



Sub. H.B. 145*

126th General Assembly

(As Reported by H. Local and Municipal Government and Urban Revitalization)

Reps. Seaver, D. Evans, Reinhard, C. Evans, Setzer, Raga, Wolpert, Flowers, Reidelbach

BILL SUMMARY

- Gives townships and joint fire districts authority to confer certain investigative and arrest powers upon officers in their fire departments.
- Requires the Ohio Fire Academy, in conjunction with the Ohio Peace Officer Training Academy, to conduct a course of instruction in fire investigative law enforcement for firefighters.

CONTENT AND OPERATION

Investigative power conferral

The bill permits a board of township trustees and a board of fire district trustees to confer certain investigative powers upon officers in the fire department of the township, township fire district, or joint fire district, as applicable, who are full-time firefighters and have successfully completed a specified course of instruction in fire investigative law enforcement (see below). The officers must report to the applicable board on their discharge of the investigative powers as that board requires. (R.C. 505.382(A) and (B).)

Those officers will have the power and the duty to be present at all fires in the township or district, to investigate the cause of those fires, to examine witnesses, to compel their attendance and the production of books and papers (i.e., subpoena and subpoena duces tecum authority), and to perform all other acts necessary to the effective discharge of the specified duties. The officers also may administer oaths, and make warrantless arrests under the Peace Officer Arrest

* This analysis was prepared before the report of the House Local and Municipal Government and Urban Revitalization Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

Authority Law, in the discharge of the specified duties, but only in collaboration with the township, township police district, or joint township police district chief of police, the sheriff, or the chief of police's or the sheriff's designee.¹ And, in such collaboration, they may enter for examination purposes any building or other structure in the township or district that, in their opinion, is in danger from fire. (R.C. 505.382(B), 2935.01(B), and 2935.03(A)(4).)

Course of instruction

The bill requires the Ohio Fire Academy, in conjunction with the Ohio Peace Officer Training Academy, to conduct a course of instruction in fire investigative law enforcement for firefighters. The Ohio Fire Academy must approve the course of instruction to be provided. (R.C. 109.791, 505.382(A), and 3737.33(B).)

Firefighters must receive compensation as determined by their sponsoring political subdivision when attending such a course of instruction at either Academy, and their sponsoring political subdivision may pay the tuition costs at either Academy for their attendance of such a course of instruction (R.C. 3737.33(B)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-22-05	pp. 352-353
Reported, H. Local and Municipal Government and Urban Revitalization	---	---

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¹ *The warrantless arrest authority conferred by the bill is to arrest and detain in collaboration with a law enforcement officer mentioned above, until a warrant can be obtained, a person within the township, township fire district, or joint fire district who the officer has probable cause to believe may have violated a state law that relates to the officer's investigative duties--for example, a violation of the statute prohibiting arson or aggravated arson. Also, an officer, the same as any citizen, could arrest without a warrant another person whom the officer has reasonable cause to believe is guilty of a felony and detain the other person until a warrant can be obtained (R.C. 2935.04--not in the bill).*