

Basic Peace Officer Training Academy

Interviews and Physical Conditioning Pre-assessments for the August 20, 2018 Basic Peace Officer Training Academy will be conducted at **7:00 PM on Wednesday, June 20, 2018**, at **10:00 AM on Saturday, July 14, 2018**, at **7:00 PM on Wednesday, July 18, 2018** and at **10:00 AM on Saturday, July 28, 2018**. The Physical Conditioning Pre-Assessment will be conducted at the track located at the rear of Washington C. H. High School, 400 S. Elm Street, Washington CH, OH 43160, on the above stated times and dates. The interviews will be conducted at the Fayette Campus of Southern State Community College, 1270 US RTE 62 SW, Washington CH, OH 43160, after the Physical Conditioning Pre-Assessments are completed. Open enrollment students will not be accepted after July 30, 2018. Students are required to attend one of the above sessions. Students are required to bring their Ohio Driver's License with them to the Physical Conditioning Pre-Assessment.

Students should contact Brenda Landis at 800-628-7722, Ext. 5615 or 740-333-5115 Ext. 5615 or email her at blandis@sscc.edu and advise which pre-assessment session he or she will be attending no later than 24 hours prior to the chosen date.

Sworn officers who receive a sworn officer's packet after July 30, 2018 may be conditionally accepted into the August 20, 2018 Basic Peace Officer Academy upon the submission of an original completed sworn officer packet before August 20, 2018 including a photocopy of the ADM 400 form. Sworn officers unable to meet the Physical Conditioning Initial-assessment standards (15 percentile) by August 21, 2018 will not be permitted to attend the remainder of the course.

Students will dress appropriately for physical conditioning pre-assessment at Washington C. H. High School. Along with paper and pen for note taking, **students are to bring the following completed original forms to the interview conducted at the Southern State Community College, Fayette Campus after the physical conditioning pre-assessment** he or she is attending:

Open enrollment:

- Conduct Agreement
- Statement of Understanding
- Request for National Webcheck (Completed at LE agency)* See note below
- Student Waiver of Liability and Indemnity Agreement
- Student Acknowledgment Form
- Student Enrollment/ Certification Record

Sworn Officer:

Conduct Agreement

Statement of Understanding

Request for National Webcheck (Completed at LE agency)*See note below

Student Waiver of Liability and Indemnity Agreement

Student Acknowledgment Form

Student Enrollment/ Certification Record

Photo copy of original Administrative Form 400 (Peace Officer Commission and Oath of Office Form).

Additional forms will be required to be completed at the pre-assessment. Each student is required to have a physical examination by a medical professional (medical doctor (MD), osteopath (DO), physician's assistant (PA), or certified nurse practitioner (CNP), licensed by the Ohio State Medical Board or the Ohio State Board of Nursing, or a neighboring state's equivalent, or a medical professional with the US Department of Veterans' Affairs.). The form must be signed by an approved medical professional and the completed original from (including medical professional signature and contact information) must be returned the first class of the academy.

Effective July 1, 2016 the Ohio Peace Officer Training Commission mandated that all students who enroll in a peace officer basic training academy pass a five-panel drug screen. The five-panel drug screen tests for five categories of drugs: amphetamines, cocaine, marijuana, opiates, and phencyclidine (PCP). There are 6 analytes listed in the test, but 6-Acetylmorphine is just a different opiate analyte. The concentrations that would be considered a positive test result are set by federal guidelines developed by the Substance Abuse and Mental Health Service Administration (SAMHSA). Currently these guidelines are set based on urine tests. The drug screen should be administered by an agency licensed/certified by the Department of Health or SAMHSA, medical professional's office (medical doctor (MD), osteopath (DO), physician's assistant (PA) or certified nurse practitioner (CNP)), or hospital. The drug screening must be completed within 90 days of the start of the academy and the results shall be provided to the academy commander on the first day of the academy. **If an applicant does not pass the drug screen, the applicant cannot attend the academy.** An applicant can take another drug screen within the testing window and attend the academy if the applicant passes the subsequent screen. If an applicant feels their results are due to a prescription drug they are taking or for any other reasons, they should contact the facility that conducted the test.

*Note: Law Enforcement agencies approved to conduct a digital fingerprint scan for Basic Peace Officer Academy Cadets are not permitted to charge the cadet the established fee for BCI and FBI webcheck. Agencies are only permitted to charge an administration fee for taking the fingerprints and submitting the webcheck request. Please contact your local Sheriff's Office for days and times webchecks are conducted.



The Request for National Webcheck and other forms listed above must be completed and submitted at the interview and pre-assessment the student attends.

Incomplete forms will not be processed. Students with incomplete forms and or students who are unable to meet physical conditioning pre-assessment 15 percentile standards according to the student’s gender and age will not be accepted into the August 20, 2018 Basic Peace Officer Training Academy.

The pre-assessment chart below is the minimum requirements a cadet must perform at his or her pre-assessment to be accepted in the Basic Peace Officer Program at Southern State Community College. Students who do not meet the minimum pre-assessment requirements will not be permitted to attend the academy.

Age and Gender Minimum Scores Pre Assessment Chart		
15th% Sit-ups (1 min.) Push-ups 1.5 Mile Run	Males (<29) 32 19 14:34	Females (<29) 23 9 17:49
Sit-ups (1 min.) Push-ups 1.5 Mile Run	Males (30-39) 28 15 15:13	Females (30-39) 18 7 18:37
Sit-ups (1 min.) Push-ups 1.5 Mile Run	Males (40-49) 22 10 15:58	Females (40-49) 13 5 19:32
Sit-ups (1 min.) Push-ups 1.5 Mile Run	Males (50-59) 17 7 17:38	Females (50-59) 7 4 21:31
Sit-ups (1 min.) Push-ups 1.5 Mile Run	Males (60+) 13 5 20:12	Females (60+) 2 1 23:32

The final assessment chart below is the minimum requirements a cadet must perform at during the final assessment conduct during the last 40 hours of the academy in order to be eligible to sit for the Ohio Basic Peace Officer Exam.

Age and Gender Minimum Scores Final Assessment Chart		
Sit-ups (1 min.) Push-ups (1 min.) 1.5 Mile Run	Males (≤29) 40 33 11:58	Females (≤29) 35 18 14:07
Sit-ups (1 min.) Push-ups (1 min.) 1.5 Mile Run	Males (30-39) 36 27 12:25	Females (30-39) 27 14 14:34
Sit-ups (1 min.) Push-ups (1 min.) 1.5 Mile Run	Males (40-49) 31 21 13:11	Females (30-39) 22 11 15:24
Sit-ups (1 min.) Push-ups (1 min.) 1.5 Mile Run	Males (50-59) 26 15 14:16	Females (50-59) 17 13* Modified 17:13
Sit-ups (1 min.) Push-ups (1 min.) 1.5 Mile Run	Males (60+) 20 15 15:56	Females (60+) 8 8* Modified 18:52

*SF195 07/01/2016 requirements

GUIDELINES FOR BASIC PEACE OFFICER TRAINING COURSE

The following is to be read by each cadet and a signed acknowledgment returned to the commander at the time of the preliminary interview.

OHIO PEACE OFFICER TRAINING COMMISSION ACADEMY REQUIREMENTS

Each cadet shall read and familiarize himself or herself with the requirements set forth by the Ohio Peace Officer Training Commission for admittance to the Ohio Peace Officer Training Program.

Each cadet shall read and familiarize himself or herself with the policies and expectations set forth by the Ohio Peace Officer Training Commission and the Greenfield Peace Officers' Academy conducted at Southern State Community College. Each cadet shall adhere to the policies and expectations conveyed in this guide, "OPOTC STUDENT ACKNOWLEDGEMENT FORM", Southern State Community College Catalog and or any other source of the documentation that may be or is provided to each Cadet during the Peace Officer Basic Training Academy. Failure to maintain, any infraction or violation of any policy or rule shall be grounds for disciplinary action including the dismissal from the academy class.

No person whose driver license is expired, invalid, under suspension, revocation, or has any restrictions placed upon said license by any administrative agency of the State of Ohio or by any court in the state of Ohio or any state shall attend any portion of the driving course.

No person who has been convicted of any disqualifying offense shall attend any portion of any firearms course or firearms related topic or topics. (See appendix C for further information regarding disqualifying offenses.)

No person who is under 18 (eighteen) years of age may attend any portion of any firearms course.

Each cadet must successfully complete a physical conditioning pre-assessment before being accepted into the academy class.

Students are required to attend all hours of course. No student who misses any portion of the academy who does not make up the time will be eligible to take the state certification examination. Any hour(s) added the State of Ohio and or any mandatory topics added by the State of Ohio during the academy will become mandatory also.

Students must maintain a hand written notebook. Student Notebooks (OAC 109:2-3-08) will be evaluated in the following seven areas:

1. Sufficiency of course content,
2. Organization,
3. Appropriateness of the material,
4. Regularity of entries,
5. Neatness,
6. Accuracy,
7. Legibility.

Students must achieve a passing score of 70% on the state certification examination to be eligible for certification (OAC 109:2-3-9).

STUDENT CONDUCT

Student shall abide by all policies, rules and regulations set forth in the Southern State Community College Catalog.

Students shall abide by policies, rules and regulations set forth by the Ohio Peace Officer Training Commission.

Students shall abide by polices, rules and regulations listed below:

ATTENDANCE POLICY

Students are expected to attend all hours of the basic peace officer training course. All make up hours have to be completed 7 (seven) days before the last day of the academy.

A student who has missed more than 16 (sixteen) will be removed from the class roster and dropped from the academy.

Tardiness will be considered missed time from the class. Any student who is late for class is required to make up the time with the instructor. A student who is 10 (ten) minutes or less for a class may make up the missed time at the end of the class day at the discretion of the instructor. A note must be made by the instructor on the daily attendance sheet that the tardy student made up the same number of minutes after class. If the instructor does not agree to make up the time or the student fails to make up the time on the same day the student missed 10 (ten) minutes or less, the student will have make up a minimum of 30 (thirty minutes) with the same instructor on another day in accordance with make-up hours policy.

Any student who is 11 (Eleven) to 29 (twenty-nine) minutes tardy will be required to make up 30 (thirty minutes) with the same instructor on another day in accordance with make-up hours

policy. Any student who is 30 (thirty) minutes to 60 (sixty) minutes will be required to make up 1 (one) hour with the same instructor on another day in accordance with make-up hours policy.

Any student who misses any portion of a topic is required to makeup the hours with an instructor original instructor. Any student who misses a complete topic is required to makeup the complete topic with an instructor certified by OPOTC on staff for the missed topic.

ATTENDANCE MAKE-UP PROCEDURES

Any student who is 10 (ten) minutes or more of any topic will be required to complete and submit to the commander within 10 (ten) calendar days of the missed topic a make-up request form. The student will be responsible for the completion and submission of the make-up request form. The following information shall be completed by the student on the make-up request form:

- Student's full name
- Contact information for the student
- Date and time of topic missed
- Topic number and topic name missed
- Name of the instructor who taught the original topic
- Date, times, and location of proposed make-up
- Name of instructor and OPOTC certification number of instructor to conduct make-up
- A room request form

The makeup of missed hours shall be document by the completion and submission of a attendance sheet approved by OPOTC. The following information must be completed on the form:

Header of the form

- Academy Number
- Date of makeup
- Topic Number and Topic Name made up
- Starting and ending time of make-up Topic

Body of the form

- The signature of the student making up the missed topic
- The starting and ending times the student was present
- The signature of the instructor conducting the make-up
- The OPOTC number assigned to the instructor.
- On the comment line of the form, a notation show be made that the sign-in sheet is a makeup class and date the student missed.

All make-ups have to be conducted at an OPOTC approved site.

Any and all make-up hours must be approved by the commander 48 (forty-eight) hours prior to the scheduled make-up. All make-up hours must be in accordance with the *Ohio Peace Officer Training Commission Commander Manual for Basic Peace Officer Training Courses*.

The cost of the make-up must be agreed upon between the student and instructor. The student's college tuition will not be applied to these additional fees.

FIREARMS AND FIREARMS RELATED TRAINING

Firearms shall remain unloaded at all times on the firing range and in the classroom unless otherwise instructed by a firearms instructor.

Firearms shall not be carried into any part of the building except in the classroom while firearm or firearm related training is being conducted. During a firearm or firearm related training is being conducted, UNLOADED firearms shall be secured in the student's locker when the student leaves the class room to visit other parts of the school.

Firearms instructors have full authority to remove or suspend any student during class or on the range for any minor violation of safety. Any student removed or suspended from or during a class will not be able to return to class or the range until approved by the commander upon the recommendation of a least two firearm instructors who were present at the time of the alleged safety violation.

Firearms shall be secured in the student's vehicle out of sight and out of reach en-route to or from firearms or firearms related class or the range. Student shall not have his or her weapon on their person. It is preferred that the firearm be stored in the trunk of a vehicle in a secured gear bag. A Carried Concealed Weapon permit does not exempt any student from this rule.

If a student is stopped by a law enforcement officer, he or she shall advise the officer of the unloaded weapon, that he or she is going to or coming from the academy, and provide a student ID to the officer. If the incident occurs on the way to or during a class, the student shall inform the lead instructor of the class about the incident. If the incident occurs after class the student shall notify the commander as soon as possible of the incident.

There is an additional \$40 fee per student paid to the Greenfield Peace Officers' Association. This fee covers the cost for upkeep for the shooting range equipment and Standardized Field Sobriety Testing (SFST) supplies. Firearms related equipment and SFST supplies cannot be paid for by Southern State Community College due to the 501(3)(c) IRS tax status.

CLASSROOM CONDUCT

Horseplay of any kind will not be tolerated at any time and all safety rules will be strictly enforced. Any instructor or safety officer has full authority to remove any student from class or an activity conducted outside of the classroom for horseplay, violation of a safety rule, or disruptive, improper, or unprofessional behavior. The student will not be able to return to class or the range until approved by the commander upon the recommendation of the lead instructor present or in charge at the time of the incident.

Cell phones, personal laptop computers, or any other electronic communication devices shall not be used or within a student's immediate lunge area during class room activities. Electronic communication devices should be stored in the student's assigned locker during class. A student may use his or her electronic communication device during break time or at the direction of the class room instructor.

DRESS CODE

Each student attending the Basic Peace Officer Training will be dressed in the following manner:

1. Uniform designated by the academy commander shall be worn during all class room settings. If employed by a law enforcement or security agency, a student may elect to wear the uniform of the day in accordance with the policies of his or her agency.
2. A student shall wear proper clothing for unarmed self-defense class.
3. A student shall dress appropriately during firearms while on the range.
4. A student shall wear proper clothing for physical conditioning class.
5. At no time shall a student wear any article of clothing that could be considered offensive to any segment of the population or considered to be in bad taste by a prudent person.
6. A student shall wear all required safety gear during any practical training exercise.

CONDUCT OUTSIDE OF THE CLASSROOM

At no time shall a student participate in any form of conduct that is unlawful, unethical, or unprofessional.

Any student who is detained, seized, or arrested by a law enforcement agency shall notify the academy commander at the earliest possible time. Any student who receives a summons to appear in court for any violation of criminal, civil action, and / or traffic laws (federal, state, or local ordinances), with the exception of an infraction (Example: overtime parking violation) shall notify the academy commander at the earliest possible time.

Any student who is served with (or becomes aware of one being issued) any form of a protection order or any other court order (civil or criminal in nature) shall notify the academy commander at the earliest possible time.

Equipment List for OHIO Basic Peace Officer Training Course

Class room

Students will be required to maintain a notebook.

- 1 or more 3 ring binder
- Note book paper and writing instrument (Successfully students usual use over 750 sheets for their Student Performance Notebooks. This does not include note taking)
- 2 folders with side pockets

- Other Class room supplies
- Earphones with a standard jack for a computer
- One or more memory sticks (sometime referred to as a thumb drive)

Firearms Training

All of the gear listed below is needed by the first session of firearms training and each session thereafter.

- Flashlight (Push button on/off switch)
- Duty Belt (Pants belt with belt keepers)
- Handgun *
- Shotgun**
- Thumb break style holster *** (No Tactical style holsters will be permitted)
- 3 magazines (Semi-auto) and 2 pouches for duty belt
- Eye protection
- Ear protection
- A minimum of 2,000 rounds of handgun ammo
- A minimum of 100 rounds of buckshot 12 ga: 25 rounds of 7 ½ or 8 bird shot
- A minimum of 50 rounds of 12 ga. 00 or 0000 buck shot**
- A minimum of 25 rounds of 12 ga. Slugs
- A minimum of 60 .223 rounds
- Gear bag for firearms equipment
- (Note) Ballistic vest will be provided by the academy to students during training exercises.

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No Revolvers will be permitted. Semi-automatic must be double or double/single action with a 4in barrel or longer; **no** single action only will be permitted. Highpoint and other low quality firearms will not be approved for use on the range. All firearms will be inspected by an OPOTC certified firearms instructor on staff and must be approved by an OPOTC certified firearms instructor on staff before being used on the range.

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Shotgun must be a 12ga pump. No rifled barrels

No Tactical style holsters will be permitted. Holsters must be approved by an OPOTC certified firearms instructor on staff before being used on the range.

Physical Conditioning

All of the gear listed below is needed by the first session of physical conditioning and each session thereafter:

- Running Shoes
- Proper exercise attire for indoor and outdoor activities
- Small exercise mat.

Subject Control Techniques

All of the gear listed below is needed by the first session of unarmed self-defense and will be needed for each of the sessions thereafter.

- Mouth guard
- Loose fitting clothing
- Pants shall have belt loops and allow a belt to worn around the waist
- Gym shoes with good support
- Men: Athletic supporter and cup
- Women: Sports Bra (Type that can still be worn if shirt gets ripped.)
- Duty belt
- Holster and Firearm (no ammo)
- Handcuffs and keys (NIJ approved)
- Handcuff case.
- Leather or weight lifting gloves
- Flashlight

OHIO PEACE OFFICER BASIC TRAINING REQUIREMENTS AND OPTIONS FOR ATTENDING

The required minimum number of hours for successful completion of peace officer basic training is 728 hours. A person may attend basic training in one of several categories. The following are descriptions of each process from application to certification.

The Ohio Peace Officer Training Commission approves and monitors all schools which offer peace officer basic training. All schools must comply with statutory requirements (topics, hours, facilities and process) in order to be approved to operate the school. Therefore, attendance of a school at any approved site will provide the student with the same opportunity to obtain a certificate of peace officer basic training.

Some school sites will accept all of the students listed below. Other schools will accept students in only certain categories. Southern State Community College will accept all of the categories listed below.

SWORN PEACE OFFICERS (EITHER FULL TIME, PART TIME OR AUXILIARY)

In this category, the student must be appointed to a peace officer position with a city, village, township or other agency wherein the person is required to complete peace officer basic training. The student must apply directly to the school. The student must attend the minimum 616 hours and any additional hours added by the school. If the student meets all success criteria for the program, which includes completion of the state certification examination, the commander will recommend to the Commission that the student be issued a certificate of completion of basic training.

OPEN ENROLLMENT STUDENTS

This category is for students who are not appointed to a peace officer position but who wish to attend peace officer basic training on their own time at their own expense. Students who complete open enrollment will be issued a letter of completion which they may use as a way to market him or herself to an agency selling the fact that the agency will not incur any training expense on the basic training level. If the student receives an appointment within one year of the completion of training, a certificate of completion will be awarded provided no additional training requirements have been mandated. If the student receives an appointment more than one year but less than two years after completion of training, the person will be required to attend an OPOTC-approved refresher course before the person may perform the functions of a peace officer. If the student receives an appointment more than one year after completion of training, the person must repeat the peace officer basic training course before the person may perform the functions of a peace officer.

PRIOR EQUIVALENT TRAINING STUDENTS

Officers who are appointed to a peace officer position in Ohio and have completed training or education in another state, the military or under the auspices of any other certifying entity other than the Ohio Peace Officer Training Commission, may apply to the Commission for a prior equivalent training analysis. The appointing agency must submit the request in writing [**THIS WILL ONLY BE DONE FOR APPOINTED PEACE OFFICERS. IT WILL NOT BE DONE FOR THOSE WHO ARE THINKING ABOUT RELOCATING TO OHIO**]. A detailed breakdown of topics and hours completed in basic training must be included. Agency in-service training records and advanced training certificates may accompany the request for prior training. The prior training will be compared to the curriculum currently required in Ohio. In cases where the prior training is deemed equivalent, credit will be given. In cases where the prior training either differs, is insufficient or is non-existent, hours from the Ohio curriculum will be assigned.

The student may take the prior equivalent determination to any approved basic training school and apply to attend. The student must provide a copy of the determination to the school commander who will inform the student of the schedule and when the student must attend training sessions. Upon completion of the hours assigned in the determination, the student must take and pass the comprehensive state certification examination. When the school is complete and the commander submits the final records, the prior equivalent student will be issued a certificate of completion of peace officer basic training.

The number of required hours varies for prior equivalent students. It is therefore impossible to approximate how much training will be required. Clear documentation of all hours of prior training will be helpful in making an appropriate determination of equivalency.

**OHIO BASIC PEACE OFFICER TRAINING APPLICATION
OPEN ENROLLMENT / COMMISSIONED OFFICER**

INSTRUCTIONS

The following forms must be completed and returned at the time of your orientation.

Incomplete and /or improperly completed forms will not be accepted resulting in a delay and or refusal of acceptance to the Ohio Basic Peace Officer Training course. All forms must be legible. All forms shall be completed in print using blue or black ink. NOTE: PLACE YOUR LEGAL NAME ON ALL FORMS. DO NOT USE YOUR NICKNAME. Example if you go by “Bob” and your legal name is “Robert”, put “Robert” on all forms.

1. After reading **GUIDELINES FOR BASIC PEACE OFFICER TRAINING COURSE** Complete the “Conduct Agreement” form”
 - a. Print your full legal name on the first line.
 - b. Read the form
 - c. If you agree, Sign the lower portion of the form, insert the date signed, and Print your legal name.
 - d. Print your shirt size (S, M, L, XL, XXL).
 - e. Print your trouser size. (**Your real size, not your desired size**).
2. Read the requirements set forth by the Ohio Peace Officer Training Commission (OPOTC) for attending the Ohio Peace Officer Basic Training Course in the Student Handbook.
3. Please Note on page 4 under Missing Classes or Portions of Classes. The state of Ohio uses a time frame of 15 minutes or less as being tardy and a student being able to make the time up on that day with the same instructor at the instructor’s discretion. The Basic Peace Officer Academy at Southern State Community College limits the time to 10 (ten) minutes. If a student is 11 (eleven) minutes late that student has to make up 30 minutes with the original instructor for topic missed on a separate day. Your tuition does not include instructor’s fees for a missed class or missed portion of a class.
4. “OPOTC Statement of Understanding” Pages 6-11 of Peace Officer Basic Training Student Handbook
 - a. Read all the statements on the form carefully. Starting with **Affirmations** on page 6 and ending on page 11 with statement number 7.
 - b. Terms you may not be familiar with on the form:
 1. OPOTC: Ohio Peace Officer Training Commission, the governing body that oversees and mandates training and certification requirements for all peace officers in the State of Ohio. Commission members are appointed by the Ohio Attorney General Office.
 2. OPOTC SCE: Ohio Peace Officer Training Commission State Certification Examination. This is the written test given after the successful completion of a Basic Peace Officer Training Academy Course given by the Ohio Peace Officer Training Commission at the Ohio Peace Officer Training Academy. A minimum score of 70% is required to be certified by the State of Ohio to function as a Peace Officer.

**OHIO BASIC PEACE OFFICER TRAINING APPLICATION
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5. STUDENT HANDBOOK ACKNOWLEDGMENT AND VERIFICATION
 - a. Carefully read the statement at the top of the form.
 - b. If you have a conflict with any of the statements on pages 6 to page 11 explain the conflict(s) in the space below ADDITIONAL INFORMATION OR EXPLANATION. If additional space is needed or documentation use a paper clip to attach additional paperwork.
 - c. If you agree with the statements and have explained any possible conflicts with any of the statements complete the bottom of the form,
 - d. Print your name legible, the sign the form and date it.
 - e. You will need a witness to you signing the form,

6. Complete the "Student Enrollment/Certification Record" form SF115unv.
 - a. Print all the information
 - b. Complete all personal information at upper portion of the form
 - c. Leave the block for Appointing /Employing Agency blank unless you hold a commission with a law enforcement agency.
 1. **If you hold a commission with a law enforcement agency complete this block.**
 2. **A photo copy of your completed original ADM 400 or SF 400 must be included in your opening paper work.**
 - d. Complete Race and Education Level
 - e. Do not complete the blocks labeled Student Status and OPOTC USE ONLY

7. "Request for National WEBCHECK" form SF102bas
 - a. This form must be taken to a facility able to conduct a nation national WEBCHECK. Contact the Sheriff's office of the county you reside in for the office hours they conduct WEBCHECKS.
 - b. Take the form with you to the Sheriff's Office and complete the section "TO BE COMPLETED BY THE STUDENT" in the presence of the WEBCHECK technician.
 - c. The WEBCHECK is an electronic criminal history check by scanning your fingerprints and conducting an electronic search for arrest and or convictions in the State of Ohio and Federal databases.
 - d. The WEBCHECK must be conducted no earlier than 90 day before the first day of the academy and no later than 28 days before the first day of the academy.
 - e. **The original form must be returned to the commander at the time of the interview and physical pre-assessment.**
 - f. **The original form must be completed, including the name of the agency that conducted the WEBCHECK scan, the Signature of the student and the date the WEBCHECK was conduct.**
 - g. A copy of this form (SF102) maybe made for record keeping purposes of the agency that conducts the WEBCHECK.
 - h. **NOTE: According to OPOTC guidelines, a law enforcement agency approved by the Attorney General who conducts WEBCHECK for students intending to attend a Ohio Basic Peace Officer Training course approved by OPOTC is not permitted to charge a FEE for a BCI or FBI check when that student is using the SF102 form. An agency may charge an administration free for processing the SF102 form. Processing fees are commonly less than \$15.00. Do not leave the form at the agency. If the agency is wanting to charge a fee for BCI check**

**OHIO BASIC PEACE OFFICER TRAINING APPLICATION
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(\$35.00) and or a fee for the FBI check (\$30.00) ask for a supervisor or walk away and go to a nearby Sheriff's Office.

8. Family Educational Rights and Privacy Act (FERPA) Form SF104unv
 - a. Print your name on the line labeled "Name of Student requesting.." upper portion of form
 - b. Read the form carefully
 - c. Print your name on student name line (lower portion of the form)
 - d. After carefully reading the form sign this line to acknowledge you have read and understand your rights afforded to you by FERPA and any waiver of those rights stated in this form.
 - e. If you are already a student at SSCC please write your student ID on this line. If this is your first class at SSCC leave this blank and it will be filled in after you are registered for this course.
 - f. Place the date you signed the form

9. Complete "OPOTC Student Health Data Form" SF114bas
 - a. Print your legal name and age at the top of the form
 - b. Place a check mark in front of your gender
 - c. Place a check mark in front of "Yes" or "No" acknowledging if you have and physical or psychological limitations or injures that might restrict your full participation the physical activities during the academy. If you make "Yes" explain why.
 - d. **A medical professional (medical doctor (MD), osteopath (DO), physician's assistant (PA), or certified nurse practitioner(CNP), licensed by the Ohio State Medical Board or the Ohio State Board of Nursing, or a neighboring state's equivalent, or a medical professional with the US Department of Veterans Affairs), shall complete the lower portion of the form. (Note: A Chiropractor is not an acceptable physician according to OPOTC guidelines.)**
 - e. Verify the medical professional's name and office address used on the form (This information may be printed or a label stamp may be used. This information must be on the form.)
 - f. Verify the medical professional's signature and date of examination is on the form.
 - g. Verify the medical professional's license number and issuing state is on the form.
 - h. The medical professional may make a copy of this form for his or her records, the form with original signatures must be returned to the commander.

10. Authorization for Use or Disclosure of Drug Screen Information SF147bas
 - a. Print you legal name on the first line,
 - b. Fill in your Date of Birth - Example 01/01/1996.
 - c. Read the form carefully.
 - d. If you agree, sign and date at the bottom of the form.
 - e. Take this form with you when you have your physical by a medical professional. This form will show your medical professional the type of drug screen to be conducted.
 - f. The medical professional may make a copy of this form for his or her records, the form with original signature must be returned to the commander.
 - g. An unaltered copy of the results of the drug screen should be forward to the commander. The an unaltered lab report can be emailed to rfithen@sscc.edu or mailed to Ronald L. Fithen, 1270 US Rte 62 SW, Washington C.H. OH 43160.

**OHIO BASIC PEACE OFFICER TRAINING APPLICATION
OPEN ENROLLMENT / COMMISSIONED OFFICER
INSTRUCTIONS**

11. The following completed forms must be brought with you to your pre-entrance assessment:

- a. Conduct Agreement
- b. Handbook Acknowledgment and Verification
- c. SF115 unv - Student Enrollment/ Certification Record
- d. SF102 bas - Request for National Webcheck
- e. SF 104 unv - FERPA Consent to Release Student Information
- f. SF114 bas - Student Health Data Forms
- g. SF 147bas – Authorization for Use or Disclosure of Drug Screen Information.

The Physical Assessment form is for your information. Each cadet will be required to perform at or above the 15 percentile level of fitness stated on the form according to his or her gender and age before being accepted into the basic training course. Physical Fitness testing will be conducted before the start of the academy on a date, at a time, and at a location approved by the academy commander. Each cadet must pass all three physical tests at one setting to be accepted.

During the course, each cadet will be required to perform at or above a pre-determined level of fitness at pre-termed times that will progress toward the required exit standard by the OPOTC. The Physical Assessment form (exit requirements) is for your information.

CONDUCT AGREEMENT

I, _____, have read the *Ohio Peace Officer Basic Training Requirements and Options for Attending, Guidelines for the Basic Peace Officer Training Course*, and all related material. I agree to abide by the rules, regulations, policies, and procedures as set forth by the Ohio Peace Officer Training Academy, Ohio Peace Officer Training Commission, Southern State Community College, Greenfield Peace Officers' Academy, and all other governing bodies affiliated with the Basic Peace Officer Training Academy. I understand and acknowledge that my failure or lack thereof to abide by any rule, regulation, policy, and or procedure of the aforementioned bodies may be just cause for sanctions against me including dismissal from the Basic Peace Officer Training Academy and or being declared unfit for any testing conducted by the Ohio Peace Officer Training Commission.

My shirt size is _____.
Small, Medium, Large, Extra Large, 2x, 3x, 4x.

My pants size is _____ inseam (whole numbers only)
_____ waist (**Male**) (even numbers only)
_____ size (**Female**) (even numbers only)

Student Signature

Date

Name Printed

Received by

Date

Peace Officer Basic Training

Student Handbook



Ohio Peace Officer Training Commission

1650 State Route 56, SW • P.O. Box 309 • London, Ohio 43140
Phone: 800-346-7682

Letter from the Executive Director

Welcome to Ohio Peace Officer Basic Training. You have made a commitment to serve your fellow Ohioans and we thank you for that commitment. I hope that these next few months will be both enjoyable and beneficial to you. You will make life-long friends, learn skills, and obtain knowledge that will enable you to serve and protect Ohio's citizens, your brother and sister officers, and yourself.

This handbook will provide you with some of the basic information you will need as you go through your academy. For more specific information, check with your commander. It also includes some requirements that are time sensitive.

Thank you for taking the first step towards public service as a peace officer. I wish you the best of luck pursuing your calling into this noble profession.



Mary E. Davis, Executive Director
Ohio Peace Officer Training Commission/Academy

Things to Know

The Ohio Peace Officer Training Commission

The Ohio Peace Officer Training Commission (OPOTC) consists of ten members appointed by the governor with the advice and consent of the Ohio Senate. Members serve three-year terms. The Commission issues recommendations to the Attorney General about matters pertaining to law enforcement training, approves OPOTC curriculum, certifies individuals for numerous Ohio law enforcement professions, and establishes annual continuing professional training (CPT) requirements for peace officers and troopers.

The day-to-day work of the OPOTC is done by the Executive Director and staff members. The staff members you may encounter include compliance officers and certification officers.

Compliance officers are the Commission's eyes and ears at each training academy. They communicate regularly with commanders and instructors to ensure that academies comply with the standards required by the Ohio Revised Code, the Ohio Administrative Code, and the OPOTC.

Certification officers verify that instructors and commanders have the prerequisites, training, and experience needed to instruct in or command an academy.

The Ohio Peace Officer Training Academy

The Ohio Peace Officer Training Academy (OPOTA) and the OPOTC are two different entities but are often confused. The Commission established the Academy which includes two campuses in London and one in Richfield. The Academy provides advanced training courses to those who are already certified officers. They offer operator-level and instructor-level courses. OPOTA generally does not teach or develop basic training.

Your Academy

Your academy is administered by your commander. You can think of a commander as similar to a principal of a school. The commander chooses instructors, schedules course topics and locations, and ensures that the instructors have the tools needed to teach their topics. Commanders and instructors must all be approved and certified by the OPOTC.

Academy Requirements

The minimum hours required by the Commission must be taught by your academy, but additional required hours can be added by your academy.

To enter your academy, you must successfully complete a drug screen, pass a criminal background check, and meet certain minimum standards based on a physical fitness assessment that includes sit-ups, pushups, and a 1.5 mile run.

To be eligible for OPOTC certification as a peace officer, you will need to successfully complete certain skill-based student performance objectives (SPO's), meet higher physical fitness assessment standards, and pass a written state certification exam (SCE) showing knowledge of cognitive-based SPO's.

Missing Class Topics or Portions of Class Topics

There may come a time when you miss a class topic or a portion of a topic. As all hours are mandatory, sign-in and sign-out sheets are very important, and the times must be documented to the minute. If you are tardy to class, the time must be made up. If that time missed is 15 minutes or less, that specific time can be made up at the end of the class day with the original instructor, if that instructor is available and willing to do so.

If you are more than 15 minutes late, you will have to make up class time at a later time, in 30-minute increments. As your academy has hired instructors to teach during the core hours of the course, it is not unusual for an academy to bill you for the additional instructor time required to conduct a make-up session.

There may be times when, due to illness, injury, or personal conflicts, one or more days of class will be missed. Due to the way the curriculum is developed and the order in which it's presented, those topic hours missed must be made up within 14 days of the date you return to class. If they are not, then starting on that 15th day, you are not permitted to attend any other academy topics until the missed topics are completed.

If you are going to be absent for an extended amount of time, you must contact the commander for information about obtaining an extension. Extensions are available for military and medical purposes. All extension make-ups and assessments must occur within one year of the date the academy began.

Appointed Students and Open Enrollment Students

Some students are appointed by a peace officer agency prior to completing their academy and becoming certified. These students possess peace officer powers, in their jurisdictions, as soon as they pass the SCE and are issued an Ohio peace officer training certificate.

Other students complete their academy successfully but have not yet received their first peace officer appointment. These students are known as "open enrollment students." They do not initially receive an Ohio peace officer training certificate. Instead, they receive a letter of completion. Once they are appointed by a peace officer agency, they are issued a training certificate (subject to any additional required training that has been mandated in the interim) and they then possess peace officer powers in their jurisdiction. Simplified, peace officer certification requires both completion of training and an agency appointment.

If an open enrollment student obtains an appointment after one year of successfully passing the SCE, the student must take a refresher course and pass a refresher exam before gaining

certification. If an open enrollment student does not get an appointment with two years of successfully passing the SCE, the student must repeat peace officer basic training.

If during the academy your appointment status should change from open enrollment to appointed, or from appointed to open enrollment, you must notify the commander immediately.

Things to Do

Required Forms

The following forms are attached and must be completed and returned to your commander immediately. Any delay in completing and returning these forms may result in a denial of your request to attend the academy.

- Student Handbook Acknowledgement and Verification
- SF115unv – Student Enrollment/Certification Record
- SF102bas – Request for National WebCheck
- SF104unv – FERPA Consent to Release Student Information
- SF114bas – Student Health Data

Affirmations

Below are a number of questions and acknowledgments that you must review and answer. **If there is any statement you are not able to answer affirmatively, please explain in detail on the Student Acknowledgment and Verification form at the end of this handbook.** If you are in doubt as to any of these matters or have questions on how to answer, please consult with your commander.

A. Statement of understanding.

I have never plead to or been convicted of a criminal offense or been adjudicated for a juvenile offense in any jurisdiction. (When reviewing this acknowledgment, please acknowledge all matters, even those that have been sealed or expunged).

If you have plead, and so are not able to answer affirmatively, then on the last page of this handbook list the court that was involved, and the underlying crime to which you plead, were convicted, or were adjudicated delinquent.

Also, if the crime involved has, as an element of that crime, the use or attempted use of physical force, or the threatened use of a deadly weapon, also list whether the victim was a stranger, present or former spouse, household member, child, other family member, or if other, please describe.

1. I am not a fugitive from justice, and I do not have criminal charges pending against me in any jurisdiction.
2. I am not drug dependent, in danger of drug dependence, or a chronic alcoholic.
3. I have never been adjudicated by any court for mental incompetence, been adjudicated by a court as a mental defective, been committed by a court to a mental institution, been found by a court to be a mentally ill person subject to hospitalization by court order, or been an involuntary mental patient other than one who was only a patient for observation.
4. I am not an alien who is illegally or unlawfully in the United States.
5. I have never been discharged from the Armed Forces under dishonorable conditions.
6. I have never renounced my United States citizenship.
7. I am not under a court order that restrains me from harassing, stalking, or threatening an intimate partner or the child of such partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.
8. I currently possess a valid driver's license and have driving privileges in the State of Ohio.
9. I have been awarded and possess a high school diploma or a certificate of high school equivalency.

If you possess a certificate of high school equivalency, please provide a detailed explanation on the last page of this handbook.

10. I understand that if I provide false information on this form I may be discharged from this academy and may be charged with a crime.
11. I understand that if a criminal or delinquency charge is filed against me while I am a student of this academy, I must report it to the commander immediately, and I may be suspended from this school until the case is complete. Depending on the resolution at that time, I may be ineligible to attend the academy.
12. I grant the OPOTC consent to disclose to the commander any information regarding any and all of my criminal or delinquency history information that might impact my ability to participate as a student in an OPOTC-approved academy. Likewise, I grant the commander consent to disclose the same information to the OPOTC.

13. The OPOTC is committed to maintaining an academic environment in which all individuals are treated with respect and dignity, free from any type of discrimination or harassment, and will not tolerate discrimination or harassment in an OPOTC program, whether committed by a student, an instructor, a commander, or another associated with the program. I understand that I must report incidences of discrimination or harassment to my commander and/or an OPOTC compliance officer, whether that behavior involves a student, an instructor, or another associated with the program. If the behavior involves a commander, I must report incidences of suspected discrimination or harassment to the academy organization's senior management and the OPOTC compliance officer. If a student has engaged in discrimination or harassment, the student may be suspended or expelled from the OPOTC program.
14. I understand that to be eligible to take the OPOTC SCE, I must have 100% attendance in every hour of every topic. If I have an excused absence for any topics hours, it is my obligation to make arrangements with the commander to make up the missed topic hours within 14 days of the date I return to class, unless excused by way of a medical or military extension. If the make-ups do not occur within this time frame, I cannot attend other academy topics until all make-ups have been completed. If I complete make-up hours in another academy, I must attend the entire block of instruction for that topic. I understand that the commander may set stricter requirements than the OPOTC minimum standards.
15. To be eligible to take the OPOTC SCE, I must maintain a notebook during the OPOTC course and that notebook must be deemed satisfactory by the commander. The notebook shall contain appropriate entries of pertinent material covered during the classroom sessions of the course. I must submit this notebook to the commander for inspection at the conclusion of the program or other times the commander sees fit. It will be evaluated by the commander on, at a minimum, its sufficiency of course content, organization, and appropriateness of material, regularity of entries, neatness, accuracy, and legibility.
16. To be eligible to take the OPOTC SCE, I must first demonstrate to the satisfaction of my instructors and commander the requisite proficiencies in each skill-based SPO and final physical fitness assessment. I then must pass the written OPOTC SCE with a score of at least 70%. I understand I will have two attempts to pass each skill-based SPO, physical fitness assessment, and state certification exam.
17. I will not disclose any information concerning specific questions on the OPOTC state certification examination.
18. If I request any special accommodations (such as those relating to learning/reading disabilities, dyslexia, etc.) for the SCE, then at least 45 days before the last day of OPOTC topics, my commander must submit written documentation supporting my request to the OPOTC. I understand that if this request and documentation is not submitted by that time, I may be prevented from receiving an accommodation.

B. Medical issues, physical assessments, and waiver of liability & indemnity agreement.

1. I understand that some risks, hazards, or dangers are inherent in the nature of the training and cannot be eliminated or reduced, including those that can cause physical or emotional injury, disability, or death. I understand and agree that I am participating in this training course at my own risk.

I understand that the training involves a degree of physical exercise and physical contact, which involves a risk of injury to me.

I understand that I will have to endure some degree of discomfort or pain during the application, instruction, or demonstration of certain techniques and/or certain training sessions.

2. I have received a medical examination and medical approval signed by a medical doctor (MD), osteopath (DO), physician's assistant (PA), or certified nurse practitioner (CNP) licensed by the Ohio State Medical Board, the Ohio State Board of Nursing, a neighboring state's equivalent, or a medical professional with the US Department of Veterans' Affairs.
3. If I have a medical or other condition and have been medically cleared to participate in the training, I understand that participation may exacerbate the condition.
4. If I develop or am diagnosed with any such illness, injury, condition, disability, or condition during the course of the training program, I shall promptly notify my commander, instructors, and school personnel and resubmit to a medical examination and obtain approval from a medical provider acceptable to OPOTC in order to continue to participate in training.
5. I am in good physical and mental health, I agree to abide by the course safety rules and instructions given by the instructors, and I agree that to receive a letter of completion or a peace officer training certificate for this training I must pass all applicable tests and test components, including but not limited to sit-ups, push-ups, and a 1.5 mile run.
6. I have been informed by the commander of the physical fitness requirements for my age and sex, and I understand that I must meet these requirements in each component of a physical assessment, which will be held within the last 80 hours of scheduled OPOTC topics. I further understand that I will be given two opportunities to meet those requirements. I understand that if I fail any requirement during my first attempt, I must meet the requirements for all three events during the second attempt. I understand that an unexcused absence from an assessment constitutes a failure of the OPOTC physical fitness assessment. It is my obligation to notify my commander before a scheduled assessment, if I suffer any illness, injury, or condition, which might preclude my participation in the assessment. I understand that if I suffer illness or injury during an attempt, the attempt will be counted as a failure.

If I wish to request an extension of time for an assessment for medical reasons, I understand that I must give the commander a written excuse, signed by a medical doctor (MD), osteopath (DO), physician's assistant (PA), certified nurse practitioner (CNP) licensed in Ohio, on a form prescribed by the OPOTC. If I am granted an extension of time to complete the assessment I will receive a letter from the OPOTC Executive Director notifying me of the extension, and a deadline date for when I must complete the physical assessment, I must complete the make-up assessment and re-test (if necessary) before my extension expires, and it must be completed at the OPOTA, in London.

7. I understand that OPOTC provides class curriculum and assumes no responsibility other than the opportunity to learn under supervision, and as such I waive any and all claims that I may have against OPOTC, the Attorney General's Office, the State of Ohio, and its employees and agents, including but not limited to any and all liability claims or demands for personal injury, sickness, or death, as well as property damages and expenses, of any nature whatsoever which may be incurred while participating in the above referenced program or in any medical procedure arising out of or related to my participation in such program, including but not limited to any training conducted at the OPOTC approved school and at any and all state training locations from any cause whatsoever, including any claims or demands based upon negligence. I release OPOTC, the Attorney General's Office, the State of Ohio, and its employees and agents, from any and all liability, and I further agree to indemnify the OPOTC, the Attorney General's Office, the State of Ohio, and its employees and agents, from any loss, liability, damage, or cost, including reasonable attorney's fees, that may occur due to my participation in the above referenced program or in any medical procedure arising out of or related to my participation in such program, whether or not such loss, liability, damage, or cost results from the negligence or other action, except intentional acts. I understand and intend that this release of liability shall be effective and binding upon my heirs, next of kin executors, administrators and assigns in the event of my death.

C. Authorization for use or disclosure of drug screen information.

1. I consent to submit to a drug screen and to furnish a sample of my urine for analysis to a testing facility designated by the commander in order to be eligible to attend peace officer basic training.
2. I authorize and give full permission to have the laboratory or other testing facility to release any and all documentation relating to such screen to the above listed commander or designee. I further agree to and hereby authorize the release of the results of said tests to the commander, their designee, or the OPOTC.
3. I understand that my sample will be screened for the following substances and concentrations:

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites – Codeine/Morphine	2000ng/mL	Codeine Morphine	2000 ng/mL 2000ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL

4. I understand that a positive result for drugs, or my refusal to authorize the screens by signing this form, failure to take the specified screens, or failure to produce a specimen, may preclude me from attending this academy.
5. I understand that I must provide proof within 72 hours of a positive test that I am taking a controlled substance as directed pursuant to a lawful prescription issued in my name if that substance causes a positive result.
6. I understand that the OPOTC approved school is not a covered entity and is not subject to the privacy requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). I understand that there is a potential that information disclosed to the OPOTC approved school may be subjected to redisclosure by the OPOTC approved school, and not protected from such redisclosure by federal law or federal rule.

7. I understand that I may revoke this authorization in writing submitted at any time to the OPOTC approved school except to the extent that action has been taken in reliance on this authorization. If this authorization has not been revoked, it will terminate two years from the date of my signature.



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Ohio Peace Officer Training Commission
740-845-2700
800-346-7682
Fax 740-845-2675

P.O. Box 309
London, Ohio 43140
www.OhioAttorneyGeneral.gov

Student Enrollment/Certification Record

Student information:

Name: _____ Alias: _____
Last First Middle

Home Address: _____
No./Street and/or P.O. Box City County Name State Zip

Phone Number: _____ - _____ - _____ Male Female DOB: _____ SSN (Last 5): _____

Email: _____

Operator's License Number: _____ State: _____ Expiration Date: _____

Complete if applicable & attach SF400 Notice of Appointment:

Appointing/Employing Agency _____ Agency County _____

Agency email _____ Date of appointment/employment _____ Position/Title _____

Race: _____ American Indian/Alaska Native _____ Asian _____ Black/African American _____ Hispanic/Latino
_____ Native Hawaiian/Pacific Islander _____ White _____ Other

Education: High School Diploma GED

Student Status:

Peace Officer	_____ Basic Training _____ Refresher _____ Prior- Equivalent
Private Security	_____ Academic _____ Revolver _____ Shotgun _____ Semi Auto Pistol _____ REQ
Full-Service Facility	_____ Correction Officer _____ Prior Equivalent
Jailer	_____ 12-Day Facility _____ 12-Hour Facility
Court Officer	_____ Basic Training

Commander's Signature Date School Name School Number

OPOTC use only

Approved DNC Open Enrollment Private Security Requal Due Date: _____

Approval Date: _____ Exam Date: _____

Certification Officer's Initials: _____ Last Date of Class: _____

Certificate Number: _____ Date Certificate Issued: _____



Student Handbook Acknowledgement and Verification

My signature below indicates I have received, read, and agree to abide by the Ohio Revised Code, the Ohio Administrative Code, the Peace Officer Basic Training Student Handbook, and the above-listed forms, and that if any of the information contained in the Handbook needs additional information or explanation, that information or explanation is detailed below.

Additional Information or Explanation:

(Attach additional documentation if needed).

 Student's Name (please print)

 Student's Signature

 Date

 Witness Name (please print)

 Witness Signature

 Date

 School Name

 School Number



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



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REQUEST FOR NATIONAL WEBCHECK®

All information must be typed or printed.

This completed form is to be returned to the commander by the student.

INSTRUCTIONS TO NATIONAL WEBCHECK® FACILITY

- Transaction Type is both BCI and FBI.
- Reason Fingerprinted is “Law Enforcement Employment” or “Law Enforcement/Criminal Justice” for BCI and “Law” for FBI.
- This is a **Direct Copy** transaction to the Ohio Peace Officer Training Academy (OPOTA). No address needs entered.

TO BE COMPLETED BY STUDENT

I am scheduled to attend an Ohio Peace Officer Training Commission-approved Program to be held at:

_____ beginning on _____.
(Academy Name) (Date)

As part of the enrollment process, the OPOTC requires that I have a criminal record background check conducted within 90 days of the above date by the Ohio Bureau of Criminal Identification (BCI) and the Federal Bureau of Identification (FBI). Therefore, I am requesting a National WebCheck®, 10-digit, for law enforcement purposes.

Name: _____
(Last) (First) (Middle Name)

Previous Name(s) or Alias: _____

Date of Birth: _____ Social Security Number: _____

Address (including P.O. Box, if applicable): _____

City: _____ State: _____ Zip Code: _____

Name of Fingerprinting Agency: _____

Signature of Person Being Fingerprinted: _____ Date Fingerprinted: _____



Family Educational Rights and Privacy Act (FERPA)
20 U.S.C. § 1232g; 34 CFR Part 99)
CONSENT TO RELEASE STUDENT INFORMATION

TO ADMINISTRATOR(S) AND/OR STAFF OF:

(College, University, or Career Center that will release the educational records)

Please provide information from the educational records of:

(Name of Student requesting the release of educational records)

to the Ohio Peace Officer Training Commission (OPOTC).

The information to be released under this consent includes any requested records, other than medical records held solely by Student Health Services or the Counseling Center. The information is to be released for the purpose of Ohio Peace Officer Commission oversight of, and communication regarding training programs related to Ohio Administrative Code Chapters 109:2-1 through 109:2-18.

I understand the information may be released orally or in the form of copies of written records, photographs, videos, electronic documents, or otherwise, as preferred by the requester. I have a right to inspect any written records released pursuant to this Consent. I understand I may revoke this Consent upon providing written notice to the Commander of the OPOTC-approved school with which I am or was associated and/or enrolled. I further understand that until this revocation is made, this consent shall remain in effect and my educational records will continue to be provided to the Ohio Peace Officer Training Commission for the purposes described above.

Student Name (print) _____
(Name of parent/legal guardian, if student is a minor)

Signature _____
(Signature of parent/legal guardian, if student is a minor)

Student ID Number _____

Date _____



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Ohio Peace Officer Training Commission
Office 800-346-7682
Fax 740-845-2675

P.O. Box 309
London, OH 43140
www.OhioAttorneyGeneral.gov

Student Health Data

Name: _____ Age: _____ Sex: Male _____ Female _____
Last First Middle

School Name: _____ School Number: _____

Commander Name: _____ Commander Email: _____

Do you have any physical or psychological limitations/injuries that might in any way restrict your full participation in physical activities during training?

_____ Yes _____ No If yes, please describe: _____

Student's Signature _____

Date _____

This section to be completed by medical professional (medical doctor (MD), osteopath (DO), physician's assistant (PA), or certified nurse practitioner (CNP), licensed by the Ohio State Medical Board or the Ohio State Board of Nursing, or a neighboring state's equivalent, or a medical professional with the US Department of Veterans' Affairs.): This physical examination should ascertain any conditions which may preclude the student's ability to participate in, or which may be aggravated by, strenuous physical exercise. As a part of peace officer basic training, the student will engage in calisthenics, running, jumping, wrestling, unarmed self-defense, firearms, driving and other physically demanding exercises.

Height: _____ feet _____ inches Weight: _____ pounds Resting Pulse Rate: _____ beats per minute Blood Pressure: _____/ _____

Does the patient have a medical history of, or presently demonstrate symptoms of, any of the following?

- | | | | | | |
|-------|-------|-------------------------------------|-------|-------|---|
| Yes | No | | Yes | No | |
| _____ | _____ | 1. Uncorrected visual deficiency | _____ | _____ | 9. Dizziness/Fainting |
| _____ | _____ | 2. Major impairment of the senses | _____ | _____ | 10. Back/Neck injury or recurrent pain |
| _____ | _____ | 3. Asthma or Breathing difficulties | _____ | _____ | 11. Pregnancy |
| _____ | _____ | 4. Heart attack; Angina Pectoris | _____ | _____ | 12. Communicable diseases |
| _____ | _____ | 5. Stroke | _____ | _____ | 13. Amputation/Prosthetic devices |
| _____ | _____ | 6. Hemorrhage | _____ | _____ | 14. Bone/joint injury or recurrent pain |
| _____ | _____ | 7. Hypertension | _____ | _____ | 15. Taking medication |
| _____ | _____ | 8. Allergies _____ | _____ | _____ | 16. Under physician's continuing care |

Please note any other condition(s) not listed above which may affect the student's participation. Also please explain each "Yes" response above, indicating the item number:

As a result of my physical examination, I have determined that the student can, without limitation, safely function in all phases of strenuous physical training including, but not limited to, calisthenics, running, jumping, wrestling, unarmed self-defense, firearms, driving and a physical fitness assessment consisting of sit-ups, push-ups, and a timed 1.5 mile run.

Signature of Medical Professional _____

Printed/Typed Name with Title (MD, DO, PA or CNP) _____

License Number _____

Issuing State _____

Phone Number _____

Address _____

Date of Examination _____

City, State, Zip _____

***Please give completed form back to the student to return to the commander or send to the above noted commander's email address.**



Authorization for Use or Disclosure of Drug Screen Information

Applicant's Name: _____
 Applicant's Date of Birth: _____
 Commander: _____
 Commander's Address: _____

I hereby consent to submit to a drug screen and to furnish a sample of my urine for analysis to a testing facility designated by the commander in order to be eligible to attend peace officer basic training.

I further authorize and give full permission to have the laboratory or other testing facility release any and all documentation relating to such screen to the above listed commander or designee. I further agree to and hereby authorize the release of the results of said tests to the commander, their designee, or the Ohio Peace Officer Training Commission (OPOTC).

I understand that my sample will be screened for the following substances and concentrations:

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoylcgonine	100 ng/mL
Opiate metabolites - Codeine/Morphine	2000ng/mL	Codeine Morphine	2000 ng/mL 2000ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL

I understand that a positive result for drugs, or my refusal to authorize the tests by signing this form, take the specified test(s), or failure to produce a specimen, may preclude me from attending this academy.

I understand that I must provide proof within 72 hours that I am taking a controlled substance as directed pursuant to a lawful prescription issued in my name if that substance causes a positive result.

I understand that the OPOTC certified school is not a covered entity and is not subject to the privacy requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). I understand that there is a potential that information disclosed to the OPOTC certified school may be subjected to redisclosure by the OPOTC certified school, and not protected from such redisclosure by federal law or federal rule.

I understand that I may revoke this authorization in writing submitted at any time to the OPOTC certified school except to the extent that action has been taken in reliance on this authorization. If this authorization has not been revoked, it will terminate two years from the date of my signature.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act and that I have not been coerced into signing this document.

APPLICANT:

Signature: _____ Date: _____

Weapons Disabilities

Guidance for OPOTC-Certified Commanders

OHIO PEACE OFFICER TRAINING COMMISSION

Steven W. Schierholt, Executive Director



Introduction

The purpose of this document is to clarify the Ohio Peace Officer Training Commission's ("OPOTC" or the "Commission") position with respect to weapons disabilities, OPOTC-approved firearms training, and the issuance of certificates evidencing successful completion of such training. In short, OPOTC-certified school commanders are prohibited from providing firearms training to, and the Commission will not generate a certificate of successful completion for, a student who is under a weapons disability. When determining a student's eligibility to participate in firearms training, we must look to relevant statutes, both state and federal, for guidance.

State Weapons Disabilities

Ohio Revised Code ("R.C.") Section 2923.13 creates a state weapons disability for anyone who (1) is a fugitive from justice; (2) is under indictment for or has been convicted of any felony offense of violence;¹ (3) has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence; (4) is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse; (5) has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse; (6) is drug dependent, in danger of drug dependence, or a chronic alcoholic; or (7) is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to hospitalization by court order,² or is an involuntary patient other than one who is a patient only for purposes of observation.³ State weapons disabilities can be relieved in one of two ways: by court order or by an unconditional pardon from the Governor. The procedures and effect are quite different, and are summarized as follows:

Court Order: In cases where a state weapons disability stems from indictment, conviction, or adjudication of a felony offense of violence or drug offense under R.C. 2923.13(A)(2) or (3), relief from the disability may be sought pursuant to R.C. 2923.14. This statutory procedure is the exclusive remedy by which a court can remove a state weapons disability.⁴ In other words, a court order sealing the record of conviction pursuant to R.C. 2953.32 (oftentimes referred to as an "expungement") is not

¹R.C. 2901.01(A)(9)

²R.C. 5122.01(B)

³R.C. 2923.13(A)

⁴*State v. Hendren*, 9th Dist. No. 22464, 2005-Ohio-2814

sufficient to relieve a defendant of a weapons disability imposed by R.C. 2923.13. To seek relief of a disability pursuant to R.C. 2923.14, a person must apply to the court of common pleas in the county in which he or she resides at the time of application. This is true even if the weapons disability resulted from adjudication as a delinquent child in juvenile court.⁵ The court will then conduct a hearing and determine whether the disability shall be lifted.

As an example, suppose a student's criminal background check reveals a prior conviction for misdemeanor drug possession under R.C. 2925.11 in the Franklin County Municipal Court, but the student now resides in Hamilton County. The student is prohibited from acquiring, having, carrying or using a firearm as provided in R.C. 2923.13(A)(3). The OPOTC will notify the student and the school commander that an apparent weapons disability exists, which the student must resolve prior to participating in any portion of firearms training in any OPOTC-approved training program. The student would have to apply to the common pleas court in his or her county of residence, in this case Hamilton County, and request a court order to remove the disability pursuant to R.C. 2923.14. After the hearing, if the court granted the student's request, the student would forward a copy of the court's journal entry to the OPOTC. The Commission would then issue a letter to the student and school commander indicating that the apparent weapons disability had been resolved, permitting the student to participate in firearms training.

The removal of a weapons disability pursuant to R.C. 2923.14 will have no effect on the underlying conviction or adjudication. A student may, at his or her option, seek to have the record of conviction sealed pursuant to R.C. 2953.32 (R.C. 2151.358 if it was a juvenile court adjudication). In such a case, the student would petition the court that presided over the case resulting in the conviction or adjudication (e.g. the Franklin County Municipal Court in the example cited above), which may be different than the court that can remove the weapons disability. The sealing of the record does not remove the student's conviction or adjudication; it merely prohibits the general public from being able to view it. Accordingly, both the OPOTC and law enforcement agencies acting as prospective employers will still have access to the record of conviction.⁶ It should be noted that if the student desires to enroll in peace officer basic training and has a felony conviction, R.C. 109.77(E)(3) prohibits the student from being awarded a peace officer basic training certificate.

⁵R.C. 2923.13(A)(2) and (3) (imposing the weapons disability specifically on juveniles adjudicated as delinquent children on violent felony or drug charges) and R.C. 2923.14(A) (providing that "any person" subject to an R.C. 2923.13(A)(2) or (3) weapons disability may petition the common pleas court in that person's county of residence).

⁶R.C. 2953.32(D)

This is true even if the record of conviction has been sealed.⁷ In such case, the student's only recourse is to seek an unconditional pardon from the Governor, as discussed below.

Governor's Pardon: Section 11, Article III of the Ohio Constitution gives the Governor of Ohio the authority to grant pardons. "An unconditional pardon relieves the person to whom it is granted of all disabilities arising out of the conviction or convictions from which it is granted."⁸ Thus, an unconditional pardon will not only relieve a state weapons disability, it removes all consequences of the underlying conviction. As indicated above, R.C. 109.77(E)(3) disqualifies a student who has a felony conviction from becoming a peace officer; an unconditional pardon is necessary to remove this disqualification.

As an example, suppose the criminal background check of a student intending to enroll in peace officer basic training reveals a prior conviction for Felonious Assault under R.C. 2903.11, a felony offense of violence as defined in R.C. 2901.01(A)(9). Such a conviction creates both a state and a federal weapons disability (see Federal Weapons Disabilities below). The student could apply to the common pleas court in his or her county of residence to remove the state weapons disability pursuant to R.C. 2923.14. However, R.C. 109.77(E)(3) would still disqualify the student, as a convicted felon, from obtaining a peace officer basic training certificate. Thus, to be eligible for training, the student would have to obtain an unconditional pardon from the Governor, which would also resolve the state weapons disability. Upon receiving a copy of the Governor's warrant, the Commission would notify the student and school commander that the state weapons disability and/or disqualifying felony conviction had been resolved, permitting the student to enroll and/or participate in basic training.

⁷*In re Forster*, 161 Ohio App.3d 627, 2005-Ohio-3094 (holding that where an agency is specifically authorized by R.C. 2953.32(D) to inspect a sealed conviction, the agency may consider the conviction in performing its lawful functions).

⁸R.C. 2967.04(B)

Federal Weapons Disabilities

Section 922(g), Title 18, of the United States Code (“U.S.C.”) creates a federal weapons disability for anyone who (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; (2) is a fugitive from justice; (3) is an unlawful user of or addicted to any controlled substance; (4) has been adjudicated as a mental defective or has been committed to any mental institution; (5) being an alien, is illegally or unlawfully in the United States; (6) has been discharged from the Armed Forces under dishonorable conditions; (7) having been a citizen of the United States, has renounced his citizenship; (8) is subject to a court order restraining such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or (9) has been convicted in any court of a misdemeanor crime of domestic violence.

It should be noted that in many respects, federal weapons disabilities are very similar to Ohio’s. Perhaps the most significant difference is that federal law imposes a weapons disability for misdemeanor domestic violence convictions, which are defined at 18 U.S.C. 921(a)(33). As a general rule, relief from federal weapons disabilities can be sought from the United States Attorney General pursuant to 18 U.S.C. 925(c). However, in cases of a state misdemeanor domestic violence conviction, the federal statutory definition of “misdemeanor crime of domestic violence” excludes any conviction that “has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored.”⁹ In other words, an order from an Ohio court sealing the record of conviction pursuant to R.C. 2953.32, while it does not technically “relieve” the federal disability [which only the United States Attorney General can do pursuant to 18 U.S.C. 925(c)], it does exclude the domestic violence conviction from being considered as a “conviction” that would trigger a federal weapons disability. Similarly, conviction of a “crime punishable by imprisonment for a term exceeding one year” (i.e. a felony conviction in Ohio) does not count as a “conviction” if it has been “expunged, or set aside or [if the] person has been pardoned or has had civil rights restored.”¹⁰ Thus, in effect, an expungement from an Ohio state court does remove the federal domestic violence and felony conviction weapons disabilities. Alternatively, an unconditional pardon yields the same result.

As an example of a federal weapons disability, suppose a student’s criminal background check reveals a prior conviction for misdemeanor Domestic Violence under R.C. 2919.25. Such a conviction does not create a state weapons disability

⁹18 U.S.C. 921(a)(33)(B)(ii)

¹⁰18 U.S.C. 921(a)(20)

under R.C. 2923.13. However, a federal weapons disability is imposed by 18 U.S.C. 922(g)(9). The student would need to petition the court in which he or she was convicted of the domestic violence offense for an order sealing the record of conviction pursuant to R.C. 2953.32. Such an order would exclude the conviction from the federal statutory definition of a misdemeanor crime of domestic violence, and hence the federal weapons disability would no longer apply. The student would need to forward a copy of the court's order sealing the record of conviction to the OPOTC. The Commission would then notify the student and school commander that the disability had been resolved. As an alternative to the expungement under R.C. 2953.32, the student could petition the Governor for an unconditional pardon. As previously mentioned, since Ohio law does not recognize a misdemeanor domestic violence conviction as an offense that would trigger a state weapons disability under R.C. 2923.13, an application to the common pleas court pursuant to R.C. 2923.14 is not necessary.

Juvenile Adjudications

It should be noted that, under Ohio law, an adjudication in juvenile court as a delinquent child is not considered to be a "conviction" of a criminal offense.¹¹ In cases where juvenile adjudications are to be treated the same as criminal convictions, the General Assembly has specified that the particular statute applies to both persons who have been convicted of a particular criminal offense, and to persons who have been adjudicated as a delinquent child for the commission of acts that would constitute that particular offense. For instance, the state "felony offense of violence" weapons disability imposed by R.C. 2923.13(A)(2) is specifically made applicable to persons who have been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

As an example of how juvenile adjudications can sometimes apply, suppose a student intending to enroll in peace officer basic training has a prior juvenile court adjudication as a delinquent child for committing an act that would constitute Felonious Assault under R.C. 2903.13. R.C. 2923.13(A)(2) imposes a state weapons disability since that subsection specifically applies to juvenile adjudications, and Felonious Assault is a felony offense of violence under R.C. 2901.01(A)(9). However, in this case there is no federal weapons disability imposed by virtue of a conviction of a "crime punishable by imprisonment for a term exceeding one year." Rather, 18 U.S.C. 921(a)(20) states that "[w]hat constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held." In other words, since under Ohio law a juvenile adjudication is not considered a criminal conviction, the federal weapons disability does not apply.

¹¹R.C. 2151.358(H)

Similarly, R.C. 109.77(E)(3) does not disqualify the student for having a felony adjudication, since that statute is not expressly made applicable to juvenile court adjudications. Thus, the OPOTC would notify the student and school commander of the apparent state weapons disability. The student would need to petition the common pleas court in his or her county of residence pursuant to R.C. 2923.14 to remove the weapons disability. Once obtained, a copy of the court's journal entry would be forwarded to the OPOTC, and the Commission would in turn notify the student and school commander that the disability had been resolved.

As another example, suppose the student's prior juvenile adjudication was for a misdemeanor domestic violence violation. In this case, there would be no state weapons disability, since Ohio law does not impose a disability for a domestic violence conviction, even if committed by an adult. Moreover, there would be no federal weapons disability, since under Ohio law the juvenile adjudication is not a criminal conviction. Thus, the student would be permitted to participate in firearms training.

Disclaimer

This document is not intended to cover every conceivable circumstance that students and/or school commanders may face, nor is it intended to provide specific legal advice for students who are subject to weapons disabilities and/or disqualifying offenses. Rather, the examples given are intended to illustrate typical scenarios that the Commission frequently encounters, and to clarify the types of proof the Commission will require to approve a prospective student for training when an issue results from his or her criminal background check. As always, the Commission urges students to seek the advice of competent legal counsel to determine what steps are appropriate to their specific situation.

2923.13 Having weapons while under disability.

(A) Unless relieved from disability as provided in section [2923.14](#) of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

- (1) The person is a fugitive from justice.
- (2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.
- (3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.
- (4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.
- (5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to hospitalization by court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section [5122.01](#) of the Revised Code.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.

Amended by 129th General Assembly File No. 30, HB 54, §1, eff. 9/30/2011.

Effective Date: 04-08-2004

2923.14 Relief from weapons disability.

(A) Any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides for relief from such prohibition.

(B) The application shall recite the following:

- (1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and any release granted under a community control sanction, post-release control sanction, or parole, any partial or conditional pardon granted, or other disposition of each case, or, if the disability is based upon a factor other than an indictment, a conviction, or an adjudication, the factor upon which the disability is based and all details related to that factor;
- (2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor. The county prosecutor shall cause the matter to be investigated and shall raise before the court any objections to granting relief that the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) One of the following applies:

(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.

(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.

(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:

(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3)

May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(4) Is automatically void upon commission by the applicant of any offense set forth in division (A)(2) or (3) of section [2923.13](#) of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A)(1), (4), or (5) of that section.

(G) As used in this section:

(1) "Community control sanction" has the same meaning as in section [2929.01](#) of the Revised Code.

(2) "Post-release control" and "post-release control sanction" have the same meanings as in section [2967.01](#) of the Revised Code.

Amended by 129th General Assembly File No. 30, HB 54, §1, eff. 9/30/2011.

Effective Date: 01-01-2004

Related Legislative Provision: See 129th General Assembly File No. 30, HB 54, §3

2953.36 Sealing of record of conviction exceptions.

Sections [2953.31](#) to [2953.35](#) of the Revised Code do not apply to any of the following:

- (A) Convictions when the offender is subject to a mandatory prison term;
- (B) Convictions under section [2907.02](#), [2907.03](#), [2907.04](#), [2907.05](#), [2907.06](#), [2907.321](#), [2907.322](#), or [2907.323](#), former section [2907.12](#), or Chapter 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;
- (C) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section [2917.03](#) of the Revised Code and is not a violation of section [2903.13](#), [2917.01](#), or 2917.31 of the Revised Code that is a misdemeanor of the first degree;
- (D) Convictions on or after October 10, 2007, under section [2907.07](#) of the Revised Code or a conviction on or after October 10, 2007, for a violation of a municipal ordinance that is substantially similar to that section;
- (E) Convictions on or after October 10, 2007, under section [2907.08](#), [2907.09](#), [2907.21](#), [2907.22](#), [2907.23](#), [2907.31](#), [2907.311](#), [2907.32](#), or [2907.33](#) of the Revised Code when the victim of the offense was under eighteen years of age;
- (F) Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony, except for convictions under section [2919.21](#) of the Revised Code;
- (G) Convictions of a felony of the first or second degree;
- (H) Bail forfeitures in a traffic case as defined in Traffic Rule 2.

Amended by 129th General Assembly File No. 131, SB 337, §1, eff. 9/28/2012.

Effective Date: 01-01-2004; 2007 SB18 10-10-2007

2953.37 Expungement of certain convictions relating to firearms.

(A) As used in this section:

- (1) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.
- (2) "Official records" has the same meaning as in section [2953.51](#) of the Revised Code.
- (3) "Prosecutor" has the same meaning as in section [2953.31](#) of the Revised Code.

(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.

(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section [2923.16](#) of the Revised Code as the division existed prior to September 30, 2011, and who is authorized by division (H)(2)(a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered;

(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section [2923.16](#) of the Revised Code as the division existed prior to September 30, 2011, and that the applicant is authorized by division (H)(2)(a) of that section to file an application under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(D)

(1) At the hearing held under division (C) of this section, the court shall do each of the following:

(a) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (E) of section [2923.16](#) of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011;

(b) Determine whether the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section [2923.16](#) of the Revised Code as the division existed prior to September 30, 2011, and whether the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after September 30, 2011;

(c) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(d) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged against the legitimate needs, if any, of the government to maintain those records.

(2)

(a) The court may order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (D)(1) of this section, determines both of the following:

(i) That the applicant has been convicted of or pleaded guilty to a violation of division (E) of section [2923.16](#) of the Revised Code as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, or that the applicant has been convicted of or pleaded guilty to a violation of division (B) or (C) of section [2923.16](#) of the Revised Code as the division existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of that division on or after September 30, 2011, due to the application of division (F)(5) of that section as it exists on and after September 30, 2011;

(ii) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

(b) The proceedings in the case that is the subject of an order issued under division (D)(2)(a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section [109.572](#) of the Revised Code or a determination under section [2923.125](#) or [2923.1212](#) of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

Amended by 129th General Assembly File No. 190, HB 495, §1, eff. 3/27/2013.

Added by 129th General Assembly File No. 34, SB 17, §1, eff. 9/30/2011.

2925.11 Possession of controlled substances.

(A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

(B) This section does not apply to any of the following:

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

(4) Any person who obtained the controlled substance pursuant to a lawful prescription issued by a licensed health professional authorized to prescribe drugs.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marijuana, cocaine, L.S.D., heroin, hashish, and controlled substance analogs, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division (C) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of possession of cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, possession of cocaine is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, possession of cocaine is a felony of the fourth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.

(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree.

(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section [2929.13](#) of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, possession of a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds fifty grams, possession of a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections [2929.13](#), [2929.14](#), [2929.22](#), [2929.24](#), and [2929.25](#) of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections [2929.11](#) to [2929.18](#), or sections [2929.21](#) to [2929.28](#) of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1)

(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section [2929.18](#) of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section [3719.21](#) of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section [2929.18](#) of the Revised Code in accordance with and subject to the requirements of division (F) of section [2925.03](#) of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section [2925.03](#) of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail pursuant to division (E)(1)(b) of this section as if it were a mandatory fine imposed under division (E)(1)(a) of this section.

(2) The court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(3) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section [2925.38](#) of the Revised Code.

(F) It is an affirmative defense, as provided in section [2901.05](#) of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section [2901.05](#) of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section [2925.03](#) of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense obtained, possessed, or used an item described in division (HH)(2)(a), (b), or (c) of section [3719.01](#) of the Revised Code.

Amended by 129th General Assembly File No. 189, HB 334, §1, eff. 12/20/2012.

Amended by 129th General Assembly File No. 43, HB 64, §1, eff. 10/17/2011.

Amended by 129th General Assembly File No. 29, HB 86, §1, eff. 9/30/2011.

Effective Date: 01-01-2004; 05-17-2006; 2008 HB195 09-30-2008

Related Legislative Provision: See 129th General Assembly File No. 29, HB 86, §3

2923.21 Improperly furnishing firearms to minor.

(A) No person shall do any of the following:

(1) Sell any firearm to a person who is under eighteen years of age;

(2) Subject to division (B) of this section, sell any handgun to a person who is under twenty-one years of age;

(3) Furnish any firearm to a person who is under eighteen years of age or, subject to division (B) of this section, furnish any handgun to a person who is under twenty-one years of age, except for lawful hunting, sporting, or educational purposes, including, but not limited to, instruction in firearms or handgun safety, care, handling, or marksmanship under the supervision or control of a responsible adult;

(4) Sell or furnish a firearm to a person who is eighteen years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the firearm for the purpose of selling the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or for the purpose of furnishing the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(5) Sell or furnish a handgun to a person who is twenty-one years of age or older if the seller or furnisher knows, or has reason to know, that the person is purchasing or receiving the handgun for the purpose of selling the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or for the purpose of furnishing the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age;

(6) Purchase or attempt to purchase any firearm with the intent to sell the firearm in violation of division (A)(1) of this section to a person who is under eighteen years of age or with the intent to furnish the firearm in violation of division (A)(3) of this section to a person who is under eighteen years of age;

(7) Purchase or attempt to purchase any handgun with the intent to sell the handgun in violation of division (A)(2) of this section to a person who is under twenty-one years of age or with the intent to furnish the handgun in violation of division (A)(3) of this section to a person who is under twenty-one years of age.

(B) Divisions (A)(1) and (2) of this section do not apply to the sale or furnishing of a handgun to a person eighteen years of age or older and under twenty-one years of age if the person eighteen years of age or older and under twenty-one years of age is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.

(C) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a felony of the fifth degree.

Effective Date: 03-31-1997

“ATF MEMO” Received via fax by OPOTC 12/11/96 – Retyped 4/16/99

[seal]

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

OPEN LETTER TO ALL STATE AND LOCAL
LAW ENFORCEMENT OFFICIALS

The purpose of this letter is to provide information to all State and local law enforcement agencies regarding one specific aspect of the recently enacted Omnibus Consolidated Appropriations Act of 1997 (the Act). One part of the Act amended the Gun Control Act of 1968 (GCA) to make it unlawful for any person convicted of a “misdemeanor crime of domestic violence” to ship, transport, possess, or receive firearms of ammunition. It also makes it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor. This new prohibition does apply to all law enforcement officers.

Acts add new firearms disability

As defined in the GCA, a “misdemeanor crime of domestic violence” means an offense that:

- (1) is a misdemeanor under Federal or State law; and
- (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a by a person similarly situated to a spouse, parent, or guardian of the victim.

This definition includes all misdemeanors that involve the use or attempted use of physical force (e.g. simple assault, assault and battery) if the offense is committed by one of the defined parties. This is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor. For example, a person convicted of misdemeanor assault against his or her spouse would be prohibited from receiving or possessing firearms or ammunition. Moreover, the prohibition applies to persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the new law’s effective date, September 30, 1996. As of the effective date of the new law, such a person may no longer possess a firearm or ammunition. However, with respect to all persons, a conviction would not be disabling if it has been expunged, set aside, pardoned, or the person has had his or her civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) AND the person is not otherwise prohibited from possessing firearms or ammunition.

New disability applies to law enforcement officers

In addition, the Act amended the GCA so that employees of government agencies convicted of qualifying misdemeanors would not be exempt from this new disability with respect to their receipt or possession of firearms or ammunition. Thus, law enforcement officers and other government officials who have

been convicted of a qualifying misdemeanor will not be able to lawfully possess or receive firearms or ammunition for any purpose, including performing their official duties. This disability applies to firearms and ammunition issued by government agencies, firearms and ammunition purchased by officials for use in performing their official duties, and personal firearms and ammunition possessed by such officials.

In view of this amendment's effect on law enforcement officers, your department may want to determine if any employee who is authorized to carry a firearm is subject to this disability and what appropriate action should be taken. Employees subject to this disability must immediately dispose of all firearms and ammunition in their possession. The continued possession of firearms and ammunition by persons under this disability is a violation of law and may subject the possessor to criminal penalties. In addition, such firearms and ammunition are subject to seizure and forfeiture.

In cases where your agency becomes aware of individuals subject to this disability, we recommend that such persons be encouraged to relinquish all firearms and ammunition in their possession immediately to a third party, such as their attorney, their local police agency, or a firearms dealer.

If such person refuses to relinquish the firearm or ammunition, and your agency is without authority to retain or seize the firearm or ammunition, you should contact the local ATF office.

Brady Act

In the so-called "Brady States" Chief Law Enforcement Officers (CLEOs) "shall make a reasonable effort" to determine whether a prospective buyer's receipt of a handgun would be in violation of the law. CLEOs have five business days in which to make that reasonable effort. What constitutes a "reasonable effort" is to be determined by each law enforcement agency based on its own circumstances, e.g. the availability of resources, access to records, and the law enforcement priorities of the jurisdiction.

This "reasonable effort" standard is not altered by the addition of this new disqualifying category. It remains fully within the discretion of the CLEO to determine what effort is reasonable. For example, even if the CLEO determines that a misdemeanor assault conviction has occurred, it remains fully within the CLEO's discretion to determine whether to make a further inquiry.

ATF forms are being revised to reflect the new category of prohibited persons.

If you have questions concerning these new provisions, contact your local ATF office or the Firearms and Explosives Regulatory Division at 202-927-8300.

[sig]

John W. Magaw
Director

QUESTIONS AND ANSWERS REGARDING
MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

Q. X was convicted of misdemeanor assault on October 10, 1996. The crime of assault does not make specific mention of domestic violence but the criminal complaint reflects that he assault his wife. May X still possess firearms or ammunition?

A. No. X may no longer possess firearms or ammunition.

Q. X was convicted of the same crime on September 20, 1996, 10 days before the effective date of the new statute. He possesses a firearm on October 10, 1996. May X lawfully possess firearms?

A. No. If a person was convicted of the crime at any time, he or she may not lawfully possess firearms or ammunition on or after September 30, 1996.

Q. Officer C was charged with felony assault on her child in 1989. She pled guilty to a misdemeanor and the felony charge was dismissed. She was suspended from the police force and ordered to undergo counseling. After successful completion of the counseling, she was reinstated. May Officer C lawfully possess firearms or ammunition?

A. No. Officer C may no longer lawfully possess firearms or ammunition either on or off duty.

Note: For one who has been convicted of a misdemeanor crime of domestic violence, the prohibition on the possession of firearms and ammunition does not apply if the individual has received a pardon for the crime, the conviction has been expunged or set-aside, or the person has had civil rights restored (if there was a loss of civil rights) AND the person is not otherwise prohibited from possessing firearms or ammunition.