



**Sub. H.B. 545\***

124th General Assembly

(As Reported by S. State & Local Gov't & Veterans Affairs)

**Reps. Setzer, Husted, White, Schneider, Hughes, Perry, Schmidt**

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**BILL SUMMARY**

- Requires certain special police officers of certain airports to receive peace officer training and annual firearms requalification.
- Confers arrest authority on those airport special police officers and designates them as law enforcement officers.
- Exempts certain certification examinations from the public records law.
- Requires a criminal records check for any person seeking peace officer basic training certification.

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**CONTENT AND OPERATION**

**Peace Officer Training and Certification**

The bill adds to the classes of officers included in the definition of a "peace officer" a special police officer who is employed by a municipal corporation at a municipal airport or other municipal air navigation facility that (1) has scheduled operations as defined in the Code of Federal Regulations and (2) is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the U.S. Department of Transportation as provided in the Code of Federal Regulations (secs. 109.71(A)(19) and 2935.01). This change generally requires these airport special police officers to (a) attend peace officer training schools approved by the Executive Director of the Ohio Peace Officer Training Commission (Commission), (b) receive a certificate from the Executive Director attesting to satisfactory completion of a basic training

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\* *This analysis was prepared before the report of the Senate State & Local Government & Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

program at an approved school, and (c) complete an approved firearms requalification program (secs. 109.75(A) and (D) and 109.801). The bill, however, *does not require* that an airport special police officer *serving on a permanent basis on the effective date of the bill* be awarded a certificate by the Executive Director attesting to the officer's satisfactory completion of an approved peace officer basic training program, as a condition of the officer's original appointment on a permanent basis, or continued appointment on a temporary basis or for a probationary term, as an airport special police officer (sec. 109.77(B)(4)).

### **Warrantless arrest authority**

The bill includes the special police officers described above, regardless of whether they were serving on the effective date of the bill, within the definition of "peace officer" for purposes of conferring warrantless arrest authority on these individuals within their respective jurisdictions at municipal airports or other municipal air navigation facilities. (Secs. 2935.01 and 2935.03.) This inclusion under this definition of peace officer also has the effect of affording the same authority and protections as that generally afforded to other peace officers. For example, the enhanced penalties for assault against a peace officer will apply, (see secs. 2903.11, 2903.12, and 2903.13--not in the bill), as will the protection from disclosure of certain residential information (secs. 2921.24 and 2921.25--not in the bill).

### **Public record status of certification examinations and scores**

The bill states that, among the existing specified powers and duties of the Executive Director of the Ohio Peace Officer Training Commission, is a duty to maintain any records associated with the powers and duties set forth in existing law. In addition, the bill provides that certification examinations, either before or after completion, are not public records, but the results of those examinations are public records. Thus, while the actual examinations are not subject to public access and disclosure, the scores are public information. (Sec. 109.75(L).)

### **Criminal records check of persons seeking peace officer basic training certification**

Under current law, before awarding a certificate of satisfactory completion of an approved basic training program, the Executive Director of the Peace Officer Training Commission must request a person seeking certification to disclose any previous criminal conviction of or plea of guilty to a felony. In addition, the prospective employer of the person to whom a certificate is to be awarded or the commander of the peace officer training school attended by that person must request the Bureau of Criminal Identification and Investigation to conduct a criminal history records check on the person. Upon receipt of a request, the

Bureau must promptly conduct the check and provide a copy to the prospective employer or commander who, in turn, must submit a copy to the Executive Director of the Commission.

The bill provides that *before completion* of an approved training program, the Executive Director must request a criminal history records check on the person. The Executive Director must submit the person's fingerprints to the Bureau, which must submit them to the FBI for a "national criminal history records check." Further, the bill states that upon receipt of the director's request, the Bureau and the FBI must conduct a "criminal history records check" on the person, and, upon completion, provide a copy of the criminal history records check to the Executive Director. (See **COMMENT**). The bill retains the prohibition in current law against the Executive Director awarding a certificate without receipt of a criminal history records check on the person. The bill also provides that if the person failed to disclose a guilty plea to or conviction for a felony before completion of the program, instead of before the award of the certificate, the Executive Director must revoke the certificate awarded to the person, and the person forfeits all benefits derived from being certified as a peace officer. (Sec. 109.77(E).)

#### **Conveyance of real estate to the Kirkwood Cemetery Association**

The bill authorizes the Governor to execute a deed in the name of the state conveying to the Kirkwood Cemetery Association and its successors and assigns all of the state's right, title, and interest in state-owned real estate located in Madison County (Section 4 (A)).

The consideration for the conveyance is the conveyance to the state (Attorney General of Ohio, Ohio Peace Officer Training Academy) and its successors and assigns real estate located in Madison County and further described in the bill (Section 4 (B)).

The state must pay the costs of the conveyances (Section 4 (C)).

The bill specifies the procedures for the preparation, execution, and recording of a deed to the real estate that the state is conveying upon the conveyance of real estate from the Kirkwood Cemetery Association to the state (Section 4 (D)).

The land conveyance provisions of the bill expire one year after the bill's effective date (Section 4 (E)).

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## COMMENT

It appears that the criminal history records check contemplated by the bill is a combination of a "national" check by the FBI and something BCII provides. It also appears to be *one* criminal history records check submitted *jointly* by the FBI and BCII.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-28-02	p. 1647
Reported, H. State Gov't	06-18-02	pp. 1917-1918
Passed House (94-0)	06-19-02	pp. 1928-1929
Reported, S. State & Local Gov't & Veterans Affairs	----	----

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