on October 21, 1997, and who has been awarded a certificate	462
by the executive director of the Ohio peace officer training	463
commission attesting to the person's satisfactory completion of an	464

approved state, county, municipal, or department of natural 465
resources peace officer basic training program; 466

(18) A special police officer employed by a port authority 467
under section 4582.04 or 4582.28 of the Revised Code or a person 468
serving as a special police officer employed by a port authority 469
on a permanent basis on May 17, 2000, who has been awarded a 470
certificate by the executive director of the Ohio peace officer 471
training commission attesting to the person's satisfactory 472
completion of an approved state, county, municipal, or department 473
of natural resources peace officer basic training program; 474

(19) A special police officer employed by a municipal 475
corporation who has been awarded a certificate by the executive 476
director of the Ohio peace officer training commission for 477
satisfactory completion of an approved peace officer basic 478
training program and who is employed on a permanent basis on or 479
after March 19, 2003, at a municipal airport, or other municipal 480
air navigation facility, that has scheduled operations, as defined 481
in section 119.3 of Title 14 of the Code of Federal Regulations, 482
14 C.F.R. 119.3, as amended, and that is required to be under a 483
security program and is governed by aviation security rules of the 484
transportation security administration of the United States 485
department of transportation as provided in Parts 1542. and 1544. 486
of Title 49 of the Code of Federal Regulations, as amended; 487

(20) A police officer who is employed by an owner or operator 488
of an amusement park that has an average yearly attendance in 489
excess of six hundred thousand guests and that employs and 490
maintains its own proprietary police department or security 491
department, and who is appointed and commissioned by a judge of 492
the appropriate municipal court or county court pursuant to 493
section 4973.17 of the Revised Code; 494

(21) A police officer who is employed by a bank, savings and 495
loan association, savings bank, credit union, or association of 496

banks, savings and loan associations, savings banks, or credit unions, who has been appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of a state, county, municipal, or department of natural resources peace officer basic training program;

(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section;

(23) A state fire marshal law enforcement officer appointed under section 3737.22 of the Revised Code or a person serving as a state fire marshal law enforcement officer on a permanent basis on or after July 1, 1982, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;

(24) A public high school law enforcement officer employed under section 3313.175 of the Revised Code.

(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

Sec. 109.77. (A) As used in this section, "felony" has the	528
same meaning as in section 109.511 of the Revised Code.	529
(B)(1) Notwithstanding any general, special, or local law or	530
charter to the contrary, and except as otherwise provided in this	531
section, no person shall receive an original appointment on a	532
permanent basis as any of the following unless the person	533
previously has been awarded a certificate by the executive	534
director of the Ohio peace officer training commission attesting	535
to the person's satisfactory completion of an approved state,	536
county, municipal, or department of natural resources peace	537
officer basic training program:	538
(a) A peace officer of any county, township, municipal	539
corporation, regional transit authority, or metropolitan housing	540
authority;	541
(b) A natural resources law enforcement staff officer, park	542
officer, forest officer, preserve officer, wildlife officer, or	543
state watercraft officer of the department of natural resources;	544
(c) An employee of a park district under section 511.232 or	545
1545.13 of the Revised Code;	546
(d) An employee of a conservancy district who is designated	547
pursuant to section 6101.75 of the Revised Code;	548
(e) A state university law enforcement officer;	549
(f) A special police officer employed by the department of	550
mental health pursuant to section 5119.14 of the Revised Code or	551
the department of mental retardation and developmental	552
disabilities pursuant to section 5123.13 of the Revised Code;	553
(g) An enforcement agent of the department of public safety	554
whom the director of public safety designates under section	555
5502.14 of the Revised Code;	556
(h) A special police officer employed by a port authority	557

under section 4582.04 or 4582.28 of the Revised Code; 558

(i) A special police officer employed by a municipal 559
corporation at a municipal airport, or other municipal air 560
navigation facility, that has scheduled operations, as defined in 561
section 119.3 of Title 14 of the Code of Federal Regulations, 14 562
C.F.R. 119.3, as amended, and that is required to be under a 563
security program and is governed by aviation security rules of the 564
transportation security administration of the United States 565
department of transportation as provided in Parts 1542. and 1544. 566
of Title 49 of the Code of Federal Regulations, as amended; 567

(j) A public high school law enforcement officer. 568

(2) Every person who is appointed on a temporary basis or for 569
a probationary term or on other than a permanent basis as any of 570
the following shall forfeit the appointed position unless the 571
person previously has completed satisfactorily or, within the time 572
prescribed by rules adopted by the attorney general pursuant to 573
section 109.74 of the Revised Code, satisfactorily completes a 574
state, county, municipal, or department of natural resources peace 575
officer basic training program for temporary or probationary 576
officers and is awarded a certificate by the director attesting to 577
the satisfactory completion of the program: 578

(a) A peace officer of any county, township, municipal 579
corporation, regional transit authority, or metropolitan housing 580
authority; 581

(b) A natural resources law enforcement staff officer, park 582
officer, forest officer, preserve officer, wildlife officer, or 583
state watercraft officer of the department of natural resources; 584

(c) An employee of a park district under section 511.232 or 585
1545.13 of the Revised Code; 586

(d) An employee of a conservancy district who is designated 587
pursuant to section 6101.75 of the Revised Code; 588

(e) A special police officer employed by the department of 589
mental health pursuant to section 5119.14 of the Revised Code or 590
the department of mental retardation and developmental 591
disabilities pursuant to section 5123.13 of the Revised Code; 592

(f) An enforcement agent of the department of public safety 593
whom the director of public safety designates under section 594
5502.14 of the Revised Code; 595

(g) A special police officer employed by a port authority 596
under section 4582.04 or 4582.28 of the Revised Code; 597

(h) A special police officer employed by a municipal 598
corporation at a municipal airport, or other municipal air 599
navigation facility, that has scheduled operations, as defined in 600
section 119.3 of Title 14 of the Code of Federal Regulations, 14 601
C.F.R. 119.3, as amended, and that is required to be under a 602
security program and is governed by aviation security rules of the 603
transportation security administration of the United States 604
department of transportation as provided in Parts 1542. and 1544. 605
of Title 49 of the Code of Federal Regulations, as amended. 606

(3) For purposes of division (B) of this section, a state, 607
county, municipal, or department of natural resources peace 608
officer basic training program, regardless of whether the program 609
is to be completed by peace officers appointed on a permanent or 610
temporary, probationary, or other nonpermanent basis, shall 611
include at least fifteen hours of training in the handling of the 612
offense of domestic violence, other types of domestic 613
violence-related offenses and incidents, and protection orders and 614
consent agreements issued or approved under section 2919.26 or 615
3113.31 of the Revised Code and at least six hours of crisis 616
intervention training. The requirement to complete fifteen hours 617
of training in the handling of the offense of domestic violence, 618
other types of domestic violence-related offenses and incidents, 619
and protection orders and consent agreements issued or approved 620

under section 2919.26 or 3113.31 of the Revised Code does not 621
apply to any person serving as a peace officer on March 27, 1979, 622
and the requirement to complete six hours of training in crisis 623
intervention does not apply to any person serving as a peace 624
officer on April 4, 1985. Any person who is serving as a peace 625
officer on April 4, 1985, who terminates that employment after 626
that date, and who subsequently is hired as a peace officer by the 627
same or another law enforcement agency shall complete the six 628
hours of training in crisis intervention within the time 629
prescribed by rules adopted by the attorney general pursuant to 630
section 109.742 of the Revised Code. No peace officer shall have 631
employment as a peace officer terminated and then be reinstated 632
with intent to circumvent this section. 633

(4) Division (B) of this section does not apply to any person 634
serving on a permanent basis on March 28, 1985, as a park officer, 635
forest officer, preserve officer, wildlife officer, or state 636
watercraft officer of the department of natural resources or as an 637
employee of a park district under section 511.232 or 1545.13 of 638
the Revised Code, to any person serving on a permanent basis on 639
March 6, 1986, as an employee of a conservancy district designated 640
pursuant to section 6101.75 of the Revised Code, to any person 641
serving on a permanent basis on January 10, 1991, as a preserve 642
officer of the department of natural resources, to any person 643
employed on a permanent basis on July 2, 1992, as a special police 644
officer by the department of mental health pursuant to section 645
5119.14 of the Revised Code or by the department of mental 646
retardation and developmental disabilities pursuant to section 647
5123.13 of the Revised Code, to any person serving on a permanent 648
basis on May 17, 2000, as a special police officer employed by a 649
port authority under section 4582.04 or 4582.28 of the Revised 650
Code, to any person serving on a permanent basis on ~~the effective~~ 651
~~date of this amendment~~ March 19, 2003, as a special police officer 652
employed by a municipal corporation at a municipal airport or 653

other municipal air navigation facility described in division 654
(A)(19) of section 109.71 of the Revised Code, to any person 655
serving on a permanent basis on June 19, 1978, as a state 656
university law enforcement officer pursuant to section 3345.04 of 657
the Revised Code and who, immediately prior to June 19, 1978, was 658
serving as a special police officer designated under authority of 659
that section, or to any person serving on a permanent basis on 660
September 20, 1984, as a liquor control investigator, known after 661
June 30, 1999, as an enforcement agent of the department of public 662
safety, engaged in the enforcement of Chapters 4301. and 4303. of 663
the Revised Code. 664

(5) Division (B) of this section does not apply to any person 665
who is appointed as a regional transit authority police officer 666
pursuant to division (Y) of section 306.35 of the Revised Code if, 667
on or before July 1, 1996, the person has completed satisfactorily 668
an approved state, county, municipal, or department of natural 669
resources peace officer basic training program and has been 670
awarded a certificate by the executive director of the Ohio peace 671
officer training commission attesting to the person's satisfactory 672
completion of such an approved program and if, on July 1, 1996, 673
the person is performing peace officer functions for a regional 674
transit authority. 675

(C) No person, after September 20, 1984, shall receive an 676
original appointment on a permanent basis as a veterans' home 677
police officer designated under section 5907.02 of the Revised 678
Code unless the person previously has been awarded a certificate 679
by the executive director of the Ohio peace officer training 680
commission attesting to the person's satisfactory completion of an 681
approved police officer basic training program. Every person who 682
is appointed on a temporary basis or for a probationary term or on 683
other than a permanent basis as a veterans' home police officer 684
designated under section 5907.02 of the Revised Code shall forfeit 685

that position unless the person previously has completed 686
satisfactorily or, within one year from the time of appointment, 687
satisfactorily completes an approved police officer basic training 688
program. 689

(D) No bailiff or deputy bailiff of a court of record of this 690
state and no criminal investigator who is employed by the state 691
public defender shall carry a firearm, as defined in section 692
2923.11 of the Revised Code, while on duty unless the bailiff, 693
deputy bailiff, or criminal investigator has done or received one 694
of the following: 695

(1) Has been awarded a certificate by the executive director 696
of the Ohio peace officer training commission, which certificate 697
attests to satisfactory completion of an approved state, county, 698
or municipal basic training program for bailiffs and deputy 699
bailiffs of courts of record and for criminal investigators 700
employed by the state public defender that has been recommended by 701
the Ohio peace officer training commission; 702

(2) Has successfully completed a firearms training program 703
approved by the Ohio peace officer training commission prior to 704
employment as a bailiff, deputy bailiff, or criminal investigator; 705

(3) Prior to June 6, 1986, was authorized to carry a firearm 706
by the court that employed the bailiff or deputy bailiff or, in 707
the case of a criminal investigator, by the state public defender 708
and has received training in the use of firearms that the Ohio 709
peace officer training commission determines is equivalent to the 710
training that otherwise is required by division (D) of this 711
section. 712

(E)(1) Before a person seeking a certificate completes an 713
approved peace officer basic training program, the executive 714
director of the Ohio peace officer training commission shall 715
request the person to disclose, and the person shall disclose, any 716

previous criminal conviction of or plea of guilty of that person 717
to a felony. 718

(2) Before a person seeking a certificate completes an 719
approved peace officer basic training program, the executive 720
director shall request a criminal history records check on the 721
person. The executive director shall submit the person's 722
fingerprints to the bureau of criminal identification and 723
investigation, which shall submit the fingerprints to the federal 724
bureau of investigation for a national criminal history records 725
check. 726

Upon receipt of the executive director's request, the bureau 727
of criminal identification and investigation and the federal 728
bureau of investigation shall conduct a criminal history records 729
check on the person and, upon completion of the check, shall 730
provide a copy of the criminal history records check to the 731
executive director. The executive director shall not award any 732
certificate prescribed in this section unless the executive 733
director has received a copy of the criminal history records check 734
on the person to whom the certificate is to be awarded. 735

(3) The executive director of the commission shall not award 736
a certificate prescribed in this section to a person who has been 737
convicted of or has pleaded guilty to a felony or who fails to 738
disclose any previous criminal conviction of or plea of guilty to 739
a felony as required under division (E)(1) of this section. 740

(4) The executive director of the commission shall revoke the 741
certificate awarded to a person as prescribed in this section, and 742
that person shall forfeit all of the benefits derived from being 743
certified as a peace officer under this section, if the person, 744
before completion of an approved peace officer basic training 745
program, failed to disclose any previous criminal conviction of or 746
plea of guilty to a felony as required under division (E)(1) of 747
this section. 748

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E)(4)

or (F) of this section, the person shall not be eligible to 781
receive, at any time, a certificate attesting to the person's 782
satisfactory completion of a peace officer basic training program. 783

(2) The revocation or suspension of a certificate under 784
division (E)(4) or (F) of this section shall be in accordance with 785
Chapter 119. of the Revised Code. 786

(H)(1) A person who was employed as a peace officer of a 787
county, township, or municipal corporation of the state on January 788
1, 1966, and who has completed at least sixteen years of full-time 789
active service as such a peace officer may receive an original 790
appointment on a permanent basis and serve as a peace officer of a 791
county, township, or municipal corporation, or as a state 792
university law enforcement officer, without complying with the 793
requirements of division (B) of this section. 794

(2) Any person who held an appointment as a state highway 795
trooper on January 1, 1966, may receive an original appointment on 796
a permanent basis and serve as a peace officer of a county, 797
township, or municipal corporation, or as a state university law 798
enforcement officer, without complying with the requirements of 799
division (B) of this section. 800

(I) No person who is appointed as a peace officer of a 801
county, township, or municipal corporation on or after April 9, 802
1985, shall serve as a peace officer of that county, township, or 803
municipal corporation unless the person has received training in 804
the handling of missing children and child abuse and neglect cases 805
from an approved state, county, township, or municipal police 806
officer basic training program or receives the training within the 807
time prescribed by rules adopted by the attorney general pursuant 808
to section 109.741 of the Revised Code. 809

(J) No part of any approved state, county, or municipal basic 810
training program for bailiffs and deputy bailiffs of courts of 811

record and no part of any approved state, county, or municipal 812
basic training program for criminal investigators employed by the 813
state public defender shall be used as credit toward the 814
completion by a peace officer of any part of the approved state, 815
county, or municipal peace officer basic training program that the 816
peace officer is required by this section to complete 817
satisfactorily. 818

(K) This section does not apply to any member of the police 819
department of a municipal corporation in an adjoining state 820
serving in this state under a contract pursuant to section 737.04 821
of the Revised Code. 822

Sec. 145.01. As used in this chapter: 823

(A) "Public employee" means: 824

(1) Any person holding an office, not elective, under the 825
state or any county, township, municipal corporation, park 826
district, conservancy district, sanitary district, health 827
district, metropolitan housing authority, state retirement board, 828
Ohio historical society, public library, county law library, union 829
cemetery, joint hospital, institutional commissary, state 830
university, or board, bureau, commission, council, committee, 831
authority, or administrative body as the same are, or have been, 832
created by action of the general assembly or by the legislative 833
authority of any of the units of local government named in 834
division (A)(1) of this section, or employed and paid in whole or 835
in part by the state or any of the authorities named in division 836
(A)(1) of this section in any capacity not covered by section 837
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 838

(2) A person who is a member of the public employees 839
retirement system and who continues to perform the same or similar 840
duties under the direction of a contractor who has contracted to 841
take over what before the date of the contract was a publicly 842

operated function. The governmental unit with which the contract 843
has been made shall be deemed the employer for the purposes of 844
administering this chapter. 845

(3) Any person who is an employee of a public employer, 846
notwithstanding that the person's compensation for that employment 847
is derived from funds of a person or entity other than the 848
employer. Credit for such service shall be included as total 849
service credit, provided that the employee makes the payments 850
required by this chapter, and the employer makes the payments 851
required by sections 145.48 and 145.51 of the Revised Code. 852

(4) A person who elects in accordance with section 145.015 of 853
the Revised Code to remain a contributing member of the public 854
employees retirement system. 855

In all cases of doubt, the public employees retirement board 856
shall determine whether any person is a public employee, and its 857
decision is final. 858

(B) "Member" means any public employee, other than a public 859
employee excluded or exempted from membership in the retirement 860
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 861
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 862
retirant who becomes a member under division (C) of section 145.38 863
of the Revised Code. "Member" also includes a disability benefit 864
recipient. 865

(C) "Head of the department" means the elective or appointive 866
head of the several executive, judicial, and administrative 867
departments, institutions, boards, and commissions of the state 868
and local government as the same are created and defined by the 869
laws of this state or, in case of a charter government, by that 870
charter. 871

(D) "Employer" or "public employer" means the state or any 872
county, township, municipal corporation, park district, 873

conservancy district, sanitary district, health district, 874
metropolitan housing authority, state retirement board, Ohio 875
historical society, public library, county law library, union 876
cemetery, joint hospital, institutional commissary, state medical 877
college, state university, or board, bureau, commission, council, 878
committee, authority, or administrative body as the same are, or 879
have been, created by action of the general assembly or by the 880
legislative authority of any of the units of local government 881
named in this division not covered by section 742.01, 3307.01, 882
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 883
means the employer of any public employee. 884

(E) "Prior service" means all service as a public employee 885
rendered before January 1, 1935, and all service as an employee of 886
any employer who comes within the state teachers retirement system 887
or of the school employees retirement system or of any other 888
retirement system established under the laws of this state 889
rendered prior to January 1, 1935, provided that if the employee 890
claiming the service was employed in any capacity covered by that 891
other system after that other system was established, credit for 892
the service may be allowed by the public employees retirement 893
system only when the employee has made payment, to be computed on 894
the salary earned from the date of appointment to the date 895
membership was established in the public employees retirement 896
system, at the rate in effect at the time of payment, and the 897
employer has made payment of the corresponding full liability as 898
provided by section 145.44 of the Revised Code. "Prior service" 899
also means all service credited for active duty with the armed 900
forces of the United States as provided in section 145.30 of the 901
Revised Code. 902

If an employee who has been granted prior service credit by 903
the public employees retirement system for service rendered prior 904
to January 1, 1935, as an employee of a board of education 905

establishes, before retirement, one year or more of contributing 906
service in the state teachers retirement system or school 907
employees retirement system, then the prior service ceases to be 908
the liability of this system. 909

If the board determines that a position of any member in any 910
calendar year prior to January 1, 1935, was a part-time position, 911
the board shall determine what fractional part of a year's credit 912
shall be allowed by the following formula: 913

(1) When the member has been either elected or appointed to 914
an office the term of which was two or more years and for which an 915
annual salary is established, the fractional part of the year's 916
credit shall be computed as follows: 917

First, when the member's annual salary is one thousand 918
dollars or less, the service credit for each such calendar year 919
shall be forty per cent of a year. 920

Second, for each full one hundred dollars of annual salary 921
above one thousand dollars, the member's service credit for each 922
such calendar year shall be increased by two and one-half per 923
cent. 924

(2) When the member is paid on a per diem basis, the service 925
credit for any single year of the service shall be determined by 926
using the number of days of service for which the compensation was 927
received in any such year as a numerator and using two hundred 928
fifty days as a denominator. 929

(3) When the member is paid on an hourly basis, the service 930
credit for any single year of the service shall be determined by 931
using the number of hours of service for which the compensation 932
was received in any such year as a numerator and using two 933
thousand hours as a denominator. 934

(F) "Contributor" means any person who has an account in the 935
employees' savings fund created by section 145.23 of the Revised 936

Code. When used in the sections listed in division (B) of section 937
145.82 of the Revised Code, "contributor" includes any person 938
participating in a PERS defined contribution plan. 939

(G) "Beneficiary" or "beneficiaries" means the estate or a 940
person or persons who, as the result of the death of a member, 941
contributor, or retirant, qualify for or are receiving some right 942
or benefit under this chapter. 943

(H)(1) "Total service credit," except as provided in section 944
145.37 of the Revised Code, means all service credited to a member 945
of the retirement system since last becoming a member, including 946
restored service credit as provided by section 145.31 of the 947
Revised Code; credit purchased under sections 145.293 and 145.299 948
of the Revised Code; all the member's prior service credit; all 949
the member's military service credit computed as provided in this 950
chapter; all service credit established pursuant to section 951
145.297 of the Revised Code; and any other service credited under 952
this chapter. In addition, "total service credit" includes any 953
period, not in excess of three years, during which a member was 954
out of service and receiving benefits under Chapters 4121. and 955
4123. of the Revised Code. For the exclusive purpose of satisfying 956
the service credit requirement and of determining eligibility for 957
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 958
and 145.361 of the Revised Code, "five or more years of total 959
service credit" means sixty or more calendar months of 960
contributing service in this system. 961

(2) "One and one-half years of contributing service credit," 962
as used in division (B) of section 145.45 of the Revised Code, 963
also means eighteen or more calendar months of employment by a 964
municipal corporation that formerly operated its own retirement 965
plan for its employees or a part of its employees, provided that 966
all employees of that municipal retirement plan who have eighteen 967
or more months of such employment, upon establishing membership in 968

the public employees retirement system, shall make a payment of 969
the contributions they would have paid had they been members of 970
this system for the eighteen months of employment preceding the 971
date membership was established. When that payment has been made 972
by all such employee members, a corresponding payment shall be 973
paid into the employers' accumulation fund by that municipal 974
corporation as the employer of the employees. 975

(3) Where a member also is a member of the state teachers 976
retirement system or the school employees retirement system, or 977
both, except in cases of retirement on a combined basis pursuant 978
to section 145.37 of the Revised Code or as provided in section 979
145.383 of the Revised Code, service credit for any period shall 980
be credited on the basis of the ratio that contributions to the 981
public employees retirement system bear to total contributions in 982
all state retirement systems. 983

(4) Not more than one year of credit may be given for any 984
period of twelve months. 985

(5) "Ohio service credit" means credit for service that was 986
rendered to the state or any of its political subdivisions or any 987
employer. 988

(I) "Regular interest" means interest at any rates for the 989
respective funds and accounts as the public employees retirement 990
board may determine from time to time. 991

(J) "Accumulated contributions" means the sum of all amounts 992
credited to a contributor's individual account in the employees' 993
savings fund together with any interest credited to the 994
contributor's account under section 145.471 or 145.472 of the 995
Revised Code. 996

(K)(1) "Final average salary" means the quotient obtained by 997
dividing by three the sum of the three full calendar years of 998
contributing service in which the member's earnable salary was 999

highest, except that if the member has a partial year of 1000
contributing service in the year the member's employment 1001
terminates and the member's earnable salary for the partial year 1002
is higher than for any comparable period in the three years, the 1003
member's earnable salary for the partial year shall be substituted 1004
for the member's earnable salary for the comparable period during 1005
the three years in which the member's earnable salary was lowest. 1006

(2) If a member has less than three years of contributing 1007
service, the member's final average salary shall be the member's 1008
total earnable salary divided by the total number of years, 1009
including any fraction of a year, of the member's contributing 1010
service. 1011

(3) For the purpose of calculating benefits payable to a 1012
member qualifying for service credit under division (Z) of this 1013
section, "final average salary" means the total earnable salary on 1014
which contributions were made divided by the total number of years 1015
during which contributions were made, including any fraction of a 1016
year. If contributions were made for less than twelve months, 1017
"final average salary" means the member's total earnable salary. 1018

(L) "Annuity" means payments for life derived from 1019
contributions made by a contributor and paid from the annuity and 1020
pension reserve fund as provided in this chapter. All annuities 1021
shall be paid in twelve equal monthly installments. 1022

(M) "Annuity reserve" means the present value, computed upon 1023
the basis of the mortality and other tables adopted by the board, 1024
of all payments to be made on account of any annuity, or benefit 1025
in lieu of any annuity, granted to a retirant as provided in this 1026
chapter. 1027

(N)(1) "Disability retirement" means retirement as provided 1028
in section 145.36 of the Revised Code. 1029

(2) "Disability allowance" means an allowance paid on account 1030

of disability under section 145.361 of the Revised Code. 1031

(3) "Disability benefit" means a benefit paid as disability 1032
retirement under section 145.36 of the Revised Code, as a 1033
disability allowance under section 145.361 of the Revised Code, or 1034
as a disability benefit under section 145.37 of the Revised Code. 1035

(4) "Disability benefit recipient" means a member who is 1036
receiving a disability benefit. 1037

(O) "Age and service retirement" means retirement as provided 1038
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 1039
the Revised Code. 1040

(P) "Pensions" means annual payments for life derived from 1041
contributions made by the employer that at the time of retirement 1042
are credited into the annuity and pension reserve fund from the 1043
employers' accumulation fund and paid from the annuity and pension 1044
reserve fund as provided in this chapter. All pensions shall be 1045
paid in twelve equal monthly installments. 1046

(Q) "Retirement allowance" means the pension plus that 1047
portion of the benefit derived from contributions made by the 1048
member. 1049

(R)(1) Except as otherwise provided in division (R) of this 1050
section, "earnable salary" means all salary, wages, and other 1051
earnings paid to a contributor by reason of employment in a 1052
position covered by the retirement system. The salary, wages, and 1053
other earnings shall be determined prior to determination of the 1054
amount required to be contributed to the employees' savings fund 1055
under section 145.47 of the Revised Code and without regard to 1056
whether any of the salary, wages, or other earnings are treated as 1057
deferred income for federal income tax purposes. "Earnable salary" 1058
includes the following: 1059

(a) Payments made by the employer in lieu of salary, wages, 1060
or other earnings for sick leave, personal leave, or vacation used 1061

by the contributor;	1062
(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;	1063 1064 1065 1066 1067
(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;	1068 1069 1070 1071
(d) Fees and commissions paid under section 507.09 of the Revised Code;	1072 1073
(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;	1074 1075 1076 1077
(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.	1078 1079
(2) "Earnable salary" does not include any of the following:	1080
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	1081 1082 1083 1084
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	1085 1086 1087 1088 1089
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the	1090 1091

employer's property or equipment, or amounts paid by the employer 1092
to the contributor in lieu of providing the incidental benefits; 1093

(d) Reimbursement for job-related expenses authorized by the 1094
employer, including moving and travel expenses and expenses 1095
related to professional development; 1096

(e) Payments for accrued but unused sick leave, personal 1097
leave, or vacation that are made at any time other than in the 1098
year in which the sick leave, personal leave, or vacation was 1099
accrued; 1100

(f) Payments made to or on behalf of a contributor that are 1101
in excess of the annual compensation that may be taken into 1102
account by the retirement system under division (a)(17) of section 1103
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1104
U.S.C.A. 401(a)(17), as amended; 1105

(g) Payments made under division (B), (C), or (E) of section 1106
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 1107
No. 3 of the 119th general assembly, Section 3 of Amended 1108
Substitute Senate Bill No. 164 of the 124th general assembly, or 1109
Amended Substitute House Bill No. 405 of the 124th general 1110
assembly; 1111

(h) Anything of value received by the contributor that is 1112
based on or attributable to retirement or an agreement to retire, 1113
except that payments made on or before January 1, 1989, that are 1114
based on or attributable to an agreement to retire shall be 1115
included in earnable salary if both of the following apply: 1116

(i) The payments are made in accordance with contract 1117
provisions that were in effect prior to January 1, 1986; 1118

(ii) The employer pays the retirement system an amount 1119
specified by the retirement board equal to the additional 1120
liability resulting from the payments. 1121

(3) The retirement board shall determine by rule whether any 1122
compensation not enumerated in division (R) of this section is 1123
earnable salary, and its decision shall be final. 1124

(S) "Pension reserve" means the present value, computed upon 1125
the basis of the mortality and other tables adopted by the board, 1126
of all payments to be made on account of any retirement allowance 1127
or benefit in lieu of any retirement allowance, granted to a 1128
member or beneficiary under this chapter. 1129

(T)(1) "Contributing service" means all service credited to a 1130
member of the system since January 1, 1935, for which 1131
contributions are made as required by sections 145.47, 145.48, and 1132
145.483 of the Revised Code. In any year subsequent to 1934, 1133
credit for any service shall be allowed by the following formula: 1134

(a) For each month for which the member's earnable salary is 1135
two hundred fifty dollars or more, allow one month's credit. 1136

(b) For each month for which the member's earnable salary is 1137
less than two hundred fifty dollars, allow a fraction of a month's 1138
credit. The numerator of this fraction shall be the earnable 1139
salary during the month, and the denominator shall be two hundred 1140
fifty dollars, except that if the member's annual earnable salary 1141
is less than six hundred dollars, the member's credit shall not be 1142
reduced below twenty per cent of a year for a calendar year of 1143
employment during which the member worked each month. Division 1144
(T)(1)(b) of this section shall not reduce any credit earned 1145
before January 1, 1985. 1146

(2) Notwithstanding division (T)(1) of this section, an 1147
elected official who prior to January 1, 1980, was granted a full 1148
year of credit for each year of service as an elected official 1149
shall be considered to have earned a full year of credit for each 1150
year of service regardless of whether the service was full-time or 1151
part-time. The public employees retirement board has no authority 1152

to reduce the credit. 1153

(U) "State retirement board" means the public employees 1154
retirement board, the school employees retirement board, or the 1155
state teachers retirement board. 1156

(V) "Retirant" means any former member who retires and is 1157
receiving a monthly allowance as provided in sections 145.32, 1158
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 1159

(W) "Employer contribution" means the amount paid by an 1160
employer as determined under section 145.48 of the Revised Code. 1161

(X) "Public service terminates" means the last day for which 1162
a public employee is compensated for services performed for an 1163
employer or the date of the employee's death, whichever occurs 1164
first. 1165

(Y) When a member has been elected or appointed to an office, 1166
the term of which is two or more years, for which an annual salary 1167
is established, and in the event that the salary of the office is 1168
increased and the member is denied the additional salary by reason 1169
of any constitutional provision prohibiting an increase in salary 1170
during a term of office, the member may elect to have the amount 1171
of the member's contributions calculated upon the basis of the 1172
increased salary for the office. At the member's request, the 1173
board shall compute the total additional amount the member would 1174
have contributed, or the amount by which each of the member's 1175
contributions would have increased, had the member received the 1176
increased salary for the office the member holds. If the member 1177
elects to have the amount by which the member's contribution would 1178
have increased withheld from the member's salary, the member shall 1179
notify the employer, and the employer shall make the withholding 1180
and transmit it to the retirement system. A member who has not 1181
elected to have that amount withheld may elect at any time to make 1182
a payment to the retirement system equal to the additional amount 1183

the member's contribution would have increased, plus interest on 1184
that contribution, compounded annually at a rate established by 1185
the board and computed from the date on which the last 1186
contribution would have been withheld from the member's salary to 1187
the date of payment. A member may make a payment for part of the 1188
period for which the increased contribution was not withheld, in 1189
which case the interest shall be computed from the date the last 1190
contribution would have been withheld for the period for which the 1191
payment is made. Upon the payment of the increased contributions 1192
as provided in this division, the increased annual salary as 1193
provided by law for the office for the period for which the member 1194
paid increased contributions thereon shall be used in determining 1195
the member's earnable salary for the purpose of computing the 1196
member's final average salary. 1197

(Z) "Five years of service credit," for the exclusive purpose 1198
of satisfying the service credit requirements and of determining 1199
eligibility for benefits under section 145.33 of the Revised Code, 1200
means employment covered under this chapter or under a former 1201
retirement plan operated, recognized, or endorsed by the employer 1202
prior to coverage under this chapter or under a combination of the 1203
coverage. 1204

(AA) "Deputy sheriff" means any person who is commissioned 1205
and employed as a full-time peace officer by the sheriff of any 1206
county, and has been so employed since on or before December 31, 1207
1965, and whose primary duties are to preserve the peace, to 1208
protect life and property, and to enforce the laws of this state; 1209
any person who is or has been commissioned and employed as a peace 1210
officer by the sheriff of any county since January 1, 1966, and 1211
who has received a certificate attesting to the person's 1212
satisfactory completion of the peace officer training school as 1213
required by section 109.77 of the Revised Code and whose primary 1214
duties are to preserve the peace, protect life and property, and 1215

enforce the laws of this state; or any person deputized by the sheriff of any county and employed pursuant to section 2301.12 of the Revised Code as a criminal bailiff or court constable who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(BB) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code, and whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state.

(CC) "Drug agent" means any person who is either of the following:

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

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

(DD) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of

the Revised Code. 1247

(EE) "Natural resources law enforcement staff officer" means 1248
a full-time employee of the department of natural resources who is 1249
designated a natural resources law enforcement staff officer under 1250
section 1501.013 of the Revised Code and is in compliance with 1251
section 109.77 of the Revised Code. 1252

(FF) "Park officer" means a full-time employee of the 1253
department of natural resources who is designated a park officer 1254
under section 1541.10 of the Revised Code and is in compliance 1255
with section 109.77 of the Revised Code. 1256

(GG) "Forest officer" means a full-time employee of the 1257
department of natural resources who is designated a forest officer 1258
under section 1503.29 of the Revised Code and is in compliance 1259
with section 109.77 of the Revised Code. 1260

(HH) "Preserve officer" means a full-time employee of the 1261
department of natural resources who is designated a preserve 1262
officer under section 1517.10 of the Revised Code and is in 1263
compliance with section 109.77 of the Revised Code. 1264

(II) "Wildlife officer" means a full-time employee of the 1265
department of natural resources who is designated a wildlife 1266
officer under section 1531.13 of the Revised Code and is in 1267
compliance with section 109.77 of the Revised Code. 1268

(JJ) "State watercraft officer" means a full-time employee of 1269
the department of natural resources who is designated a state 1270
watercraft officer under section 1547.521 of the Revised Code and 1271
is in compliance with section 109.77 of the Revised Code. 1272

(KK) "Park district police officer" means a full-time 1273
employee of a park district who is designated pursuant to section 1274
511.232 or 1545.13 of the Revised Code and is in compliance with 1275
section 109.77 of the Revised Code. 1276

(LL) "Conservancy district officer" means a full-time 1277
employee of a conservancy district who is designated pursuant to 1278
section 6101.75 of the Revised Code and is in compliance with 1279
section 109.77 of the Revised Code. 1280

(MM) "Municipal police officer" means a member of the 1281
organized police department of a municipal corporation who is 1282
employed full-time, is in compliance with section 109.77 of the 1283
Revised Code, and is not a member of the Ohio police and fire 1284
pension fund. 1285

(NN) "Veterans' home police officer" means any person who is 1286
employed at a veterans' home as a police officer pursuant to 1287
section 5907.02 of the Revised Code and is in compliance with 1288
section 109.77 of the Revised Code. 1289

(OO) "Special police officer for a mental health institution" 1290
means any person who is designated as such pursuant to section 1291
5119.14 of the Revised Code and is in compliance with section 1292
109.77 of the Revised Code. 1293

(PP) "Special police officer for an institution for the 1294
mentally retarded and developmentally disabled" means any person 1295
who is designated as such pursuant to section 5123.13 of the 1296
Revised Code and is in compliance with section 109.77 of the 1297
Revised Code. 1298

(QQ) "State university law enforcement officer" means any 1299
person who is employed full-time as a state university law 1300
enforcement officer pursuant to section 3345.04 of the Revised 1301
Code and who is in compliance with section 109.77 of the Revised 1302
Code. 1303

(RR) "House sergeant at arms" means any person appointed by 1304
the speaker of the house of representatives under division (B)(1) 1305
of section 101.311 of the Revised Code who has arrest authority 1306
under division (E)(1) of that section. 1307

(SS) "Assistant house sergeant at arms" means any person 1308
appointed by the house sergeant at arms under division (C)(1) of 1309
section 101.311 of the Revised Code. 1310

(TT) "Regional transit authority police officer" means a 1311
person who is employed full time as a regional transit authority 1312
police officer under division (Y) of section 306.35 of the Revised 1313
Code and is in compliance with section 109.77 of the Revised Code. 1314

(UU) "State highway patrol police officer" means a special 1315
police officer employed full time and designated by the 1316
superintendent of the state highway patrol pursuant to section 1317
5503.09 of the Revised Code or a person serving full time as a 1318
special police officer pursuant to that section on a permanent 1319
basis on October 21, 1997, who is in compliance with section 1320
109.77 of the Revised Code. 1321

(VV) "Municipal public safety director" means a person who 1322
serves ~~full time~~ full time as the public safety director of a 1323
municipal corporation with the duty of directing the activities of 1324
the municipal corporation's police department and fire department. 1325

(WW) Notwithstanding section 2901.01 of the Revised Code, 1326
"PERS law enforcement officer" means a sheriff, deputy sheriff, 1327
township constable or police officer in a township police 1328
department or district, drug agent, municipal public safety 1329
director, department of public safety enforcement agent, natural 1330
resources law enforcement staff officer, park officer, forest 1331
officer, preserve officer, wildlife officer, state watercraft 1332
officer, park district police officer, conservancy district 1333
officer, veterans' home police officer, special police officer for 1334
a mental health institution, special police officer for an 1335
institution for the mentally retarded and developmentally 1336
disabled, state university law enforcement officer, public high 1337
school law enforcement officer, municipal police officer, house 1338
sergeant at arms, assistant house sergeant at arms, regional 1339

transit authority police officer, or state highway patrol police officer. 1340
1341

(XX) "Hamilton county municipal court bailiff" means a person 1342
appointed by the clerk of courts of the Hamilton county municipal 1343
court under division (A)(3) of section 1901.32 of the Revised Code 1344
who is employed full time as a bailiff or deputy bailiff, who has 1345
received a certificate attesting to the person's satisfactory 1346
completion of the peace officer basic training described in 1347
division (D)(1) of section 109.77 of the Revised Code, and whose 1348
primary duties are to preserve the peace, to protect life and 1349
property, and to enforce the laws of this state. 1350

(YY) "Fiduciary" means a person who does any of the 1351
following: 1352

(1) Exercises any discretionary authority or control with 1353
respect to the management of the system or with respect to the 1354
management or disposition of its assets; 1355

(2) Renders investment advice for a fee, direct or indirect, 1356
with respect to money or property of the system; 1357

(3) Has any discretionary authority or responsibility in the 1358
administration of the system. 1359

(ZZ) "Actuary" means an individual who satisfies all of the 1360
following requirements: 1361

(1) Is a member of the American academy of actuaries; 1362

(2) Is an associate or fellow of the society of actuaries; 1363

(3) Has a minimum of five years' experience in providing 1364
actuarial services to public retirement plans. 1365

(AAA) "PERS defined benefit plan" means the plan described in 1366
sections 145.201 to 145.79 of the Revised Code. 1367

(BBB) "PERS defined contribution plans" means the plan or 1368
plans established under section 145.81 of the Revised Code. 1369

(CCC) "Public high school law enforcement officer" means any person who is employed fulltime as a public high school law enforcement officer pursuant to section 3313.175 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

Sec. 145.33. (A) Except as provided in division (B) or (C) of this section, a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:

(1) An annuity having a reserve equal to the amount of the member's accumulated contributions at that time;

(2) A pension equal to the annuity provided by division (A)(1) of this section;

(3) An additional pension, if the member can qualify for prior service, equal to forty dollars multiplied by the number of years, and fraction thereof, of such prior and military service credit;

(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.

(5) When a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base amount adjusted in accordance with division (A)(5) of this section and determined by multiplying the member's total service credit by the greater of the following:

(a) Eighty-six dollars; 1400

(b) Two and two-tenths per cent of the member's final average 1401
salary for each of the first thirty years of service plus two and 1402
one-half per cent of the member's final average salary for each 1403
subsequent year of service. 1404

The allowance shall be adjusted by the factors of attained 1405
age or years of service to provide the greater amount as 1406
determined by the following schedule: 1407

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	1411
59		26	80	1412
60		27	85	1413
61			88	1414
		28	90	1415
62			91	1416
63			94	1417
		29	95	1418
64			97	1419
65		30 or more	100	1420

Members shall vest the right to a benefit in accordance with 1421
the following schedule, based on the member's attained age by 1422
September 1, 1976: 1423

Attained Birthday	Percentage of Base Amount	
66	102	1427
67	104	1428
68	106	1429
69	108	1430
70 or more	110	1431

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed the lesser of one hundred per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(B)(1) For the purposes of divisions (B) to (G) of this section, "total service credit as a PERS law enforcement officer" and "total service credit as a PERS public safety officer" include credit for military service to the extent permitted by division (E)(2) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by divisions (E)(3) and (4) of this section.

(2) A member who meets the conditions in division (B)(2)(a), (b), or (c) of this section may apply for an age and service retirement benefit under this division:

(a) The member has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer;

(b) The member has attained age fifty-two, and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;

(c) The member has attained age sixty-two and has at least fifteen years of total service credit as either of the following:

(i) A PERS law enforcement officer;

(ii) A PERS public safety officer.

(3) A benefit paid under division (B)(2) of this section shall consist of an annual single lifetime allowance equal to the

sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the member's total service credit in excess of twenty-five years.

(4) A member with at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty-two.

(C)(1) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(2)(b) of this section had the member attained age fifty-two and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after the date of attaining forty-eight years of age, but before the date of attaining fifty-two years of age, may elect to receive a reduced benefit as determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section

50	86% of the benefit payable under	1494
	division (B)(3) of this section	1495
51	93% of the benefit payable under	1496
	division (B)(3) of this section	1497

(2) If a member elects to receive a reduced benefit after 1498
attaining age forty-eight the reduced benefit is payable from the 1499
later of the date of the member's most recent birthday or the date 1500
the member becomes eligible to receive the reduced benefit. 1501

(3) Once a member elects to receive a reduced benefit 1502
determined by the schedule in division (C)(1) of this section and 1503
has received a payment, the member may not reelect to change that 1504
election. 1505

(4) If a member who has resigned or been discharged has left 1506
on deposit the member's accumulated contributions in the 1507
employees' savings fund and has not elected to receive a reduced 1508
benefit determined by the schedule in division (C)(1) of this 1509
section, upon attaining fifty-two years of age, the member shall 1510
be entitled to receive a benefit computed and paid under division 1511
(B)(3) of this section. 1512

(D) A benefit paid under division (B) or (C) of this section 1513
shall not exceed the lesser of ninety per cent of the member's 1514
final average salary or the limit established by section 415 of 1515
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1516
415, as amended. 1517

(E)(1) A member with service credit as a PERS law enforcement 1518
officer or a PERS public safety officer and other service credit 1519
under this chapter may elect one of the following: 1520

(a) To have all the member's service credit under this 1521
chapter, including credit for service as a PERS law enforcement 1522
officer or PERS public safety officer, used in calculating a 1523
retirement allowance under division (A) of this section if the 1524

member qualifies for an allowance under that division; 1525

(b) If the member qualifies for an allowance under division 1526
(B)(2)(a) of this section, to have the member's service credit as 1527
a PERS law enforcement officer used in calculating a benefit under 1528
that division and the member's credit for all service other than 1529
PERS law enforcement service used in calculating a benefit 1530
consisting of a single life annuity having a reserve equal to the 1531
amount of the member's accumulated contributions for all service 1532
other than PERS law enforcement service and an equal amount of 1533
employer contributions. 1534

(c) If the member qualifies for an allowance under division 1535
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 1536
member's service credit as a PERS law enforcement officer or PERS 1537
public safety officer used in calculating a benefit under the 1538
appropriate division and the member's credit for all service other 1539
than PERS law enforcement service or service as a PERS public 1540
safety officer under this chapter used in calculating a benefit 1541
consisting of a single life annuity having a reserve equal to the 1542
amount of the member's accumulated contributions for all service 1543
other than PERS law enforcement service or PERS public safety 1544
officer service and an equal amount of the employer's 1545
contributions. 1546

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 1547
Code, no more than four years of military service credit granted 1548
under section 145.30 of the Revised Code and five years of 1549
military service credit purchased under section 145.301 or 145.302 1550
of the Revised Code shall be used in calculating service as a PERS 1551
law enforcement officer or PERS public safety officer or the total 1552
service credit of that person. 1553

(3) Only credit for the member's service as a PERS law 1554
enforcement officer, PERS public safety officer, or service credit 1555
obtained as a police officer or state highway patrol trooper shall 1556

be used in computing the benefit of a member who qualifies for a 1557
benefit under division (B) or (C) of this section for the 1558
following: 1559

(a) Any person who originally is commissioned and employed as 1560
a deputy sheriff by the sheriff of any county, or who originally 1561
is elected sheriff, on or after January 1, 1975; 1562

(b) Any deputy sheriff who originally is employed as a 1563
criminal bailiff or court constable on or after April 16, 1993; 1564

(c) Any person who originally is appointed as a township 1565
constable or police officer in a township police department or 1566
district on or after January 1, 1981; 1567

(d) Any person who originally is employed as a county 1568
narcotics agent on or after September 26, 1984; 1569

(e) Any person who originally is employed as an undercover 1570
drug agent as defined in section 109.79 of the Revised Code, 1571
department of public safety enforcement agent who prior to June 1572
30, 1999, was a liquor control investigator, park officer, forest 1573
officer, wildlife officer, state watercraft officer, park district 1574
police officer, conservancy district officer, veterans' home 1575
police officer, special police officer for a mental health 1576
institution, special police officer for an institution for the 1577
mentally retarded and developmentally disabled, or municipal 1578
police officer on or after December 15, 1988; 1579

(f) Any person who originally is employed as a state 1580
university law enforcement officer on or after November 6, 1996; 1581

(g) Any person who is originally employed as a state 1582
university law enforcement officer by the university of Akron on 1583
or after September 16, 1998; 1584

(h) Any person who originally is employed as a preserve 1585
officer on or after March 18, 1999; 1586

(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	1587 1588 1589
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	1590 1591
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	1592 1593 1594
(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;	1595 1596 1597
(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than the effective date of this amendment <u>March 24, 2009</u> ;	1598 1599 1600
<u>(n) Any person who originally is employed as a public high school law enforcement officer on or after the effective date of this amendment.</u>	1601 1602 1603
(4) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(b) or (c)(ii) or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.	1604 1605 1606 1607 1608 1609 1610 1611
(F) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.	1612 1613
(G) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law	1614 1615 1616

enforcement officer. 1617

Sec. 2921.51. (A) As used in this section: 1618

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 1619
deputy marshal, member of the organized police department of a 1620
municipal corporation, or township constable, who is employed by a 1621
political subdivision of this state, a member of a police force 1622
employed by a metropolitan housing authority under division (D) of 1623
section 3735.31 of the Revised Code, a member of a police force 1624
employed by a regional transit authority under division (Y) of 1625
section 306.35 of the Revised Code, a state university law 1626
enforcement officer appointed under section 3345.04 of the Revised 1627
Code, a public high school law enforcement officer employed under 1628
section 3313.175 of the Revised Code, a veterans' home police 1629
officer appointed under section 5907.02 of the Revised Code, a 1630
special police officer employed by a port authority under section 1631
4582.04 or 4582.28 of the Revised Code, or a state highway patrol 1632
trooper and whose primary duties are to preserve the peace, to 1633
protect life and property, and to enforce the laws, ordinances, or 1634
rules of the state or any of its political subdivisions. 1635

(2) "Private police officer" means any security guard, 1636
special police officer, private detective, or other person who is 1637
privately employed in a police capacity. 1638

(3) "Federal law enforcement officer" means an employee of 1639
the United States who serves in a position the duties of which are 1640
primarily the investigation, apprehension, or detention of 1641
individuals suspected or convicted of offenses under the criminal 1642
laws of the United States. 1643

(4) "Impersonate" means to act the part of, assume the 1644
identity of, wear the uniform or any part of the uniform of, or 1645
display the identification of a particular person or of a member 1646
of a class of persons with purpose to make another person believe 1647

that the actor is that particular person or is a member of that 1648
class of persons. 1649

(5) "Investigator of the bureau of criminal identification 1650
and investigation" has the same meaning as in section 2903.11 of 1651
the Revised Code. 1652

(B) No person shall impersonate a peace officer, private 1653
police officer, ~~or~~ a federal law enforcement officer, or 1654
investigator of the bureau of criminal identification and 1655
investigation. 1656

(C) No person, by impersonating a peace officer, private 1657
police officer, ~~or~~ a federal law enforcement officer, or 1658
investigator of the bureau of criminal identification and 1659
investigation, shall arrest or detain any person, search any 1660
person, or search the property of any person. 1661

(D) No person, with purpose to commit or facilitate the 1662
commission of an offense, shall impersonate a peace officer, 1663
private police officer, a federal law enforcement officer, 1664
officer, agent, or employee of the state, or investigator of the 1665
bureau of criminal identification and investigation. 1666

(E) No person shall commit a felony while impersonating a 1667
peace officer, private police officer, a federal law enforcement 1668
officer, officer, agent, or employee of the state, or investigator 1669
of the bureau of criminal identification and investigation. 1670
1671

(F) It is an affirmative defense to a charge under division 1672
(B) of this section that the impersonation of the peace officer, 1673
private police officer, or investigator of the bureau of criminal 1674
identification and investigation was for a lawful purpose. 1675

(G) Whoever violates division (B) of this section is guilty 1676
of a misdemeanor of the fourth degree. Whoever violates division 1677
(C) or (D) of this section is guilty of a misdemeanor of the first 1678

degree. If the purpose of a violation of division (D) of this 1679
section is to commit or facilitate the commission of a felony, a 1680
violation of division (D) is a felony of the fourth degree. 1681
Whoever violates division (E) of this section is guilty of a 1682
felony of the third degree. 1683

Sec. 2935.01. As used in this chapter: 1684

(A) "Magistrate" has the same meaning as in section 2931.01 1685
of the Revised Code. 1686

(B) "Peace officer" includes, except as provided in section 1687
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 1688
deputy marshal; member of the organized police department of any 1689
municipal corporation, including a member of the organized police 1690
department of a municipal corporation in an adjoining state 1691
serving in Ohio under a contract pursuant to section 737.04 of the 1692
Revised Code; member of a police force employed by a metropolitan 1693
housing authority under division (D) of section 3735.31 of the 1694
Revised Code; member of a police force employed by a regional 1695
transit authority under division (Y) of section 306.05 of the 1696
Revised Code; state university law enforcement officer appointed 1697
under section 3345.04 of the Revised Code; public high school law 1698
enforcement officer employed under section 3313.175 of the Revised 1699
Code; enforcement agent of the department of public safety 1700
designated under section 5502.14 of the Revised Code; employee of 1701
the department of taxation to whom investigation powers have been 1702
delegated under section 5743.45 of the Revised Code; employee of 1703
the department of natural resources who is a natural resources law 1704
enforcement staff officer designated pursuant to section 1501.013 1705
of the Revised Code, a forest officer designated pursuant to 1706
section 1503.29 of the Revised Code, a preserve officer designated 1707
pursuant to section 1517.10 of the Revised Code, a wildlife 1708
officer designated pursuant to section 1531.13 of the Revised 1709

Code, a park officer designated pursuant to section 1541.10 of the 1710
Revised Code, or a state watercraft officer designated pursuant to 1711
section 1547.521 of the Revised Code; individual designated to 1712
perform law enforcement duties under section 511.232, 1545.13, or 1713
6101.75 of the Revised Code; veterans' home police officer 1714
appointed under section 5907.02 of the Revised Code; special 1715
police officer employed by a port authority under section 4582.04 1716
or 4582.28 of the Revised Code; police constable of any township; 1717
police officer of a township or joint township police district; a 1718
special police officer employed by a municipal corporation at a 1719
municipal airport, or other municipal air navigation facility, 1720
that has scheduled operations, as defined in section 119.3 of 1721
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 1722
amended, and that is required to be under a security program and 1723
is governed by aviation security rules of the transportation 1724
security administration of the United States department of 1725
transportation as provided in Parts 1542. and 1544. of Title 49 of 1726
the Code of Federal Regulations, as amended; the house of 1727
representatives sergeant at arms if the house of representatives 1728
sergeant at arms has arrest authority pursuant to division (E)(1) 1729
of section 101.311 of the Revised Code; and an assistant house of 1730
representatives sergeant at arms; officer or employee of the 1731
bureau of criminal identification and investigation established 1732
pursuant to section 109.51 of the Revised Code who has been 1733
awarded a certificate by the executive director of the Ohio peace 1734
officer training commission attesting to the officer's or 1735
employee's satisfactory completion of an approved state, county, 1736
municipal, or department of natural resources peace officer basic 1737
training program and who is providing assistance upon request to a 1738
law enforcement officer or emergency assistance to a peace officer 1739
pursuant to section 109.54 or 109.541 of the Revised Code; a state 1740
fire marshal law enforcement officer described in division (A)(23) 1741
of section 109.71 of the Revised Code; and, for the purpose of 1742

arrests within those areas, for the purposes of Chapter 5503. of 1743
the Revised Code, and the filing of and service of process 1744
relating to those offenses witnessed or investigated by them, the 1745
superintendent and troopers of the state highway patrol. 1746

(C) "Prosecutor" includes the county prosecuting attorney and 1747
any assistant prosecutor designated to assist the county 1748
prosecuting attorney, and, in the case of courts inferior to 1749
courts of common pleas, includes the village solicitor, city 1750
director of law, or similar chief legal officer of a municipal 1751
corporation, any such officer's assistants, or any attorney 1752
designated by the prosecuting attorney of the county to appear for 1753
the prosecution of a given case. 1754

(D) "Offense," except where the context specifically 1755
indicates otherwise, includes felonies, misdemeanors, and 1756
violations of ordinances of municipal corporations and other 1757
public bodies authorized by law to adopt penal regulations. 1758

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 1759
deputy marshal, municipal police officer, township constable, 1760
police officer of a township or joint township police district, 1761
member of a police force employed by a metropolitan housing 1762
authority under division (D) of section 3735.31 of the Revised 1763
Code, member of a police force employed by a regional transit 1764
authority under division (Y) of section 306.35 of the Revised 1765
Code, state university law enforcement officer appointed under 1766
section 3345.04 of the Revised Code, public high school law 1767
enforcement officer employed under section 3313.175 of the Revised 1768
Code, veterans' home police officer appointed under section 1769
5907.02 of the Revised Code, special police officer employed by a 1770
port authority under section 4582.04 or 4582.28 of the Revised 1771
Code, or a special police officer employed by a municipal 1772
corporation at a municipal airport, or other municipal air 1773

navigation facility, that has scheduled operations, as defined in 1774
section 119.3 of Title 14 of the Code of Federal Regulations, 14 1775
C.F.R. 119.3, as amended, and that is required to be under a 1776
security program and is governed by aviation security rules of the 1777
transportation security administration of the United States 1778
department of transportation as provided in Parts 1542. and 1544. 1779
of Title 49 of the Code of Federal Regulations, as amended, shall 1780
arrest and detain, until a warrant can be obtained, a person found 1781
violating, within the limits of the political subdivision, 1782
metropolitan housing authority housing project, regional transit 1783
authority facilities or areas of a municipal corporation that have 1784
been agreed to by a regional transit authority and a municipal 1785
corporation located within its territorial jurisdiction, college, 1786
university, veterans' home operated under Chapter 5907. of the 1787
Revised Code, port authority, or municipal airport or other 1788
municipal air navigation facility, in which the peace officer is 1789
appointed, employed, or elected, a law of this state, an ordinance 1790
of a municipal corporation, or a resolution of a township. 1791

(2) A peace officer of the department of natural resources, a 1793
state fire marshal law enforcement officer described in division 1794
(A)(23) of section 109.71 of the Revised Code, or an individual 1795
designated to perform law enforcement duties under section 1796
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 1797
detain, until a warrant can be obtained, a person found violating, 1798
within the limits of the peace officer's, state fire marshal law 1799
enforcement officer's, or individual's territorial jurisdiction, a 1800
law of this state. 1801

(3) The house sergeant at arms if the house sergeant at arms 1802
has arrest authority pursuant to division (E)(1) of section 1803
101.311 of the Revised Code and an assistant house sergeant at 1804
arms shall arrest and detain, until a warrant can be obtained, a 1805

person found violating, within the limits of the sergeant at 1806
arms's or assistant sergeant at arms's territorial jurisdiction 1807
specified in division (D)(1)(a) of section 101.311 of the Revised 1808
Code or while providing security pursuant to division (D)(1)(f) of 1809
section 101.311 of the Revised Code, a law of this state, an 1810
ordinance of a municipal corporation, or a resolution of a 1811
township. 1812

(B)(1) When there is reasonable ground to believe that an 1813
offense of violence, the offense of criminal child enticement as 1814
defined in section 2905.05 of the Revised Code, the offense of 1815
public indecency as defined in section 2907.09 of the Revised 1816
Code, the offense of domestic violence as defined in section 1817
2919.25 of the Revised Code, the offense of violating a protection 1818
order as defined in section 2919.27 of the Revised Code, the 1819
offense of menacing by stalking as defined in section 2903.211 of 1820
the Revised Code, the offense of aggravated trespass as defined in 1821
section 2911.211 of the Revised Code, a theft offense as defined 1822
in section 2913.01 of the Revised Code, or a felony drug abuse 1823
offense as defined in section 2925.01 of the Revised Code, has 1824
been committed within the limits of the political subdivision, 1825
metropolitan housing authority housing project, regional transit 1826
authority facilities or those areas of a municipal corporation 1827
that have been agreed to by a regional transit authority and a 1828
municipal corporation located within its territorial jurisdiction, 1829
college, university, veterans' home operated under Chapter 5907. 1830
of the Revised Code, port authority, or municipal airport or other 1831
municipal air navigation facility, in which the peace officer is 1832
appointed, employed, or elected or within the limits of the 1833
territorial jurisdiction of the peace officer, a peace officer 1834
described in division (A) of this section may arrest and detain 1835
until a warrant can be obtained any person who the peace officer 1836
has reasonable cause to believe is guilty of the violation. 1837

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

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

(b) A written statement by the administrator of the interstate compact on mental health appointed under section 5119.51 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

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

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

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

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

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

(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of

domestic violence or the offense of violating a protection order 1902
has been committed and reasonable cause to believe that a 1903
particular person is guilty of committing the offense, it is the 1904
preferred course of action in this state that the officer arrest 1905
and detain that person pursuant to division (B)(1) of this section 1906
until a warrant can be obtained. 1907

If pursuant to division (B)(3)(a) of this section a peace 1908
officer has reasonable grounds to believe that the offense of 1909
domestic violence or the offense of violating a protection order 1910
has been committed and reasonable cause to believe that family or 1911
household members have committed the offense against each other, 1912
it is the preferred course of action in this state that the 1913
officer, pursuant to division (B)(1) of this section, arrest and 1914
detain until a warrant can be obtained the family or household 1915
member who committed the offense and whom the officer has 1916
reasonable cause to believe is the primary physical aggressor. 1917
There is no preferred course of action in this state regarding any 1918
other family or household member who committed the offense and 1919
whom the officer does not have reasonable cause to believe is the 1920
primary physical aggressor, but, pursuant to division (B)(1) of 1921
this section, the peace officer may arrest and detain until a 1922
warrant can be obtained any other family or household member who 1923
committed the offense and whom the officer does not have 1924
reasonable cause to believe is the primary physical aggressor. 1925

(c) If a peace officer described in division (A) of this 1926
section does not arrest and detain a person whom the officer has 1927
reasonable cause to believe committed the offense of domestic 1928
violence or the offense of violating a protection order when it is 1929
the preferred course of action in this state pursuant to division 1930
(B)(3)(b) of this section that the officer arrest that person, the 1931
officer shall articulate in the written report of the incident 1932
required by section 2935.032 of the Revised Code a clear statement 1933

of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

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

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

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

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

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

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not

cooperate with the involved law enforcement or prosecuting 1965
authorities in the prosecution of the offense or, subsequent to 1966
the arrest or the filing of the charges, informs the involved law 1967
enforcement or prosecuting authorities that the victim does not 1968
wish the prosecution of the offense to continue or wishes to drop 1969
charges against the alleged offender relative to the offense, the 1970
involved prosecuting authorities, in determining whether to 1971
continue with the prosecution of the offense or whether to dismiss 1972
charges against the alleged offender relative to the offense and 1973
notwithstanding the victim's failure to cooperate or the victim's 1974
wishes, shall consider all facts and circumstances that are 1975
relevant to the offense, including, but not limited to, the 1976
statements and observations of the peace officers who responded to 1977
the incident that resulted in the arrest or filing of the charges 1978
and of all witnesses to that incident. 1979

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 1980
this section whether to arrest a person pursuant to division 1981
(B)(1) of this section, a peace officer described in division (A) 1982
of this section shall not consider as a factor any possible 1983
shortage of cell space at the detention facility to which the 1984
person will be taken subsequent to the person's arrest or any 1985
possibility that the person's arrest might cause, contribute to, 1986
or exacerbate overcrowding at that detention facility or at any 1987
other detention facility. 1988

(g) If a peace officer described in division (A) of this 1989
section intends pursuant to divisions (B)(3)(a) to (g) of this 1990
section to arrest a person pursuant to division (B)(1) of this 1991
section and if the officer is unable to do so because the person 1992
is not present, the officer promptly shall seek a warrant for the 1993
arrest of the person. 1994

(h) If a peace officer described in division (A) of this 1995
section responds to a report of an alleged incident of the offense 1996

of domestic violence or an alleged incident of the offense of 1997
violating a protection order and if the circumstances of the 1998
incident involved the use or threatened use of a deadly weapon or 1999
any person involved in the incident brandished a deadly weapon 2000
during or in relation to the incident, the deadly weapon that was 2001
used, threatened to be used, or brandished constitutes contraband, 2002
and, to the extent possible, the officer shall seize the deadly 2003
weapon as contraband pursuant to Chapter 2981. of the Revised 2004
Code. Upon the seizure of a deadly weapon pursuant to division 2005
(B)(3)(h) of this section, section 2981.12 of the Revised Code 2006
shall apply regarding the treatment and disposition of the deadly 2007
weapon. For purposes of that section, the "underlying criminal 2008
offense" that was the basis of the seizure of a deadly weapon 2009
under division (B)(3)(h) of this section and to which the deadly 2010
weapon had a relationship is any of the following that is 2011
applicable: 2012

(i) The alleged incident of the offense of domestic violence 2013
or the alleged incident of the offense of violating a protection 2014
order to which the officer who seized the deadly weapon responded; 2015

(ii) Any offense that arose out of the same facts and 2016
circumstances as the report of the alleged incident of the offense 2017
of domestic violence or the alleged incident of the offense of 2018
violating a protection order to which the officer who seized the 2019
deadly weapon responded. 2020

(4) If, in the circumstances described in divisions (B)(3)(a) 2021
to (g) of this section, a peace officer described in division (A) 2022
of this section arrests and detains a person pursuant to division 2023
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 2024
this section, a peace officer described in division (A) of this 2025
section seizes a deadly weapon, the officer, to the extent 2026
described in and in accordance with section 9.86 or 2744.03 of the 2027
Revised Code, is immune in any civil action for damages for 2028

injury, death, or loss to person or property that arises from or 2029
is related to the arrest and detention or the seizure. 2030

(C) When there is reasonable ground to believe that a 2031
violation of division (A)(1), (2), (3), (4), or (5) of section 2032
4506.15 or a violation of section 4511.19 of the Revised Code has 2033
been committed by a person operating a motor vehicle subject to 2034
regulation by the public utilities commission of Ohio under Title 2035
XLIX of the Revised Code, a peace officer with authority to 2036
enforce that provision of law may stop or detain the person whom 2037
the officer has reasonable cause to believe was operating the 2038
motor vehicle in violation of the division or section and, after 2039
investigating the circumstances surrounding the operation of the 2040
vehicle, may arrest and detain the person. 2041

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 2042
municipal police officer, member of a police force employed by a 2043
metropolitan housing authority under division (D) of section 2044
3735.31 of the Revised Code, member of a police force employed by 2045
a regional transit authority under division (Y) of section 306.35 2046
of the Revised Code, special police officer employed by a port 2047
authority under section 4582.04 or 4582.28 of the Revised Code, 2048
special police officer employed by a municipal corporation at a 2049
municipal airport or other municipal air navigation facility 2050
described in division (A) of this section, township constable, 2051
police officer of a township or joint township police district, 2052
state university law enforcement officer appointed under section 2053
3345.04 of the Revised Code, public high school law enforcement 2054
officer employed under section 3313.175 of the Revised Code, peace 2055
officer of the department of natural resources, individual 2056
designated to perform law enforcement duties under section 2057
511.232, 1545.13, or 6101.75 of the Revised Code, the house 2058
sergeant at arms if the house sergeant at arms has arrest 2059
authority pursuant to division (E)(1) of section 101.311 of the 2060

Revised Code, or an assistant house sergeant at arms is authorized 2061
by division (A) or (B) of this section to arrest and detain, 2062
within the limits of the political subdivision, metropolitan 2063
housing authority housing project, regional transit authority 2064
facilities or those areas of a municipal corporation that have 2065
been agreed to by a regional transit authority and a municipal 2066
corporation located within its territorial jurisdiction, port 2067
authority, municipal airport or other municipal air navigation 2068
facility, college, or university in which the officer is 2069
appointed, employed, or elected or within the limits of the 2070
territorial jurisdiction of the peace officer, a person until a 2071
warrant can be obtained, the peace officer, outside the limits of 2072
that territory, may pursue, arrest, and detain that person until a 2073
warrant can be obtained if all of the following apply: 2074

(1) The pursuit takes place without unreasonable delay after 2075
the offense is committed; 2076

(2) The pursuit is initiated within the limits of the 2077
political subdivision, metropolitan housing authority housing 2078
project, regional transit authority facilities or those areas of a 2079
municipal corporation that have been agreed to by a regional 2080
transit authority and a municipal corporation located within its 2081
territorial jurisdiction, port authority, municipal airport or 2082
other municipal air navigation facility, college, or university in 2083
which the peace officer is appointed, employed, or elected or 2084
within the limits of the territorial jurisdiction of the peace 2085
officer; 2086

(3) The offense involved is a felony, a misdemeanor of the 2087
first degree or a substantially equivalent municipal ordinance, a 2088
misdemeanor of the second degree or a substantially equivalent 2089
municipal ordinance, or any offense for which points are 2090
chargeable pursuant to section 4510.036 of the Revised Code. 2091

(E) In addition to the authority granted under division (A) 2092

or (B) of this section: 2093

(1) A sheriff or deputy sheriff may arrest and detain, until 2094
a warrant can be obtained, any person found violating section 2095
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 2096
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 2097
portion of any street or highway that is located immediately 2098
adjacent to the boundaries of the county in which the sheriff or 2099
deputy sheriff is elected or appointed. 2100

(2) A member of the police force of a township police 2101
district created under section 505.48 of the Revised Code, a 2102
member of the police force of a joint township police district 2103
created under section 505.481 of the Revised Code, or a township 2104
constable appointed in accordance with section 509.01 of the 2105
Revised Code, who has received a certificate from the Ohio peace 2106
officer training commission under section 109.75 of the Revised 2107
Code, may arrest and detain, until a warrant can be obtained, any 2108
person found violating any section or chapter of the Revised Code 2109
listed in division (E)(1) of this section, other than sections 2110
4513.33 and 4513.34 of the Revised Code, on the portion of any 2111
street or highway that is located immediately adjacent to the 2112
boundaries of the township police district or joint township 2113
police district, in the case of a member of a township police 2114
district or joint township police district police force, or the 2115
unincorporated territory of the township, in the case of a 2116
township constable. However, if the population of the township 2117
that created the township police district served by the member's 2118
police force, or the townships that created the joint township 2119
police district served by the member's police force, or the 2120
township that is served by the township constable, is sixty 2121
thousand or less, the member of the township police district or 2122
joint police district police force or the township constable may 2123
not make an arrest under division (E)(2) of this section on a 2124

state highway that is included as part of the interstate system. 2125

(3) A police officer or village marshal appointed, elected, 2126
or employed by a municipal corporation may arrest and detain, 2127
until a warrant can be obtained, any person found violating any 2128
section or chapter of the Revised Code listed in division (E)(1) 2129
of this section on the portion of any street or highway that is 2130
located immediately adjacent to the boundaries of the municipal 2131
corporation in which the police officer or village marshal is 2132
appointed, elected, or employed. 2133

(4) A peace officer of the department of natural resources, a 2134
state fire marshal law enforcement officer described in division 2135
(A)(23) of section 109.71 of the Revised Code, or an individual 2136
designated to perform law enforcement duties under section 2137
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 2138
detain, until a warrant can be obtained, any person found 2139
violating any section or chapter of the Revised Code listed in 2140
division (E)(1) of this section, other than sections 4513.33 and 2141
4513.34 of the Revised Code, on the portion of any street or 2142
highway that is located immediately adjacent to the boundaries of 2143
the lands and waters that constitute the territorial jurisdiction 2144
of the peace officer or state fire marshal law enforcement 2145
officer. 2146

(F)(1) A department of mental health special police officer 2147
or a department of mental retardation and developmental 2148
disabilities special police officer may arrest without a warrant 2149
and detain until a warrant can be obtained any person found 2150
committing on the premises of any institution under the 2151
jurisdiction of the particular department a misdemeanor under a 2152
law of the state. 2153

A department of mental health special police officer or a 2154
department of mental retardation and developmental disabilities 2155
special police officer may arrest without a warrant and detain 2156

until a warrant can be obtained any person who has been 2157
hospitalized, institutionalized, or confined in an institution 2158
under the jurisdiction of the particular department pursuant to or 2159
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2160
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 2161
found committing on the premises of any institution under the 2162
jurisdiction of the particular department a violation of section 2163
2921.34 of the Revised Code that involves an escape from the 2164
premises of the institution. 2165

(2)(a) If a department of mental health special police 2166
officer or a department of mental retardation and developmental 2167
disabilities special police officer finds any person who has been 2168
hospitalized, institutionalized, or confined in an institution 2169
under the jurisdiction of the particular department pursuant to or 2170
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2171
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 2172
violation of section 2921.34 of the Revised Code that involves an 2173
escape from the premises of the institution, or if there is 2174
reasonable ground to believe that a violation of section 2921.34 2175
of the Revised Code has been committed that involves an escape 2176
from the premises of an institution under the jurisdiction of the 2177
department of mental health or the department of mental 2178
retardation and developmental disabilities and if a department of 2179
mental health special police officer or a department of mental 2180
retardation and developmental disabilities special police officer 2181
has reasonable cause to believe that a particular person who has 2182
been hospitalized, institutionalized, or confined in the 2183
institution pursuant to or under authority of section 2945.37, 2184
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 2185
Revised Code is guilty of the violation, the special police 2186
officer, outside of the premises of the institution, may pursue, 2187
arrest, and detain that person for that violation of section 2188
2921.34 of the Revised Code, until a warrant can be obtained, if 2189

both of the following apply: 2190

(i) The pursuit takes place without unreasonable delay after 2191
the offense is committed; 2192

(ii) The pursuit is initiated within the premises of the 2193
institution from which the violation of section 2921.34 of the 2194
Revised Code occurred. 2195

(b) For purposes of division (F)(2)(a) of this section, the 2196
execution of a written statement by the administrator of the 2197
institution in which a person had been hospitalized, 2198
institutionalized, or confined pursuant to or under authority of 2199
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2200
2945.402 of the Revised Code alleging that the person has escaped 2201
from the premises of the institution in violation of section 2202
2921.34 of the Revised Code constitutes reasonable ground to 2203
believe that the violation was committed and reasonable cause to 2204
believe that the person alleged in the statement to have committed 2205
the offense is guilty of the violation. 2206

(G) As used in this section: 2207

(1) A "department of mental health special police officer" 2208
means a special police officer of the department of mental health 2209
designated under section 5119.14 of the Revised Code who is 2210
certified by the Ohio peace officer training commission under 2211
section 109.77 of the Revised Code as having successfully 2212
completed an approved peace officer basic training program. 2213

(2) A "department of mental retardation and developmental 2214
disabilities special police officer" means a special police 2215
officer of the department of mental retardation and developmental 2216
disabilities designated under section 5123.13 of the Revised Code 2217
who is certified by the Ohio peace officer training council under 2218
section 109.77 of the Revised Code as having successfully 2219
completed an approved peace officer basic training program. 2220

(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	2221 2222
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	2223 2224
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	2225 2226
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	2227 2228
(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 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.	2229 2230 2231 2232 2233 2234 2235 2236 2237 2238
(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.	2239 2240 2241
Sec. 2935.031. Any agency, instrumentality, or political subdivision of the state that employs a sheriff, deputy sheriff, constable, marshal, deputy marshal, police officer, member of a metropolitan housing authority police force, state university law enforcement officer, <u>public high school law enforcement officer</u> , or veterans' home police officer with arrest authority under section 2935.03 of the Revised Code or that employs other persons with arrest authority under the Revised Code, shall adopt a policy for the pursuit in a motor vehicle of any person who violates a	2242 2243 2244 2245 2246 2247 2248 2249 2250

law of this state or an ordinance of a municipal corporation. The 2251
chief law enforcement officer or other chief official of the 2252
agency, instrumentality, or political subdivision shall formally 2253
advise each peace officer or other person with arrest authority it 2254
employs of the pursuit policy adopted by that agency, 2255
instrumentality, or political subdivision pursuant to this 2256
section. 2257

Sec. 2935.24. A judge of a court of record may, by an 2258
endorsement under ~~his~~ the judge's hand upon a warrant of arrest, 2259
authorize the service thereof by telegraph, teletype, wire photo, 2260
or other means whereby a written or facsimile copy may be 2261
transmitted, and thereafter a copy of such warrant may be sent by 2262
any such means to any law enforcement officer. Such copy is 2263
effectual in the hands of any law enforcement officer and ~~he~~ the 2264
law enforcement officer shall proceed in the same manner under it 2265
as though ~~he~~ the law enforcement officer held the ~~original~~ original 2266
warrant issued by the court making the endorsement, except that a 2267
state university law enforcement officer or public high school law 2268
enforcement officer shall not arrest for a minor misdemeanor on 2269
the basis of a written or facsimile copy of a warrant of arrest. 2270
Every officer causing copies of warrants to be sent pursuant to 2271
this section, shall certify as correct and file in the office from 2272
which such warrant was sent, a copy of such warrant and 2273
endorsement thereon, and shall return the original with a 2274
statement of ~~his~~ the officer's action thereunder. 2275

Sec. 3313.175. (A) As used in this section: 2276

(1) "Felony" has the same meaning as in section 109.511 of 2277
the Revised Code. 2278

(2) "School grounds or premises" means any real or personal 2279
property that serves high school students and is owned by a city, 2280

exempted village, local, or joint vocational school district or an 2281
educational service center or that is under the control of any 2282
board of education of a city, exempted village, local, or joint 2283
vocational school district or governing board of an educational 2284
service center. 2285

(B)(1) Subject to division (C) of this section, the board of 2286
education of a city, local, exempted village, or joint vocational 2287
school district or the governing board of an educational service 2288
center may employ one or more public high school law enforcement 2289
officers subject to section 109.77 of the Revised Code to maintain 2290
the safety and welfare of its students and employees on school 2291
grounds or premises it owns or controls, to maintain the safety 2292
and welfare of other persons authorized under rules adopted by the 2293
board under division (A) of section 3313.20 of the Revised Code to 2294
be present on school grounds or premises it owns or controls, to 2295
protect property it owns or controls, and to protect student and 2296
employee property located on school grounds or premises it owns or 2297
controls. In addition to any powers provided and duties required 2298
elsewhere by law, a public high school law enforcement officer 2299
shall, to the extent required by the officer's contract of 2300
employment or rules adopted by the board that employs the officer, 2301
enforce all rules, regulations, and written policies adopted by 2302
that board. 2303

(2) A public high school law enforcement officer shall take 2304
an oath of office, wear the badge of office, serve as a peace 2305
officer for the school district or educational service center, and 2306
give bond to the board of education or governing board that 2307
employs the officer for the proper and faithful discharge of the 2308
officer's duties in the amount that the board of education or 2309
governing board requires. 2310

(C)(1) The board of education or governing board shall not 2311
employ as a public high school law enforcement officer on a 2312

permanent basis, on a temporary basis, for a probationary term, or 2313
on other than a permanent basis a person who previously has been 2314
convicted of or has pleaded guilty to a felony. 2315

(2)(a) The board of education or governing board shall 2316
terminate the employment of a public high school law enforcement 2317
officer if that officer does either of the following: 2318

(i) Pleads guilty to a felony; 2319

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2320
plea agreement as provided in division (D) of section 2929.43 of 2321
the Revised Code in which the employee agrees to surrender the 2322
certificate awarded to the employee under section 109.77 of the 2323
Revised Code. 2324

(b) The board of education or governing board shall suspend 2325
from employment a public high school law enforcement officer who 2326
is convicted, after trial, of a felony. If the public high school 2327
law enforcement officer files an appeal from that conviction and 2328
the conviction is upheld by the highest court to which the appeal 2329
is taken or if the public high school law enforcement officer does 2330
not file a timely appeal, the board of education or governing 2331
board shall terminate the employment of that public high school 2332
law enforcement officer. If the public high school law enforcement 2333
officer files an appeal that results in that officer's acquittal 2334
of the felony or conviction of a misdemeanor, or in the dismissal 2335
of the felony charge against that officer, the board of education 2336
or governing board shall reinstate that public high school law 2337
enforcement officer. A public high school law enforcement officer 2338
who is reinstated under division (C)(2)(b) of this section shall 2339
not receive any back pay unless that officer's conviction of the 2340
felony was reversed on appeal, or the felony charge was dismissed, 2341
because the court found insufficient evidence to convict the 2342
officer of the felony. 2343

(3) Division (C) of this section does not apply to an offense 2344
that was committed prior to January 1, 1997. 2345

(4) The suspension from employment, or the termination of the 2346
employment, of a public high school law enforcement officer under 2347
division (C)(2) of this section shall be in accordance with 2348
Chapter 119. of the Revised Code. 2349

Section 2. That existing sections 109.57, 109.71, 109.77, 2350
145.01, 145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2935.24 2351
of the Revised Code are hereby repealed. 2352

Section 3. Section 109.57 of the Revised Code is presented in 2353
this act as a composite of the section as amended by both Sub. 2354
H.B. 428 and Sub. S.B. 163 of the 127th General Assembly. Section 2355
109.77 of the Revised Code is presented in this act as a composite 2356
of the section as amended by Am. Sub. H.B. 490, Sub. H.B. 545, and 2357
H.B. 675 of the 124th General Assembly. Section 2921.51 of the 2358
Revised Code is presented in this act as a composite of the 2359
section as amended by both Sub. H.B. 259 and Sub. S.B. 281 of the 2360
126th General Assembly. The General Assembly, applying the 2361
principle stated in division (B) of section 1.52 of the Revised 2362
Code that amendments are to be harmonized if reasonably capable of 2363
simultaneous operation, finds that the composites are the 2364
resulting versions of the sections in effect prior to the 2365
effective date of the sections as presented in this act. 2366
2367