As Reported by the Senate Judiciary Committee

132nd General Assembly

Regular Session 2017-2018

Sub. H. B. No. 79

Representatives Retherford, Hagan

Cosponsors: Representatives Hambley, Seitz, Dean, Thompson, Brenner, Faber, Becker, Vitale, Brinkman, Koehler, Riedel, Goodman, Antani, Stein, Hood, Schaffer, Blessing, Roegner, Merrin, Antonio, Arndt, Ashford, Carfagna, Cupp, DeVitis, Gavarone, Ginter, Green, Greenspan, Henne, Hill, Holmes, Householder, Johnson, Keller, Kick, Landis, Lanese, Lang, LaTourette, McColley, Miller, Patton, Pelanda, Perales, Rezabek, Romanchuk, Ryan, Schuring, Slaby, Sprague, Sweeney, West, Wiggam, Young

Senators Eklund, Coley, Bacon

A BILL

То	amend sections 109.71, 109.73, 109.75, 109.79,	1
	109.801, and 2923.126 and to enact sections	2
	109.748 and 109.771 of the Revised Code to	3
	provide for firearms training for tactical	4
	medical professionals and coroner's	5
	investigators; to permit such a professional who	6
	has received that training and has been	7
	specifically authorized by the law enforcement	8
	agency, or such an investigator who has received	9
	that training and has been authorized by the	10
	coroner, to carry firearms while on duty; and to	11
	grant a tactical medical professional the same	12
	right to carry a concealed handgun in this state	13
	as a concealed handgun licensee.	14

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

Section 1. That sections 109.71, 109.73, 109.75, 109.79,	15
109.801, and 2923.126 be amended and sections 109.748 and	16
109.771 of the Revised Code be enacted to read as follows:	17
Sec. 109.71. There is hereby created in the office of the	18
attorney general the Ohio peace officer training commission. The	19
commission shall consist of nine members appointed by the	20
governor with the advice and consent of the senate and selected	21
as follows: one member representing the public; two members who	22
are incumbent sheriffs; two members who are incumbent chiefs of	23
police; one member from the bureau of criminal identification	24
and investigation; one member from the state highway patrol; one	25
member who is the special agent in charge of a field office of	26
the federal bureau of investigation in this state; and one	27
member from the department of education, trade and industrial	28
education services, law enforcement training.	29
This section does not confer any arrest authority or any	30
ability or authority to detain a person, write or issue any	31
citation, or provide any disposition alternative, as granted	32
under Chapter 2935. of the Revised Code.	33
Pursuant to division (A)(9) of section 101.82 of the	34
Revised Code, the commission is exempt from the requirements of	35
sections 101.82 to 101.87 of the Revised Code.	36
As used in sections 109.71 to 109.801 of the Revised Code:	37
(A) "Peace officer" means:	38
(1) A deputy sheriff, marshal, deputy marshal, member of	39
the organized police department of a township or municipal	40
corporation, member of a township police district or joint	41
police district police force, member of a police force employed	42
by a metropolitan housing authority under division (D) of	43

section 3735.31 of the Revised Code, or township constable, who	44
is commissioned and employed as a peace officer by a political	45
subdivision of this state or by a metropolitan housing	46
authority, and whose primary duties are to preserve the peace,	47
to protect life and property, and to enforce the laws of this	48
state, ordinances of a municipal corporation, resolutions of a	49
township, or regulations of a board of county commissioners or	50
board of township trustees, or any of those laws, ordinances,	51
resolutions, or regulations;	52
(2) A police officer who is employed by a railroad company	53
and appointed and commissioned by the secretary of state	54
pursuant to sections 4973.17 to 4973.22 of the Revised Code;	55
(3) Employees of the department of taxation engaged in the	56
enforcement of Chapter 5743. of the Revised Code and designated	57
by the tax commissioner for peace officer training for purposes	58
of the delegation of investigation powers under section 5743.45	59
of the Revised Code;	60
(4) An undercover drug agent;	61
(5) Enforcement agents of the department of public safety	62
whom the director of public safety designates under section	63
5502.14 of the Revised Code;	64
(6) An employee of the department of natural resources who	65
is a natural resources law enforcement staff officer designated	66
pursuant to section 1501.013, a natural resources officer	67
appointed pursuant to section 1501.24, a forest-fire	68
investigator appointed pursuant to section 1503.09, or a	69
wildlife officer designated pursuant to section 1531.13 of the	70
Revised Code;	71

(7) An employee of a park district who is designated

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transit authority under division (Y) of section 306.35 of the	101
Revised Code;	102
(16) Investigators appointed by the auditor of state	103
pursuant to section 117.091 of the Revised Code and engaged in	104
the enforcement of Chapter 117. of the Revised Code;	105
(17) A special police officer designated by the	106
superintendent of the state highway patrol pursuant to section	107
5503.09 of the Revised Code or a person who was serving as a	108
special police officer pursuant to that section on a permanent	109
basis on October 21, 1997, and who has been awarded a	110
certificate by the executive director of the Ohio peace officer	111
training commission attesting to the person's satisfactory	112
completion of an approved state, county, municipal, or	113
department of natural resources peace officer basic training	114
program;	115
(18) A special police officer employed by a port authority	116
under section 4582.04 or 4582.28 of the Revised Code or a person	117
serving as a special police officer employed by a port authority	118
on a permanent basis on May 17, 2000, who has been awarded a	119
certificate by the executive director of the Ohio peace officer	120
training commission attesting to the person's satisfactory	121
completion of an approved state, county, municipal, or	122
department of natural resources peace officer basic training	123
program;	124
(19) A special police officer employed by a municipal	125
corporation who has been awarded a certificate by the executive	126
director of the Ohio peace officer training commission for	127
satisfactory completion of an approved peace officer basic	128
training program and who is employed on a permanent basis on or	129
after March 19, 2003, at a municipal airport, or other municipal	130

air navigation facility, that has scheduled operations, as	131
defined in section 119.3 of Title 14 of the Code of Federal	132
Regulations, 14 C.F.R. 119.3, as amended, and that is required	133
to be under a security program and is governed by aviation	134
security rules of the transportation security administration of	135
the United States department of transportation as provided in	136
Parts 1542. and 1544. of Title 49 of the Code of Federal	137
Regulations, as amended;	138

- (20) A police officer who is employed by an owner or

 operator of an amusement park that has an average yearly

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 attendance in excess of six hundred thousand 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

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 pursuant to section 4973.17 of the Revised Code;

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- (21) A police officer who is employed by a bank, savings 146 and loan association, savings bank, credit union, or association 147 of banks, savings and loan associations, savings banks, or 148 credit unions, who has been appointed and commissioned by the 149 secretary of state pursuant to sections 4973.17 to 4973.22 of 150 the Revised Code, and who has been awarded a certificate by the 151 executive director of the Ohio peace officer training commission 152 attesting to the person's satisfactory completion of a state, 153 county, municipal, or department of natural resources peace 154 officer basic training program; 155
- (22) An investigator, as defined in section 109.541 of the 156
 Revised Code, of the bureau of criminal identification and 157
 investigation who is commissioned by the superintendent of the 158
 bureau as a special agent for the purpose of assisting law 159
 enforcement officers or providing emergency assistance to peace 160

officers pursuant to authority granted under that section;	Τ 0 1
(23) A state fire marshal law enforcement officer	162
appointed under section 3737.22 of the Revised Code or a person	163
serving as a state fire marshal law enforcement officer on a	164
permanent basis on or after July 1, 1982, who has been awarded a	165
certificate by the executive director of the Ohio peace officer	166
training commission attesting to the person's satisfactory	167
completion of an approved state, county, municipal, or	168
department of natural resources peace officer basic training	169
program;	170
(24) A gaming agent employed under section 3772.03 of the	171
Revised Code.	172
(B) "Undercover drug agent" has the same meaning as in	173
division (B)(2) of section 109.79 of the Revised Code.	174
(C) "Crisis intervention training" means training in the	175
use of interpersonal and communication skills to most	176
effectively and sensitively interview victims of rape.	177
(D) "Missing children" has the same meaning as in section	178
2901.30 of the Revised Code.	179
(E) "Tactical medical professional" means an EMT, EMT-	180
basic, AEMT, EMT-I, paramedic, nurse, or physician who is	181
trained and certified in a nationally recognized tactical	182
medical training program that is equivalent to "tactical combat	183
casualty care" (TCCC) and "tactical emergency medical support"	184
(TEMS) and who functions in the tactical or austere environment	185
while attached to a law enforcement agency of either this state	186
or a political subdivision of this state.	187
(F) "EMT-basic," "EMT-I," and "paramedic" have the same	188
meanings as in section 4765.01 of the Revised Code and "EMT" and	189

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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 shall complete before being eligible for permanent appointment, which requirements shall include 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 section 2919.26 or 3113.31 of the Revised Code; crisis intervention training; and training in the handling of missing children and child abuse and neglect cases; and training in handling violations of section 2905.32 of the Revised Code; and the time within which such basic training shall be completed following appointment to a probationary term;
- officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, which requirements shall include 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 section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training in the handling of missing children and child abuse and neglect cases, and training in handling violations of section 2905.32 of the Revised Code, and the time within which such basic training shall be completed following appointment on other than a permanent basis;

(6) Categories or classifications of advanced in-service	248
training programs for peace officers, including programs in the	249
handling of the offense of domestic violence, other types of	250
domestic violence-related offenses and incidents, and protection	251
orders and consent agreements issued or approved under section	252
2919.26 or 3113.31 of the Revised Code, in crisis intervention,	253
and in the handling of missing children and child abuse and	254
neglect cases, and in handling violations of section 2905.32 of	255
the Revised Code, and minimum courses of study and attendance	256
requirements with respect to such categories or classifications;	257

(7) Permitting persons, who are employed as members of a 258 campus police department appointed under section 1713.50 of the 259 Revised Code; who are employed as police officers by a qualified 260 nonprofit corporation police department pursuant to section 261 1702.80 of the Revised Code; who are appointed and commissioned 262 as bank, savings and loan association, savings bank, credit 263 union, or association of banks, savings and loan associations, 264 savings banks, or credit unions police officers, as railroad 265 police officers, or as hospital police officers pursuant to 266 sections 4973.17 to 4973.22 of the Revised Code; or who are 267 appointed and commissioned as amusement park police officers 268 pursuant to section 4973.17 of the Revised Code, to attend 269 approved peace officer training schools, including the Ohio 270 peace officer training academy, and to receive certificates of 271 satisfactory completion of basic training programs, if the 272 private college or university that established the campus police 273 department; qualified nonprofit corporation police department; 274 bank, savings and loan association, savings bank, credit union, 275 or association of banks, savings and loan associations, savings 276 banks, or credit unions; railroad company; hospital; or 277 amusement park sponsoring the police officers pays the entire 278

cost of the training and certification and if trainee vacancies	279
are available;	280
(8) Permitting undercover drug agents to attend approved	281
peace officer training schools, other than the Ohio peace	282
officer training academy, and to receive certificates of	283
satisfactory completion of basic training programs, if, for each	284
undercover drug agent, the county, township, or municipal	285
corporation that employs that undercover drug agent pays the	286
entire cost of the training and certification;	287
(9)(a) The requirements for basic training programs for	288
bailiffs and deputy bailiffs of courts of record of this state	289
and for criminal investigators employed by the state public	290
defender that those persons shall complete before they may carry	291
a firearm while on duty;	292
(b) The requirements for any training received by a	293
bailiff or deputy bailiff of a court of record of this state or	294
by a criminal investigator employed by the state public defender	295
prior to June 6, 1986, that is to be considered equivalent to	296
the training described in division (A)(9)(a) of this section.	297
(10) Establishing minimum qualifications and requirements	298
for certification for dogs utilized by law enforcement agencies;	299
(11) Establishing minimum requirements for certification	300
of persons who are employed as correction officers in a full-	301
service jail, five-day facility, or eight-hour holding facility	302
or who provide correction services in such a jail or facility;	303
(12) Establishing requirements for the training of agents	304
of a county humane society under section 1717.06 of the Revised	305
Code, including, without limitation, a requirement that the	306
agents receive instruction on traditional animal husbandry	307

methods and training techniques, including customary owner-	308
performed practices;	309
(13) Permitting tactical medical professionals and	310
coroner's investigators to attend approved peace officer	311
training schools, including the Ohio peace officer training	312
academy, to receive training of the type described in division	313
(A) (14) of this section and to receive certificates of	314
satisfactory completion of training programs described in that	315
division;	316
(14) The requirements for training programs that tactical	317
medical professionals and coroner's investigators shall complete	318
to qualify them to carry firearms while on duty under section	319
109.771 of the Revised Code, which requirements shall include at	320
least the firearms training specified in division (A) of section	321
109.748 of the Revised Code.	322
(B) The commission shall appoint an executive director,	323
with the approval of the attorney general, who shall hold office	324
during the pleasure of the commission. The executive director	325
shall perform such duties assigned by the commission. The	326
executive director shall receive a salary fixed pursuant to	327
Chapter 124. of the Revised Code and reimbursement for expenses	328
within the amounts available by appropriation. The executive	329
director may appoint officers, employees, agents, and	330
consultants as the executive director considers necessary,	331
prescribe their duties, and provide for reimbursement of their	332
expenses within the amounts available for reimbursement by	333
appropriation and with the approval of the commission.	334
(C) The commission may do all of the following:	335
(1) Recommend studies, surveys, and reports to be made by	336

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the executive director regarding the carrying out of the	337
objectives and purposes of sections 109.71 to 109.77 of the	338
Revised Code;	339
(2) Visit and inspect any peace officer training school	340
that has been approved by the executive director or for which	341
application for approval has been made;	342
(3) Make recommendations, from time to time, to the	343
executive director, the attorney general, and the general	344
assembly regarding the carrying out of the purposes of sections	345
109.71 to 109.77 of the Revised Code;	346
(4) Report to the attorney general from time to time, and	347
to the governor and the general assembly at least annually,	348
concerning the activities of the commission;	349
(5) Establish fees for the services the commission offers	350
under sections 109.71 to 109.79 of the Revised Code, including,	351
but not limited to, fees for training, certification, and	352
testing;	353
(6) Perform such other acts as are necessary or	354
appropriate to carry out the powers and duties of the commission	355
as set forth in sections 109.71 to 109.77 of the Revised Code.	356
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(D) In establishing the requirements, under division (A)	357
(12) of this section, the commission may consider any portions	358
of the curriculum for instruction on the topic of animal	359
husbandry practices, if any, of the Ohio state university	360
college of veterinary medicine. No person or entity that fails	361
to provide instruction on traditional animal husbandry methods	362
and training techniques, including customary owner-performed	363
practices, shall qualify to train a humane agent for appointment	364
under section 1717.06 of the Revised Code.	365

Sec. 109.748. The attorney general shall adopt, in	366
accordance with Chapter 119. or pursuant to section 109.74 of	367
the Revised Code, the following rules:	368
(A) Rules governing the training of tactical medical	369
professionals and coroner's investigators to qualify them to	370
carry firearms while on duty under section 109.771 of the	371
Revised Code. The rules shall specify the amount of training	372
necessary for the satisfactory completion of training programs	373
at approved peace officer training schools, other than the Ohio	374
peace officer training academy. The rules shall include all of	375
the following:	376
(1) For all such professionals and investigators, a	377
requirement that the professional or investigator shall receive	378
firearms training through a program approved by the Ohio peace	379
officer training commission and training in any additional	380
subjects deemed necessary by the Ohio peace officer training	381
commission.	382
(2) For tactical medical professionals seeking	383
certification to carry a rifle or carbine, a requirement that,	384
in addition to the training described in division (A)(1) of this	385
section, the professional shall receive training with respect to	386
the carrying and use of rifles and carbines through a program	387
approved by the Ohio peace officer training commission.	388
(B) Rules authorizing and governing the attendance of	389
tactical medical professionals and coroner's investigators at	390
approved peace officer training schools, including the Ohio	391
peace officer training academy, to receive training to qualify	392
them to carry firearms while on duty under section 109.771 of	393
the Revised Code, and the certification of the professionals and	394
investigators upon their satisfactory completion of training	395

programs providing that training.	396
Sec. 109.75. The executive director of the Ohio peace	397
officer training commission, on behalf of the commission, shall	398
have the following powers and duties, which shall be exercised	399
with the general advice of the commission and only in accordance	400
with section 109.751 of the Revised Code and the rules adopted	401
pursuant to that section, and with the rules adopted by the	402
attorney general pursuant to sections 109.74, 109.741, 109.742,	403
and 109.743 of the Revised Code:	404
(A) To approve peace officer training schools and firearms	405
requalification programs administered by the state, counties,	406
municipal corporations, and the department of natural resources,	407
to issue certificates of approval to approved schools, and to	408
revoke an approval or certificate;	409
(B) To certify, as qualified, instructors at approved	410
peace officer training schools, to issue appropriate	411
certificates to these instructors, and to revoke for good cause	412
shown certificates of these instructors;	413
(C) To certify, as qualified, commanders at approved peace	414
officer training schools, to issue appropriate certificates to	415
these commanders, and to revoke for good cause shown	416
certificates of these commanders. As used in this division,	417
"commander" means the director or other head of an approved	418
peace officer training school.	419
(D) To certify peace officers and sheriffs who have	420
satisfactorily completed basic training programs and to issue	421
appropriate certificates to these peace officers and sheriffs;	422
(E) To cause studies and surveys to be made relating to	423
the establishment, operation, and approval of state, county, and	424

municipal peace officer training schools;	425
(F) To consult and cooperate with state, county, and	426
municipal peace officer training schools for the development of	427
advanced in-service training programs for peace officers;	428
(G) To consult and cooperate with universities, colleges,	429
and institutes for the development of specialized courses of	430
study in the state for peace officers in police science and	431
<pre>police administration;</pre>	432
(H) To consult and cooperate with other departments and	433
agencies of the state and federal government concerned with	434
<pre>peace officer training;</pre>	435
(I) To perform any other acts that may be necessary or	436
appropriate to carry out the executive director's powers and	437
duties as set forth in sections 109.71 to 109.77 of the Revised	438
Code;	439
(J) To report to the commission at each regular meeting of	440
the commission and at any other times that the commission may	441
require;	442
(K) To certify persons who have satisfactorily completed	443
approved training programs for correction officers in full-	444
service jails, five-day facilities, or eight-hour holding	445
facilities or approved training programs for others who provide	446
correction services in those jails or facilities and to issue	447
appropriate certificates to those persons;	448
(L) To maintain any records associated with the powers and	449
duties set forth in this section. Certification examinations,	450
either before or after completion, are not public records for	451
purposes of section 149.43 of the Revised Code, but the results	452
of such examinations are public records under that section;	453

(M) To certify tactical medical professionals and	454
coroner's investigators who have satisfactorily completed	455
approved training programs that qualify them to carry firearms	456
while on duty under section 109.771 of the Revised Code and to	457
issue appropriate certificates to such professionals and	458
<u>investigators</u> .	459
Sec. 109.771. (A) A tactical medical professional may	460
carry firearms while on duty in the same manner, to the same	461
extent, and in the same areas as a law enforcement officer of	462
the law enforcement agency the professional is serving, if all	463
of the following apply:	464
(1) The law enforcement agency that the tactical medical	465
professional is serving has specifically authorized the	466
professional to carry firearms while on duty.	467
(2) The tactical medical professional has done or received	468
one of the following:	469
(a) The professional has been awarded a certificate by the	470
executive director of the Ohio peace officer training	471
commission, which certificate attests to satisfactory completion	472
of an approved state, county, or municipal basic training	473
program or a program at the Ohio peace officer training academy	474
that qualifies the professional to carry firearms while on duty	475
and that conforms to the rules adopted under section 109.748 of	476
the Revised Code.	477
(b) Prior to or during employment as a tactical medical	478
professional and prior to the effective date of this section,	479
the professional has successfully completed a firearms training	480
program, other than one described in division (A)(2)(a) of this	481
section that was approved by the Ohio peace officer training	183

COMMISSION.	483
(B) A tactical medical professional to whom division (A)	484
of this section applies and who is carrying one or more firearms	485
under authority of that division has protection from potential	486
civil or criminal liability for any conduct occurring while	487
carrying the firearm or firearms to the same extent as a law	488
enforcement officer of the law enforcement agency the	489
professional is serving has such protection.	490
(C) A coroner's investigator may carry firearms while on	491
duty if all of the following apply:	492
(1) The county coroner that the coroner's investigator is	493
serving has authorized the investigator to carry firearms while	494
on duty.	495
(2) The investigator has done or received either of the	496
<pre>following:</pre>	497
(a) The investigator has been awarded a certificate by the	498
executive director of the Ohio peace officer training	499
commission, which certificate attests to satisfactory completion	500
of an approved state, county, or municipal basic training	501
program or a program at the Ohio peace officer training academy	502
that qualifies the investigator to carry firearms while on duty	503
and that conforms to the rules adopted under section 109.748 of	504
the Revised Code.	505
(b) Prior to or during employment as a coroner's	506
investigator and prior to the effective date of this section,	507
the investigator has successfully completed a firearms training	508
program, other than one described in division (C)(2)(a) of this	509
section, that was approved by the Ohio peace officer training	510
commission	511

Sec. 109.79. (A) The Ohio peace officer training	512
commission shall establish and conduct a training school for law	513
enforcement officers of any political subdivision of the state	514
or of the state public defender's office. The school shall be	515
known as the Ohio peace officer training academy. No bailiff or	516
deputy bailiff of a court of record of this state and no	517
criminal investigator employed by the state public defender	518
shall be permitted to attend the academy for training unless the	519
employing court of the bailiff or deputy bailiff or the state	520
public defender, whichever is applicable, has authorized the	521
oailiff, deputy bailiff, or investigator to attend the academy.	522

The Ohio peace officer training commission shall develop the training program, which shall 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, training in the handling of missing children and child abuse and neglect cases, and training on companion animal encounters and companion animal behavior, and shall establish rules governing qualifications for admission to the academy. The commission may require competitive examinations to determine fitness of prospective trainees, so long as the examinations or other criteria for admission to the academy are consistent with the provisions of Chapter 124. of the Revised Code.

The Ohio peace officer training commission shall determine tuition costs sufficient in the aggregate to pay the costs of operating the academy. The costs of acquiring and equipping the academy shall be paid from appropriations made by the general assembly to the Ohio peace officer training commission for that purpose, from gifts or grants received for that purpose, or from fees for goods related to the academy.

The Ohio peace officer training commission shall create a 542 gaming-related curriculum for gaming agents. The Ohio peace 543 officer training commission shall use money distributed to the 544 Ohio peace officer training academy from the Ohio law 545 enforcement training fund to first support the academy's 546 training programs for gaming agents and gaming-related 547 curriculum. The Ohio peace officer training commission may 548 utilize existing training programs in other states that 549 specialize in training gaming agents. 550

The law enforcement officers, during the period of their 551 training, shall receive compensation as determined by the 552 political subdivision that sponsors them or, if the officer is a 553 criminal investigator employed by the state public defender, as 554 determined by the state public defender. The political 555 subdivision may pay the tuition costs of the law enforcement 556 officers they sponsor and the state public defender may pay the 557 tuition costs of criminal investigators of that office who 558 attend the academy. 559

If trainee vacancies exist, the academy may train and 560 issue certificates of satisfactory completion to peace officers 561 who are employed by a campus police department pursuant to 562 section 1713.50 of the Revised Code, by a qualified nonprofit 563 corporation police department pursuant to section 1702.80 of the 564 Revised Code, or by a railroad company, who are amusement park 565 police officers appointed and commissioned by a judge of the 566 appropriate municipal court or county court pursuant to section 567 4973.17 of the Revised Code, or who are bank, savings and loan 568 association, savings bank, credit union, or association of 569 banks, savings and loan associations, savings banks, or credit 570 unions, or hospital police officers appointed and commissioned 571 by the secretary of state pursuant to sections 4973.17 to 572

4973.22 of the Revised Code, provided that no such officer shall	573
be trained at the academy unless the officer meets the	574
qualifications established for admission to the academy and the	575
qualified nonprofit corporation police department; bank, savings	576
and loan association, savings bank, credit union, or association	577
of banks, savings and loan associations, savings banks, or	578
credit unions; railroad company; hospital; or amusement park or	579
the private college or university that established the campus	580
police department prepays the entire cost of the training. A	581
qualified nonprofit corporation police department; bank, savings	582
and loan association, savings bank, credit union, or association	583
of banks, savings and loan associations, savings banks, or	584
credit unions; railroad company; hospital; or amusement park or	585
a private college or university that has established a campus	586
police department is not entitled to reimbursement from the	587
state for any amount paid for the cost of training the bank,	588
savings and loan association, savings bank, credit union, or	589
association of banks, savings and loan associations, savings	590
banks, or credit unions peace officers; the railroad company's	591
peace officers; or the peace officers of the qualified nonprofit	592
corporation police department, campus police department,	593
hospital, or amusement park.	594

The academy shall permit investigators employed by the 595 state medical board to take selected courses that the board 596 determines are consistent with its responsibilities for initial 597 and continuing training of investigators as required under 598 sections 4730.26 and 4731.05 of the Revised Code. The board 599 shall pay the entire cost of training that investigators receive 600 at the academy.

The academy shall permit tactical medical professionals

and coroner's investigators to attend training courses at the

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<u>academy that are designed to qualify the professionals and</u>	604
investigators to carry firearms while on duty under section	605
109.771 of the Revised Code and that provide training comparable	606
to training mandated under the rules required by division (A) of	607
section 109.748 of the Revised Code. The executive director of	608
the Ohio peace officer training commission may certify tactical	609
medical professionals and coroner's investigators who	610
satisfactorily complete the training courses. The law	611
enforcement agency served by a tactical medical professional who	612
attends the academy or the county coroner served by an	613
investigator who attends the academy may pay the tuition costs	614
of the professional or investigator.	615
(B) As used in this section:	616
(1) "Law enforcement officers" include any undercover drug	617
agent, any bailiff or deputy bailiff of a court of record, and	618
any criminal investigator who is employed by the state public	619
defender.	620
(2) "Undercover drug agent" means any person who:	621
(a) Is employed by a county, township, or municipal	622
corporation for the purposes set forth in division (B)(2)(b) of	623
this section but who is not an employee of a county sheriff's	624
department, of a township constable, or of the police department	625
of a municipal corporation or township;	626
(b) In the course of the person's employment by a county,	627
township, or municipal corporation, investigates and gathers	628
information pertaining to persons who are suspected of violating	629
Chapter 2925. or 3719. of the Revised Code, and generally does	630
not wear a uniform in the performance of the person's duties.	631
(3) "Crisis intervention training" has the same meaning as	632

in section 109.71 of the Revised Code.	633
(4) "Missing children" has the same meaning as in section	634
2901.30 of the Revised Code.	635
(5) "Companion animal" has the same meaning as in section	636
959.131 of the Revised Code.	637
Sec. 109.801. (A) (1) Each year, any of the following	638
persons who are authorized to carry firearms in the course of	639
their official duties shall complete successfully a firearms	640
requalification program approved by the executive director of	641
the Ohio peace officer training commission in accordance with	642
rules adopted by the attorney general pursuant to section	643
109.743 of the Revised Code: any peace officer, sheriff, chief	644
of police of an organized police department of a municipal	645
corporation or township, chief of police of a township police	646
district or joint police district police force, superintendent	647
of the state highway patrol, state highway patrol trooper, or	648
chief of police of a university or college police department;	649
any parole or probation officer who carries a firearm in the	650
course of official duties; the house of representatives sergeant	651
at arms if the house of representatives sergeant at arms has	652
arrest authority pursuant to division (E)(1) of section 101.311	653
of the Revised Code; any assistant house of representatives	654
sergeant at arms; the senate sergeant at arms; any assistant	655
senate sergeant at arms; any tactical medical professional; any	656
<pre>coroner's investigator; or any employee of the department of</pre>	657
youth services who is designated pursuant to division (A)(2) of	658
section 5139.53 of the Revised Code as being authorized to carry	659
a firearm while on duty as described in that division.	660
(2) No person listed in division (A)(1) of this section	661

shall carry a firearm during the course of official duties if

the person does not comply with division (A)(1) of this section.	663
(B) The hours that a sheriff spends attending a firearms	664
requalification program required by division (A) of this section	665
are in addition to the sixteen hours of continuing education	666
that are required by division (E) of section 311.01 of the	667
Revised Code.	668
(C) As used in this section, "firearm" has the same	669
meaning as in section 2923.11 of the Revised Code.	670
Sec. 2923.126. (A) A concealed handgun license that is	671
issued under section 2923.125 of the Revised Code shall expire	672
five years after the date of issuance. A licensee who has been	673
issued a license under that section shall be granted a grace	674
period of thirty days after the licensee's license expires	675
during which the licensee's license remains valid. Except as	676
provided in divisions (B) and (C) of this section, a licensee	677
who has been issued a concealed handgun license under section	678
2923.125 or 2923.1213 of the Revised Code may carry a concealed	679
handgun anywhere in this state if the licensee also carries a	680
valid license and valid identification when the licensee is in	681
actual possession of a concealed handgun. The licensee shall	682
give notice of any change in the licensee's residence address to	683
the sheriff who issued the license within forty-five days after	684
that change.	685
If a licensee is the driver or an occupant of a motor	686
vehicle that is stopped as the result of a traffic stop or a	687
stop for another law enforcement purpose and if the licensee is	688
transporting or has a loaded handgun in the motor vehicle at	689
that time, the licensee shall promptly inform any law	690
enforcement officer who approaches the vehicle while stopped	691

that the licensee has been issued a concealed handgun license

and that the licensee currently possesses or has a loaded	693
handgun; the licensee shall not knowingly disregard or fail to	694
comply with lawful orders of a law enforcement officer given	695
while the motor vehicle is stopped, knowingly fail to remain in	696
the motor vehicle while stopped, or knowingly fail to keep the	697
licensee's hands in plain sight after any law enforcement	698
officer begins approaching the licensee while stopped and before	699
the officer leaves, unless directed otherwise by a law	700
enforcement officer; and the licensee shall not knowingly have	701
contact with the loaded handgun by touching it with the	702
licensee's hands or fingers, in any manner in violation of	703
division (E) of section 2923.16 of the Revised Code, after any	704
law enforcement officer begins approaching the licensee while	705
stopped and before the officer leaves. Additionally, if a	706
licensee is the driver or an occupant of a commercial motor	707
vehicle that is stopped by an employee of the motor carrier	708
enforcement unit for the purposes defined in section 5503.34 of	709
the Revised Code and if the licensee is transporting or has a	710
loaded handgun in the commercial motor vehicle at that time, the	711
licensee shall promptly inform the employee of the unit who	712
approaches the vehicle while stopped that the licensee has been	713
issued a concealed handgun license and that the licensee	714
currently possesses or has a loaded handgun.	715

If a licensee is stopped for a law enforcement purpose and 716 if the licensee is carrying a concealed handgun at the time the 717 officer approaches, the licensee shall promptly inform any law 718 enforcement officer who approaches the licensee while stopped 719 that the licensee has been issued a concealed handgun license 720 and that the licensee currently is carrying a concealed handgun; 721 the licensee shall not knowingly disregard or fail to comply 722 with lawful orders of a law enforcement officer given while the 723

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licensee is stopped or knowingly fail to keep the licensee's	724
hands in plain sight after any law enforcement officer begins	725
approaching the licensee while stopped and before the officer	726
leaves, unless directed otherwise by a law enforcement officer;	727
and the licensee shall not knowingly remove, attempt to remove,	728
grasp, or hold the loaded handgun or knowingly have contact with	729
the loaded handgun by touching it with the licensee's hands or	730
fingers, in any manner in violation of division (B) of section	731
2923.12 of the Revised Code, after any law enforcement officer	732
begins approaching the licensee while stopped and before the	733
officer leaves.	734

- (B) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under division (B) of section 2923.12 of the Revised Code or in any manner prohibited under section 2923.16 of the Revised Code. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:
- (1) A police station, sheriff's office, or state highway 741 patrol station, premises controlled by the bureau of criminal 742 identification and investigation; a state correctional 743 institution, jail, workhouse, or other detention facility; any 744 area of an airport passenger terminal that is beyond a passenger 745 or property screening checkpoint or to which access is 746 restricted through security measures by the airport authority or 747 a public agency; or an institution that is maintained, operated, 748 managed, and governed pursuant to division (A) of section 749 5119.14 of the Revised Code or division (A)(1) of section 750 5123.03 of the Revised Code; 751
- (2) A school safety zone if the licensee's carrying the
 752
 concealed handgun is in violation of section 2923.122 of the

Revised Code;	754
(3) A courthouse or another building or structure in which	755
a courtroom is located, in violation of section 2923.123 of the	756
Revised Code;	757
(4) Any premises or open air arena for which a D permit	758
has been issued under Chapter 4303. of the Revised Code if the	759
licensee's carrying the concealed handgun is in violation of	760
section 2923.121 of the Revised Code;	761
(5) Any premises owned or leased by any public or private	762
college, university, or other institution of higher education,	763
unless the handgun is in a locked motor vehicle or the licensee	764
is in the immediate process of placing the handgun in a locked	765
motor vehicle or unless the licensee is carrying the concealed	766
handgun pursuant to a written policy, rule, or other	767
authorization that is adopted by the institution's board of	768
trustees or other governing body and that authorizes specific	769
individuals or classes of individuals to carry a concealed	770
handgun on the premises;	771
(6) Any church, synagogue, mosque, or other place of	772
worship, unless the church, synagogue, mosque, or other place of	773
worship posts or permits otherwise;	774
(7) Any building that is a government facility of this	775
state or a political subdivision of this state and that is not a	776
building that is used primarily as a shelter, restroom, parking	777
facility for motor vehicles, or rest facility and is not a	778
courthouse or other building or structure in which a courtroom	779
is located that is subject to division (B)(3) of this section,	780
unless the governing body with authority over the building has	781
enacted a statute, ordinance, or policy that permits a licensee	782

to carry a concealed handgun into the building;	783
(8) A place in which federal law prohibits the carrying of	784
handguns.	785
(C)(1) Nothing in this section shall negate or restrict a	786
rule, policy, or practice of a private employer that is not a	787
private college, university, or other institution of higher	788
education concerning or prohibiting the presence of firearms on	789
the private employer's premises or property, including motor	790
vehicles owned by the private employer. Nothing in this section	791
shall require a private employer of that nature to adopt a rule,	792
policy, or practice concerning or prohibiting the presence of	793
firearms on the private employer's premises or property,	794
including motor vehicles owned by the private employer.	795
(2)(a) A private employer shall be immune from liability	796
in a civil action for any injury, death, or loss to person or	797
property that allegedly was caused by or related to a licensee	798
bringing a handgun onto the premises or property of the private	799
employer, including motor vehicles owned by the private	800
employer, unless the private employer acted with malicious	801
purpose. A private employer is immune from liability in a civil	802
action for any injury, death, or loss to person or property that	803
allegedly was caused by or related to the private employer's	804
decision to permit a licensee to bring, or prohibit a licensee	805
from bringing, a handgun onto the premises or property of the	806
private employer.	807
(b) A political subdivision shall be immune from liability	808
in a civil action, to the extent and in the manner provided in	809
Chapter 2744. of the Revised Code, for any injury, death, or	810
loss to person or property that allegedly was caused by or	811

related to a licensee bringing a handgun onto any premises or

property owned, leased, or otherwise under the control of the	813
political subdivision. As used in this division, "political	814
subdivision" has the same meaning as in section 2744.01 of the	815
Revised Code.	816

- (c) An institution of higher education shall be immune 817 from liability in a civil action for any injury, death, or loss 818 to person or property that allegedly was caused by or related to 819 a licensee bringing a handgun onto the premises of the 820 institution, including motor vehicles owned by the institution, 821 822 unless the institution acted with malicious purpose. An 823 institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or 824 property that allegedly was caused by or related to the 825 institution's decision to permit a licensee or class of 826 licensees to bring a handgun onto the premises of the 827 institution. 828
- (3) (a) Except as provided in division (C) (3) (b) of this 829 section, the owner or person in control of private land or 830 premises, and a private person or entity leasing land or 831 premises owned by the state, the United States, or a political 832 subdivision of the state or the United States, may post a sign 833 in a conspicuous location on that land or on those premises 834 prohibiting persons from carrying firearms or concealed firearms 835 on or onto that land or those premises. Except as otherwise 836 provided in this division, a person who knowingly violates a 837 posted prohibition of that nature is quilty of criminal trespass 838 in violation of division (A)(4) of section 2911.21 of the 839 Revised Code and is quilty of a misdemeanor of the fourth 840 degree. If a person knowingly violates a posted prohibition of 841 that nature and the posted land or premises primarily was a 842 parking lot or other parking facility, the person is not guilty 843

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of criminal trespass under section 2911.21 of the Revised Code	844
or under any other criminal law of this state or criminal law,	845
ordinance, or resolution of a political subdivision of this	846
state, and instead is subject only to a civil cause of action	847
for trespass based on the violation.	848

If a person knowingly violates a posted prohibition of the 849 nature described in this division and the posted land or 850 premises is a child day-care center, type A family day-care 851 home, or type B family day-care home, unless the person is a 852 licensee who resides in a type A family day-care home or type B 853 family day-care home, the person is quilty of aggravated 854 trespass in violation of section 2911.211 of the Revised Code. 855 Except as otherwise provided in this division, the offender is 856 guilty of a misdemeanor of the first degree. If the person 857 previously has been convicted of a violation of this division or 858 of any offense of violence, if the weapon involved is a firearm 859 that is either loaded or for which the offender has ammunition 860 ready at hand, or if the weapon involved is dangerous ordnance, 861 the offender is guilty of a felony of the fourth degree. 862

- (b) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
 - (c) As used in division (C)(3) of this section:
- (i) "Residential premises" has the same meaning as in 870 section 5321.01 of the Revised Code, except "residential 871 premises" does not include a dwelling unit that is owned or 872 operated by a college or university. 873

(ii) "Landlord," "tenant," and "rental agreement" have the	874
same meanings as in section 5321.01 of the Revised Code.	875
(D) A person who holds a valid concealed handgun license	876
issued by another state that is recognized by the attorney	877
general pursuant to a reciprocity agreement entered into	878
pursuant to section 109.69 of the Revised Code or a person who	879
holds a valid concealed handgun license under the circumstances	880
described in division (B) of section 109.69 of the Revised Code	881
has the same right to carry a concealed handgun in this state as	882
a person who was issued a concealed handgun license under	883
section 2923.125 of the Revised Code and is subject to the same	884
restrictions that apply to a person who carries a license issued	885
under that section.	886
(E)(1) A peace officer has the same right to carry a	887
concealed handgun in this state as a person who was issued a	888
concealed handgun license under section 2923.125 of the Revised	889
Code. For purposes of reciprocity with other states, a peace	890
officer shall be considered to be a licensee in this state.	891
(2) An active duty member of the armed forces of the	892
United States who is carrying a valid military identification	893
card and documentation of successful completion of firearms	894
training that meets or exceeds the training requirements	895
described in division (G)(1) of section 2923.125 of the Revised	896
Code has the same right to carry a concealed handgun in this	897
state as a person who was issued a concealed handgun license	898
under section 2923.125 of the Revised Code and is subject to the	899
same restrictions as specified in this section.	900
(3) A tactical medical professional who is qualified to	901
carry firearms while on duty under section 109.771 of the	902
Revised Code has the same right to carry a concealed handgun in	903

this state as a person who was issued a concealed handgun	904
license under section 2923.125 of the Revised Code.	905
(F)(1) A qualified retired peace officer who possesses a	906
retired peace officer identification card issued pursuant to	907
division (F)(2) of this section and a valid firearms	908
requalification certification issued pursuant to division (F)(3)	909
of this section has the same right to carry a concealed handgun	910
in this state as a person who was issued a concealed handgun	911
license under section 2923.125 of the Revised Code and is	912
subject to the same restrictions that apply to a person who	913
carries a license issued under that section. For purposes of	914
reciprocity with other states, a qualified retired peace officer	915
who possesses a retired peace officer identification card issued	916
pursuant to division (F)(2) of this section and a valid firearms	917
requalification certification issued pursuant to division (F)(3)	918
of this section shall be considered to be a licensee in this	919
state.	920
(2)(a) Each public agency of this state or of a political	921
subdivision of this state that is served by one or more peace	922
officers shall issue a retired peace officer identification card	923
to any person who retired from service as a peace officer with	924
that agency, if the issuance is in accordance with the agency's	925
policies and procedures and if the person, with respect to the	926
person's service with that agency, satisfies all of the	927
following:	928
(i) The person retired in good standing from service as a	929
peace officer with the public agency, and the retirement was not	930
for reasons of mental instability.	931
(ii) Before retiring from service as a peace officer with	932

that agency, the person was authorized to engage in or supervise

the prevention, detection, investigation, or prosecution of, or 934 the incarceration of any person for, any violation of law and 935 the person had statutory powers of arrest. 936

- (iii) At the time of the person's retirement as a peace 937 officer with that agency, the person was trained and qualified 938 to carry firearms in the performance of the peace officer's 939 duties. 940
- (iv) Before retiring from service as a peace officer with

 that agency, the person was regularly employed as a peace

 officer for an aggregate of fifteen years or more, or, in the

 alternative, the person retired from service as a peace officer

 with that agency, after completing any applicable probationary

 period of that service, due to a service-connected disability,

 as determined by the agency.

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- (b) A retired peace officer identification card issued to 948 a person under division (F)(2)(a) of this section shall identify 949 the person by name, contain a photograph of the person, identify 950 the public agency of this state or of the political subdivision 951 of this state from which the person retired as a peace officer 952 and that is issuing the identification card, and specify that 953 the person retired in good standing from service as a peace 954 officer with the issuing public agency and satisfies the 955 criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 956 section. In addition to the required content specified in this 957 division, a retired peace officer identification card issued to 958 a person under division (F)(2)(a) of this section may include 959 the firearms regualification certification described in division 960 (F)(3) of this section, and if the identification card includes 961 that certification, the identification card shall serve as the 962 firearms requalification certification for the retired peace 963

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officer. If the issuing public agency issues credentials to	964
active law enforcement officers who serve the agency, the agency	965
may comply with division (F)(2)(a) of this section by issuing	966
the same credentials to persons who retired from service as a	967
peace officer with the agency and who satisfy the criteria set	968
forth in divisions (F)(2)(a)(i) to (iv) of this section,	969
provided that the credentials so issued to retired peace	970
officers are stamped with the word "RETIRED."	971

- (c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.
- (3) If a person retired from service as a peace officer 977 with a public agency of this state or of a political subdivision 978 of this state and the person satisfies the criteria set forth in 979 divisions (F)(2)(a)(i) to (iv) of this section, the public 980 agency may provide the retired peace officer with the 981 opportunity to attend a firearms requalification program that is 982 approved for purposes of firearms requalification required under 983 section 109.801 of the Revised Code. The retired peace officer 984 may be required to pay the cost of the course. 985

If a retired peace officer who satisfies the criteria set 986 forth in divisions (F)(2)(a)(i) to (iv) of this section attends 987 a firearms requalification program that is approved for purposes 988 of firearms regualification required under section 109.801 of 989 the Revised Code, the retired peace officer's successful 990 completion of the firearms requalification program requalifies 991 the retired peace officer for purposes of division (F) of this 992 section for five years from the date on which the program was 993 successfully completed, and the requalification is valid during

that five-year period. If a retired peace officer who satisfies

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that live year period. If a rectical peace officer who bactbries	223
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this	996
section satisfactorily completes such a firearms requalification	997
program, the retired peace officer shall be issued a firearms	998
requalification certification that identifies the retired peace	999
officer by name, identifies the entity that taught the program,	1000
specifies that the retired peace officer successfully completed	1001
the program, specifies the date on which the course was	1002
successfully completed, and specifies that the requalification	1003
is valid for five years from that date of successful completion.	1004
The firearms requalification certification for a retired peace	1005
officer may be included in the retired peace officer	1006
identification card issued to the retired peace officer under	1007
division (F)(2) of this section.	1008
A retired peace officer who attends a firearms	1009
requalification program that is approved for purposes of	1010
firearms requalification required under section 109.801 of the	1011
Revised Code may be required to pay the cost of the program.	1012
(G) As used in this section:	1013
(1) "Qualified retired peace officer" means a person who	1014
satisfies all of the following:	1015
(a) The person satisfies the criteria set forth in	1016
divisions (F)(2)(a)(i) to (v) of this section.	1017
(b) The person is not under the influence of alcohol or	1018
another intoxicating or hallucinatory drug or substance.	1019
(c) The person is not prohibited by federal law from	1020
receiving firearms.	1021

(2) "Retired peace officer identification card" means an

identification card that is issued pursuant to division (F)(2)	1023
of this section to a person who is a retired peace officer.	1024
(3) "Government facility of this state or a political	1025
subdivision of this state" means any of the following:	1026
(a) A building or part of a building that is owned or	1027
leased by the government of this state or a political	1028
subdivision of this state and where employees of the government	1029
of this state or the political subdivision regularly are present	1030
for the purpose of performing their official duties as employees	1031
of the state or political subdivision;	1032
(b) The office of a deputy registrar serving pursuant to	1033
Chapter 4503. of the Revised Code that is used to perform deputy	1034
registrar functions.	1035
(4) "Governing body" has the same meaning as in section	1036
154.01 of the Revised Code.	1037
(5) "Tactical medical professional" has the same meaning	1038
as in section 109.71 of the Revised Code.	1039
Section 2. That existing sections 109.71, 109.73, 109.75,	1040
109.79, 109.801, and 2923.126 of the Revised Code are hereby	1041
repealed.	1042

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Sub. H. B. No. 79 As Reported by the Senate Judiciary Committee