David M. Gold *Legislative Service Commission*

Am. Sub. S.B. 38

126th General Assembly
(As Passed by the Senate)

Sens. Grendell, Jacobson, Dann, Zurz, Spada, Clancy, Cates

BILL SUMMARY

- Provides that, upon the application of any owner or operator of an amusement park that has an average yearly attendance in excess of 600,000 guests and that employs and maintains its own proprietary police department or security department and subject to certain restrictions against appointment described in the next dot point, any judge of the municipal court or county court with territorial jurisdiction over the amusement park may appoint and commission any persons that the owner or operator designates, or as many of those persons as the judge considers proper, to act as police officers for the amusement park.

- Prohibits a judge from appointing or commissioning a person as a police officer for an amusement park under the provisions described in the preceding dot point on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony that was committed on or after January 1, 1997.

- Specifies that police officers appointed for an amusement park will hold office for five years, unless, for good cause shown, their commission is revoked by the appointing judge or the judge's successor or by the owner or operator, as provided by law.

- Specifies that a person appointed as a police officer for an amusement park may not engage in any duties or activities as a police officer for the amusement park or any affiliate or subsidiary of the owner or operator of the park unless all of the following apply: (1) the chief of police of the municipality or township in which the park is located has granted or, if the park is located in two or more townships, two or more municipalities, or one or more townships and one or more municipalities, the chiefs of

police of all of the affected townships and municipalities have jointly granted approval to the owner or operator of the amusement park to permit persons appointed as such police officers to engage in those duties and activities, (2) subsequent to the grant of approval described in clause (1), the owner or operator has entered into a written agreement with the chief of police of the municipality or township in which the park is located or, if the park is located in two or more townships, two or more municipalities, or one or more townships and one or more municipalities, jointly with the chiefs of police of all of the affected townships and municipalities that addresses the scope of activities, the duration of the agreement, and mutual aide arrangements, and that sets forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the park and law enforcement officers serving the agency represented by the chief or chiefs of police who signed the agreement, and (3) the person has successfully completed a training program approved by the Ohio Peace Officer Training Commission (OPOTC) and has been certified by the Commission.

- Provides that a person appointed as a police officer for an amusement park is entitled, upon satisfaction of the criteria described in the preceding dot point, to act as a police officer as follows: (1) for the amusement park and its affiliates and subsidiaries that are within the territory of the political subdivision or subdivisions served by the chief of police, or respective chiefs of police, who signed the written agreement and upon any contiguous real property of the amusement park that is covered by the agreement, whether within or adjacent to the political subdivision or subdivisions, and (2) elsewhere within the territory of a municipal corporation or township if the chief of police of that municipal corporation or township has granted approval for that activity to the owner or operator served by the person as a police officer and if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park.

- Requires a judge to revoke the appointment or commission of a person appointed or commissioned as a police officer for an amusement park if that person does either of the following: (1) pleads guilty to a felony committed on or after January 1, 1997, or (2) pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement in which the person agrees to surrender the

certificate awarded to that person under the Administrative Procedure Act.

- Requires a judge to suspend the appointment or commission of a person appointed or commissioned as a police officer for an amusement park if that person is convicted, after trial, of a felony committed on or after January 1, 1997; if the person appeals that conviction 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 judge must revoke the person's appointment or commission, and if the person appeals and is acquitted of the felony or convicted of a misdemeanor or the felony charge is dismissed, the judge must reinstate the person's appointment or commission.

- Expands the definition of "peace officer" that applies to R.C. 109.71 to 109.77 to also include a police officer who is employed by an owner or operator of an amusement park that has an average yearly attendance in excess of 600,000 guests and that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to the bill.

- Expands the provision that requires OPOTC to recommend rules to the Attorney General to also require recommended rules with respect to permitting persons who are appointed and commissioned as amusement park police officers under the bill to attend approved peace officer training schools, including the Ohio Peace Officer Training Academy, and to receive certificates of satisfactory completion of basic training programs, if the amusement park sponsoring the officers pays the entire cost of the training and certification and if trainee vacancies are available.

- Expands the provision that permits the Ohio Peace Officer Training Academy, if trainee vacancies exist, to train and issue certificates of satisfactory completion to certain specified non-governmental peace officers to also permit the Academy, if trainee vacancies exist, to train and issue certificates of satisfactory completion to amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to the bill if the officer meets the qualifications established for admission to the Academy and the amusement park prepays the entire cost of the training.

- Declares an emergency.

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CONTENT AND OPERATION

Introduction

Existing law authorizes, in various circumstances, the appointment and commissioning of persons to serve as police officers for certain specified non-government entities. Generally, persons appointed to the positions must have received state-specified training before performing any police duties. Included among the non-government entities that, in specified circumstances, may have persons so appointed to serve as police officers are: (1) qualified nonprofit corporations that have police departments (R.C. 1702.80), (2) private colleges or universities that have a campus police department (R.C. 1713.50), (3) banks, building and loan associations, or associations of banks and building and loan associations (R.C. 4973.17(A)), (4) companies owning or using railroads (R.C. 4973.17(B)), (5) companies under contract with the U.S. "Atomic Energy Commission" (i.e., the Nuclear Regulatory Commission) for the construction or operation of a plan at a site owned by the Commission (R.C. 4973.17(C)), and (6) hospitals operated by a public hospital agency or a nonprofit hospital agency that employs and maintains its own proprietary police force (R.C. 4973.17(D)).

Appointment of amusement park police officers, and performance of duties

Appointment; restrictions against appointment

The bill authorizes, in specified circumstances, the appointment of persons to serve as police officers for certain amusement parks. Specifically, it provides that, upon the application of any owner or operator of an amusement park that has an average yearly attendance in excess of 600,000 guests and that employs and maintains its own proprietary police department or security department and subject to the restrictions against appointment described in the next paragraph, any judge of the municipal court or county court with territorial jurisdiction over the amusement park may appoint and commission any persons that the owner or operator designates, or as many of those persons as the judge considers proper, to act as police officers for the amusement park. If the amusement park is located in more than one county, any judge of the municipal court or county court of any of those counties may make the appointments and commissions. A fee of $15 for each commission applied for under this provision must be paid at the time the application is made, and the fee is to be returned if for any reason a commission is not issued. Police officers appointed for an amusement park under this provision will hold office for five years, unless, for good cause shown, their commission is revoked (see "***Mandatory revocation or suspension of commission of amusement park police officers***," below) by the appointing judge or the judge's successor or by the owner or operator, as provided by law. (R.C. 4973.17(E)(1), (E)(3), and (F).)

The bill prohibits a judge of a municipal court or county court with territorial jurisdiction over an amusement park from appointing or commissioning a person as a police officer for the amusement park under the provisions described in the preceding paragraph on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a "felony" (see below) that was committed on or after January 1, 1997. (R.C. 4973.171(C)(1) and (4).)

As used in the provision described in the preceding paragraph, "felony" means any offense committed in Ohio that is a felony under Ohio law, or any offense committed in a state other than Ohio, or under the law of the United States, that, if committed in Ohio, would be a felony under Ohio law (R.C. 4973.171(A), by reference to existing R.C. 109.511--not in the bill).

Conditions that must be satisfied before person appointed may engage in duties as police officer

The bill specifies that no person who is appointed as a police officer for an amusement park under its provisions described above may engage in any duties or

activities as a police officer for the amusement park or any affiliate or subsidiary of the owner or operator of the amusement park unless all of the following apply (R.C. 4973.17(E)(1)):

(1) The appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this paragraph has granted approval to the owner or operator of the amusement park to permit persons appointed as police officers under this provision to engage in those duties and activities. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for the grant of approval under this provision. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for the grant of approval under this provision, and the approval must be jointly granted by all of those chiefs of police. The approval required as described in this paragraph is general in nature and is intended to cover in the aggregate all persons appointed as police officers for the amusement park. A separate approval is not required for each appointee on an individual basis.

(2) Subsequent to the grant of approval described in (1), above, the owner or operator has entered into a written agreement with the appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this paragraph. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for entering into the written agreement under this provision. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for entering into the written agreement under this provision, and the written agreement must be jointly entered into by all of those chiefs of police. The written agreement between the owner or operator and the chief or chiefs of police must address the scope of activities, the duration of the agreement, and mutual aid arrangements and must set forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the amusement park under the bill's provisions and law enforcement officers serving the agency represented by the chief or chiefs of police who signed the agreement. The written agreement must be signed by the owner or operator and by the chief or chiefs of police who enter into it. The standards and criteria may include, but are not limited to, provisions governing the reporting of offenses discovered by the amusement park's police officers to the agency represented by the chief of police of the municipal corporation or township in which the offense occurred, provisions

governing investigatory responsibilities relative to offenses committed on amusement park property, and provisions governing the processing and confinement of persons arrested for offenses committed on amusement park property. The agreement required as described in this paragraph is intended to apply in the aggregate to all persons appointed as police officers for the amusement park under the bill's provisions. A separate agreement is not required for each appointee on an individual basis.

(3) The person has successfully completed a training program approved by the Ohio Peace Officer Training Commission (OPOTC) and has been certified by the Commission. A person appointed as a police officer under the bill's provisions may attend a training program approved by OPOTC and be certified by OPOTC regardless of whether the appropriate chief of police has granted the approval described in (1), above, and regardless of whether the owner or operator of the amusement park has entered into the written agreement described in (2), above, with the appropriate chief of police.

Territory within which person appointed may engage in duties as police officer

The bill provides that a person who is appointed as a police officer for an amusement park under its provisions described above is entitled, upon the grant of approval described in (1), above, under "***Conditions that must be satisfied before person appointed may engage in duties as police officer***" and upon the person's and the owner or operator's compliance with the requirements described above in (2) and (3) under "***Conditions that must be satisfied before person appointed may engage in duties as police officer***," to act as a police officer as follows (R.C. 4973.17(E)(2)):

(1) The person is entitled to act as a police officer for the amusement park and its affiliates and subsidiaries that are within the territory of the political subdivision or subdivisions served by the chief of police, or respective chiefs of police, who signed the written agreement described above in (2) under "***Conditions that must be satisfied before person appointed may engage in duties as police officer***," and upon any contiguous real property of the amusement park that is covered by the written agreement, whether within or adjacent to the political subdivision or subdivisions. The authority to act as a police officer as described in this paragraph is granted only if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park. The authority to act as a police officer as described in this paragraph must be exercised in accordance with the standards and criteria set forth in the written agreement described above in (2) under "***Conditions that must be satisfied before person appointed may engage in duties as police officer***."

(2) In addition to the authority granted as described above in (1), the person is entitled to act as a police officer elsewhere within the territory of a municipal corporation or township if the chief of police of that municipal corporation or township has granted approval for that activity to the owner or operator served by the person as a police officer and if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park. The approval described in this paragraph may be general in nature or may be limited in scope, duration, or applicability, as determined by the chief of police granting the approval.

Mandatory revocation or suspension of commission of amusement park police officers

The bill requires the judge of a municipal court or county court with territorial jurisdiction over an amusement park to revoke the appointment or commission of a person appointed or commissioned as a police officer for the amusement park under the bill's provisions described above if that person does either of the following: (1) pleads guilty to a "felony" (see below) committed on or after January 1, 1997, or (2) pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in R.C. 2929.43(D) in which the person agrees to surrender the certificate awarded to that person under the Administrative Procedure Act.

It requires the judge to suspend the appointment or commission of a person appointed or commissioned as a police officer for an amusement park under the bill's provisions described above if that person is convicted, after trial, of a "felony" (see below) committed on or after January 1, 1997. If the person files an appeal from that conviction and that conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the judge must revoke the appointment or commission of that person as a police officer for an amusement park. 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 judge must reinstate the appointment or commission of that person as a police officer for an amusement park. A person whose appointment or commission is reinstated under this provision cannot receive any back pay unless that person's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the person of a felony.

The suspension or revocation of the appointment or commission of a person as a police officer for an amusement park under the provisions described in the two preceding paragraphs must be in accordance with the Administrative Procedure Act. (R.C. 4973.171(C)(2) to (5).)

As used in the provisions described in the three preceding paragraphs, "felony" means any offense committed in Ohio that is a felony under Ohio law, or any offense committed in a state other than Ohio, or under the law of the United States, that, if committed in Ohio, would be a felony under Ohio law (R.C. 4973.171(A), by reference to existing R.C. 109.511--not in the bill).

Training of amusement park police officers

Existing law contains many provisions related to the training of persons who serve in a law enforcement capacity. Most of them are set forth in a series of Revised Code sections, contained in R.C. 109.71 to 109.803, that relate to OPOTC and the Attorney General. Most of them use terminology that includes references to "peace officers," as defined in R.C. 109.71.

Definition of "peace officer"

Existing law. Existing law specifies that, as used in R.C. 109.71 to 109.77, "peace officer" means (R.C. 109.71(A)):

(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a metropolitan housing authority police force, or township constable, who is commissioned and employed as a peace officer by an Ohio political subdivision or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce Ohio laws, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

(2) A police officer employed by a railroad company and appointed and commissioned by the Governor pursuant to R.C. 4973.17 to 4973.22;

(3) Employees of the Department of Taxation engaged in the enforcement of R.C. Chapter 5743. and designated by the Tax Commissioner for peace officer training for purposes of the delegation of investigation powers under R.C. 5743.45;

(4) An undercover drug agent;

(5) Enforcement agents of the Department of Public Safety designated by the Director of Public Safety under R.C. 5502.14;

(6) An employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer;

(7) An employee of a park district who is designated pursuant to R.C. 511.232 or 1545.13;

(8) An employee of a conservancy district who is designated pursuant to R.C. 6101.75;

(9) A police officer employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the Governor pursuant to R.C. 4973.17 to 4973.22;

(10) Veterans' homes police officers designated under R.C. 5907.02;

(11) A police officer employed by a qualified nonprofit corporation police department pursuant to R.C. 1702.80;

(12) A state university law enforcement officer appointed under R.C. 3345.04 or serving as such an officer on a permanent basis on June 19, 1978, who has been awarded a certificate by OPOTC attesting to the person's satisfactory completion of an approved state, county, municipal, or Department of Natural Resources peace officer basic training program;

(13) A special police officer employed by the Department of Mental Health pursuant to R.C. 5119.14 or the Department of Mental Retardation and Developmental Disabilities pursuant to R.C. 5123.13;

(14) A member of a private college or university campus police department appointed under R.C. 1713.50;

(15) A member of a police force employed by a regional transit authority under R.C. 306.35(Y);

(16) Investigators appointed by the Auditor of State pursuant to R.C. 117.091 and engaged in the enforcement of R.C. Chapter 117.;

(17) A special police officer designated by the Superintendent of the State Highway Patrol pursuant to R.C. 5503.09 or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by OPOTC attesting to the person's satisfactory completion of an approved state, county, municipal, or Department of Natural Resources peace officer basic training program;

(18) A special police officer employed by a port authority under R.C. 4582.04 or 4582.28 or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by OPOTC attesting to the person's satisfactory completion of an approved state, county, municipal, or Department of Natural Resources peace officer basic training program;

(19) A special police officer employed by a municipal corporation who has been awarded a certificate by OPOTC for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in a specified provision of federal law, and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation.

Operation of the bill. The bill expands the definition of "peace officer" that applies to R.C. 109.71 to 109.77 to also include a police officer who is employed by an owner or operator of an amusement park that has an average yearly attendance in excess of 600,000 guests and that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to the bill's provisions described above (R.C. 109.71(A)(20)).

Peace Officer Training Commission recommendation of rules regarding peace officer training and related matters

Existing law. Existing law requires OPOTC to recommend rules to the Attorney General with respect to a number of matters, including all of the following (R.C. 109.73(A)(1) to (7)):

(1) The approval, or revocation of approval, of peace officer training schools administered by the state, counties, municipal corporations, public school districts, technical college districts, and the Department of Natural Resources;

(2) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved state, county, municipal, and Department of Natural Resources peace officer training schools;

(3) Minimum qualifications for instructors at approved state, county, municipal, and Department of Natural Resources peace officer training schools;

(4) The requirements of minimum basic training that *peace officers* appointed to probationary terms must complete before being eligible for

permanent appointment, which requirements must include a minimum of 15 hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under R.C. 2919.26 or 3113.31, a minimum of six hours of crisis intervention training, and a specified amount of training in the handling of missing children and child abuse and neglect cases, and the time within which such basic training must be completed following such appointment to a probationary term;

(5) The requirements of minimum basic training that *peace officers* not appointed for probationary terms but appointed on other than a permanent basis must complete in order to be eligible for continued employment or permanent appointment, which requirements must include a minimum of 15 hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under R.C. 2919.26 or 3113.31, a minimum of six hours of crisis intervention training, and a specified amount of training in the handling of missing children and child abuse and neglect cases, and the time within which such basic training must be completed following such appointment on other than a permanent basis;

(6) Categories or classifications of advanced in-service training programs for *peace officers*, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under R.C. 2919.26 or 3113.31, in crisis intervention, and in the handling of missing children and child abuse and neglect cases, and minimum courses of study and attendance requirements with respect to such categories or classifications;

(7) Permitting persons who are employed as members of a private college or university campus police department appointed under R.C. 1713.50, who are employed as police officers by a qualified nonprofit corporation police department pursuant to R.C. 1702.80, or who are appointed and commissioned as railroad police officers or hospital police officers pursuant to R.C. 4973.17 to 4973.22 to attend approved peace officer training schools, including the Ohio Peace Officer Training Academy, and to receive certificates of satisfactory completion of basic training programs, if the private college or university that established the campus police department, qualified nonprofit corporation police department, railroad company, or hospital sponsoring the police officers pays the entire cost of the training and certification and if trainee vacancies are available;

(8) Certain other matters, not relevant to the bill, which are set forth in **COMMENT** 1.

Existing R.C. 109.74, not in the bill, authorizes the Attorney General to adopt and promulgate any or all of the rules recommended by OPOTC pursuant to R.C. 109.73, as described above.

Existing R.C. 109.77, not in the bill, generally requires certain specified law enforcement officers to successfully complete an approved state, county, municipal, or Department of Natural Resources peace officer basic training program before they may serve in a permanent capacity as such an officer. The law enforcement officers who are subject to the requirement are those who are identified in paragraphs (1), (5), (6), (7), (8), (12), (13), (15), (18), and (19) of the existing definition of "peace officer" that is set forth above in "***Existing law***" under "***Definition of "peace officer"***."

Operation of the bill. The bill expands the existing provision that requires OPOTC to recommend rules to the Attorney General with respect to permitting persons who are employed as members of a private college or university campus police department, who are employed as police officers by a qualified nonprofit corporation police department, or who are appointed and commissioned as railroad police officers or hospital police officers to attend approved peace officer training schools, including the Ohio Peace Officer Training Academy, and to receive certificates of satisfactory completion of basic training programs (see (7) under "***Existing law***," above), by adding to the list of specified officers police officers who are appointed and commissioned as amusement park police officers under the bill's provisions described above, if the amusement park sponsoring the officers pays the entire cost of the training and certification and if trainee vacancies are available (R.C. 109.73(A)(7)).

As a result of the bill's expansion of the definition of "peace officer" to include police officers who are appointed and commissioned as amusement park police officers under the bill's provisions described above (see "***Operation of the bill***" under "***Definition of "peace officer"***," above), all references in the existing provision regarding OPOTC's recommendation of rules to the Attorney General that refer to "peace officers" also include within their scope the amusement park police officers.

Ohio Peace Officer Training Academy

Existing law. Existing law requires OPOTC to establish and conduct a training school for "law enforcement officers" (see **COMMENT** 2) of any political subdivision of the state or of the State Public Defender's Office. The school is known as the Ohio Peace Officer Training Academy. No bailiff or deputy bailiff of an Ohio court of record and no criminal investigator employed by the State Public Defender may be permitted to attend the Academy for training unless the employing court of the bailiff or deputy bailiff or the State Public

Defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the Academy.

OPOTC is required to develop the training program, which must include courses in both the civil and criminal functions of law enforcement officers, a course in crisis intervention with six or more hours of training, and training in the handling of missing children and child abuse and neglect cases, and establish rules governing qualifications for admission to the Academy. It may require competitive examinations to determine fitness of prospective trainees, as long as the examinations or other criteria for admission to the Academy are consistent with the provisions of R.C. Chapter 124. OPOTC is required to determine tuition costs which must be sufficient in the aggregate to pay the costs of operating the Academy. The costs of acquiring and equipping the Academy are paid from appropriations made by the General Assembly to OPOTC for that purpose, or from gifts or grants received for that purpose.

The law enforcement officers, during the period of their training, receive compensation as determined by the political subdivision that sponsors them or, if the officer is a criminal investigator employed by the State Public Defender, as determined by the State Public Defender. The political subdivision may pay the tuition costs of the officers they sponsor and the State Public Defender may pay the tuition costs of criminal investigators who attend the Academy.

If trainee vacancies exist, the Academy may train and issue certificates of satisfactory completion to peace officers employed by a campus police department pursuant to R.C. 1713.50, by a qualified nonprofit corporation police department pursuant to R.C. 1702.80, or by a railroad company or who are hospital police officers appointed and commissioned by the Governor pursuant to R.C. 4973.17 to 4973.22, provided that no such officer may be trained at the Academy unless the officer meets the qualifications established for admission to the Academy and the qualified nonprofit corporation police department, railroad company, or hospital, or the private college or university that established the campus police department prepays the entire cost of the training. A qualified nonprofit corporation police department, railroad company, or hospital or a private college or university is not entitled to reimbursement from the state for any amount paid for the cost of training the entity's peace officers. The Academy must permit investigators employed by the State Medical Board to take selected courses that the Board determines are consistent with its responsibilities for initial and continuing training of investigators as required under R.C. 4730.26 and 4731.05, and the Board must pay the entire cost of training that investigators receive at the Academy. (R.C. 109.79.)

Operation of the bill. The bill expands the existing provision that permits the Academy, if trainee vacancies exist, to train and issue certificates of

satisfactory completion to peace officers employed by a campus police department, by a qualified nonprofit corporation police department, or by a railroad company or who are hospital police officers to add to the list of specified officers who may be trained, if trainee vacancies exist, peace officers who are amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to the bill's provisions described above. Under the bill, no amusement park police officer may be trained at the Academy unless the officer meets the qualifications established for admission to the Academy and the amusement park prepays the entire cost of the training. An amusement park is not entitled to reimbursement from the state for any amount paid for the cost of training the park's peace officers. (R.C. 109.79.)

COMMENT

1. Existing law also requires OPOTC to recommend rules to the Attorney General with respect to all of the following matters, not relevant to the bill (R.C. 109.73(A)(8) to (12)):

(a) Permitting undercover drug agents to attend approved peace officer training schools, other than the Ohio Peace Officer Training Academy, and to receive certificates of satisfactory completion of basic training programs, if, for each undercover drug agent, the county, township, or municipal corporation that employs that undercover drug agent pays the entire cost of the training and certification;

(b) The requirements for basic training programs for bailiffs and deputy bailiffs of Ohio courts of record and for criminal investigators employed by the State Public Defender that those persons must complete before they may carry a firearm while on duty;

(c) The requirements for any training received by a bailiff or deputy bailiff of an Ohio court of record or by a criminal investigator employed by the State Public Defender prior to June 6, 1986, that is to be considered equivalent to the training described in **COMMENT** (1)(b), above.

(d) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;

(e) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;

(f) Establishing requirements for the training of agents of a county humane society under R.C. 1717.06, including, without limitation, a requirement that the

agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.

2. Existing R.C. 2901.01, not in the bill, provides that, as used in the Revised Code, "law enforcement officer" means any of the following (R.C. 2901.01(A)(11)):

(a) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under R.C. 3735.31(D), or State Highway Patrol Trooper;

(b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to R.C. 737.01 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the Ohio organized militia or the Armed Forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer appointed under R.C. 5907.02;

(j) A member of a police force employed by a regional transit authority under R.C. 306.35(Y);

(k) A special police officer employed by a port authority under R.C. 4582.04 or 4582.28;

(l) The House Sergeant at Arms if the House Sergeant at Arms has arrest authority pursuant to R.C. 101.311(E)(1) and an assistant House sergeant at arms;

(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in a specified provision of federal law, and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation.

Existing R.C. 109.79 expands this definition, for purposes of that section, by providing that "law enforcement officers" include any undercover drug agent, any bailiff or deputy bailiff of a court of record, and any criminal investigator who is employed by the State Public Defender (R.C. 109.79(B)(1)).

HISTORY

ACTION	DATE	JOURNAL ENTRY	
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