



Sub. H.B. 374

126th General Assembly
(As Passed by the General Assembly)

Reps. Hughes, Latta, Webster, Allen, Flowers, Uecker, Evans, D., McGregor, J., Skindell, Brown, Fende, Sayre, Combs, Otterman, Ujvagi, Wagoner, Yuko, Chandler, Barrett, Strahorn, Gilb, Seitz, Willamowski, Beatty, Book, Calvert, Cassell, Daniels, DeBose, DeGeeter, Domenick, Evans, C., Faber, Key, Law, Oelslager, Patton, T., Perry, Reidelbach, Schaffer, Schlichter, Schneider, Setzer, Smith, G., Stewart, D.

Sens. Grendell, Dann, Zurz, Kearney, Stivers, Clancy

Effective date: *

ACT SUMMARY

- Repeals the current Block Parent Program administered by the State Board of Education, effective July 1, 2007, and replaces it with the McGruff House Program, administered by the Division of Criminal Justice Services.
- Specifies that the offense of unauthorized use of a Block Parent symbol only applies to conduct occurring prior to the act's repeal of the Block Parent Program.
- Creates the offense of "unauthorized use of a McGruff House symbol," effective July 1, 2007, to replace the offense of "unauthorized use of Block Parent symbol."
- Requires the destruction of all current Block Parent symbols not later than July 10, 2007.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Provides that if a citizens' reward program has entered into an agreement of affiliation with a board of county commissioners, specified law enforcement agencies may, instead of must, pay 25% of the proceeds from the sale of forfeited property to that citizens' reward program.

CONTENT AND OPERATION

Block Parent Program

Current law

Under current law, a program in which individuals or families volunteer to have their homes or other buildings serve as places of temporary refuge for children and display a symbol identifying the home or building as such a safe place is known as a Block Parent Program. The State Board of Education is responsible for adopting rules for Block Parent Programs established by school district boards of education and educational service center governing boards until June 30, 2007. These rules include the adoption of a Block Parent symbol, rules governing the selection of volunteers to participate in the programs, and any other rules the State Board considers necessary. If a board of education establishes a Block Parent Program, it must use the Block Parent symbol adopted by the State Board, and must allow any chartered nonpublic school within the district to participate and request technical assistance from the State Board. A board of education may also request the assistance of law enforcement authorities with jurisdiction in the school district in checking the criminal records of individuals and families that volunteer to participate in the Program. (R.C. 3301.076 and 3313.206.)

A municipal or township police department, township police district, or county sheriff's department may also use the Block Parent symbol if the department or district establishes, sponsors, or maintains such a program, and if the department or district notifies the State Board of its intent to use the symbol and comply with the State Board's rules.

The State Board also must distribute materials and provide technical assistance to boards of education and governing boards, participating chartered nonpublic schools, volunteer groups providing assistance to boards of education and educational service center governing boards, and to police departments or county sheriff's departments that sponsor block parent programs. (R.C. 3301.076.)

Operation of the act

The act repeals current law's Block Parent Program, effective July 1, 2007. On that date, the duty of the State Board of Education to adopt rules regarding the Block Parent Program and any other responsibilities of the State Board for the Program cease to exist. Also, any Block Parent Program that is established, sponsored, or maintained prior to July 1, 2007, and that is in existence on June 30, 2007, ceases to exist on July 1, 2007. Any chartered nonpublic school, volunteer, agency, or entity that participates in the Block Parent Program must cease participating in that Program on July 1, 2007. (Repealed R.C. 3301.076, R.C. 3313.206, Section 3(A), and Section 4(A) and (C).)

The act also specifies that not later than June 30, 2007, any municipal or township police department, township police district, county sheriff's department, other law enforcement agency, chartered nonpublic school, volunteer, or entity that is using the Block Parent symbol must stop using that symbol and must remove the symbol or cause its removal from any house or building in which it is displayed by that department, district, agency, school, volunteer, or entity. The department, district, agency, school, volunteer, or entity must immediately return all of the Block Parent symbols it used, displayed, or possessed to the appropriate board of education or other entity that established, sponsored, or maintained the Program that used the symbol. The board of education or other entity must destroy all of those returned symbols and any other symbols possessed by the board or entity. If a municipal or township police department, township police district, county sheriff's department, other law enforcement agency, chartered nonpublic school, or other entity that is using the Block Parent symbol also established or is sponsoring or maintaining the Block Parent Program in which the symbol is used, the department, district, agency, school, or entity must destroy all of the symbols it used, displayed, or possessed. The destruction of all symbols must be made not later than July 10, 2007. (Section 4(C)(2) and (3).)

McGruff House Program

To replace the Block Parent Program, the act requires the Division of Criminal Justice Services of the Department of Public Safety to adopt rules for the establishment and maintenance of a McGruff House Program by any sponsoring agency. It must adopt the rules on or after April 1, 2007, but not later than June 1, 2007. The rules are subject to the approval of the Director of Public Safety. The rules must include all of the following (R.C. 5502.62(B)(18)(a) and Section 4(B)) (see "*Definitions*," below for definitions of the terms in quotation marks):

(1) The adoption of the "McGruff House symbol" to be used exclusively in all "McGruff House Programs" in Ohio;

(2) The requirements for any "sponsoring agency" to establish and maintain a McGruff House Program;

(3) The criteria for the selection of volunteers to participate in a McGruff House Program that must include, but not be limited to, criminal background checks of those volunteers;

(4) Any other matters that the Division of Criminal Justice Services considers necessary for the establishment and maintenance of McGruff House Programs by sponsoring agencies and the participation of volunteers in those Programs.

The act additionally specifies that the Division of Criminal Justice Services must distribute materials and provide technical assistance to any sponsoring agency that establishes and maintains a McGruff House Program, any volunteer group or organization that provides assistance to that sponsoring agency, or any volunteer who participates in a McGruff House Program (R.C. 5502.62(B)(18)(b)).

The act specifies that these provisions take effect April 1, 2007, and the rules adopted by the Division of Criminal Justice Services for the establishment of the McGruff House Program take effect July 1, 2007 (Section 3(C) and Section 4(B)).

The act amends the current provisions contained in R.C. 3313.206 that describe the operation of the Block Parent Program by replacing references to that Program with references to the McGruff House Program. These amendments take effect July 1, 2007 (R.C. 3313.206 and Section 3(A)).

Definitions

"McGruff House Program" means a program in which individuals or families volunteer to have their homes or other buildings serve as places of temporary refuge for children and to display the McGruff House symbol identifying the home or building as that type of place (R.C. 5502.61(J)).

"McGruff House symbol" means the symbol that is characterized by the image of "McGruff," the crime dog, and the slogan "take a bite out of crime," and that has been adopted by the National Crime Prevention Council as the symbol of its National Citizens' Crime Prevention campaign (R.C. 5502.61(K)).

"Sponsoring agency" means any of the following (R.C. 5502.61(L)):

(1) The board of education of any city, local, or exempted village school district;

- (2) The governing board of any educational service center;
- (3) The governing authority of any chartered nonpublic school;
- (4) The police department of any municipal corporation, township, township police district, or joint township police district;
- (5) The office of any township constable or county sheriff.

Unauthorized use of a Block Parent symbol

Continuing law

Continuing law prohibits a person, with intent to identify a building as a block parent home or building, from either displaying the Block Parent symbol without proper authorization or displaying a symbol that falsely gives the appearance of being the Block Parent symbol. A violation of either of these prohibitions is the offense of unauthorized use of a Block Parent symbol, a minor misdemeanor. (R.C. 2917.46(A), (B), and (E).)

Operation of the act

The act specifies that the above prohibition only applies to conduct occurring prior to the act's repeal of the Block Parent Program. The act's amendment of this prohibition takes effect July 1, 2007. (R.C. 2917.46(A) and (B) and Section 3(A).)

Unauthorized use of a McGruff House symbol

The act creates the offense of "unauthorized use of a McGruff House symbol," a minor misdemeanor. A person commits this offense if the person, with intent to identify a home or building as a McGruff House Program home or building, displays the McGruff House symbol without authorization under the act's provisions described above in "**McGruff House Program**" or displays a symbol that falsely gives the appearance of being the McGruff House symbol. This new prohibition takes effect July 1, 2007. (R.C. 2917.46(C) and (D) and Section 3(A).)

Funding for citizens' reward programs

Continuing law

Under continuing law, a "citizens' reward program" is any organization that satisfies all of the following criteria (R.C. 9.92(A)(2), *not in the act*): (1) it is a nonprofit organization, (2) it is organized and operated exclusively to offer and pay rewards to citizens for volunteering tips and information to law enforcement

agencies concerning felonies, offenses of violence, or misdemeanors that have been committed, and (3) it has established a reward fund to be used solely for the payment of rewards of that type.

A citizens' reward program may apply to the board of county commissioners of any county or counties in which it operates for recognition as the official reward program for that county or counties. Upon receipt of the application, the board of county commissioners must determine if it is in proper order and the information it contains is correct. If the application meets these criteria, the board, by resolution, may officially recognize the program. No more than one reward program may be recognized in any county. If a county recognizes a program, it must notify all county, municipal, and township law enforcement agencies located in the county. Under continuing law, partially amended by the act, upon receipt of this notice each agency is required to pay to the program 25% of the proceeds from each sale of certain property held by the agency, regardless of whether the program has an agreement of affiliation, as described in the following paragraph. The program must use all of the proceeds it receives for the payment of rewards.

Additionally, under continuing law any citizens' reward program recognized as described in the preceding paragraph may enter into a written agreement of affiliation with a board of county commissioners in the county in which the program operates. The agreements must do all of the following: (1) specify the relationship between the citizens' reward program, the county, and law enforcement agencies in the county, (2) specify that the citizens' reward program must account annually to the board of county commissioners for all funds raised by the organization from all sources and all funds expended by the organization for any purpose, (3) allow the citizens' reward program to itemize the sources of funds raised without referring to the name of the source, and (4) prohibit the citizens' reward program from divulging the identity of any person to whom a reward was paid. In every county in which the board of county commissioners approves an agreement of affiliation, the board must notify the clerk of each municipal court, county court, and court of common pleas within the county of that agreement and of the duty to impose the sum of \$1 as additional court costs in any case in which a person is convicted of or pleads guilty to any offense other than a traffic offense. This \$1 additional court costs is in addition to any other court costs that the court is required by law to impose upon the offender and must be imposed by the court as long as the agreement of affiliation remains in effect, but, in the court's discretion, the court may remit this \$1 additional court costs to the offender. The clerk of each court must transmit all such moneys collected during a month on or before the 20th day of the following month to the affiliated citizens' reward program. A program that receives funds under this provision may use them for any purpose described above in clause (2) or (3) of the first paragraph



under "Continuing law." (R.C. 9.92(C) and (D), *not in the act*, and R.C. 2933.41(E)(2).)

Operation of the act

The act provides that, if a citizens' reward program has an agreement of affiliation with a board of county commissioners, as described above in "Continuing law," each of the law enforcement agencies in the county that receives notice of the recognition of the program may, but is not required to as under prior law, pay 25% of the proceeds from the sale of certain property to the program. The act makes no change to the additional \$1 in court costs that are transmitted to a citizens' reward program that has an agreement of affiliation with a board of county commissioners. In addition, the act makes no change to the required payment of 25% of the sale of certain property to a citizens' reward program that is recognized by a county but does not have an agreement of affiliation with any county. (R.C. 2933.41(E)(2).)

HISTORY

ACTION	DATE
Introduced	10-11-05
Reported, H. Criminal Justice	01-18-06
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Reported, S. Judiciary - Criminal Justice	03-29-06
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