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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

H.B. 313  
135<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by House Government Oversight

**Primary Sponsors:** Reps. Callender and Mathews

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### SUMMARY

- Permits fire investigators to attend approved peace officer training schools to receive firearms training that would qualify them to carry firearms while on duty.
- Requires the Attorney General to adopt specified rules governing the training of fire investigators to qualify them to carry firearms while on duty.
- Certifies fire investigators who successfully complete an approved training program that qualifies them to carry firearms while on duty.
- Permits fire investigators to carry firearms while on duty if the investigator is authorized by certain specified entities.
- Requires that a fire investigator seeking to carry firearms while on duty has done or received the following:
  - Has been awarded a certificate by the executive director of the Ohio Peace Officer Training Commission that certifies satisfactory completion of basic training qualifying the investigator to carry firearms while on duty.
  - Prior to or during employment as a fire investigator, has successfully completed a firearms training program that was approved by the Ohio Peace Officer Training Commission.
- Protects a fire investigator who is authorized to carry one or more firearms from potential civil or criminal liability for any conduct that occurs while carrying the firearm or firearms to the same extent as law enforcement.
- Permits fire investigators to attend selected training courses at the Ohio Peace Officer Training Academy that qualify investigators to carry firearms while on duty.
- Adds fire investigators to group of persons required to complete a firearms requalification program.

- Provides that a fire investigator who is qualified to carry firearms while on duty has the same right to carry a concealed handgun in Ohio as a person who was issued a concealed handgun license.
- Defines “fire investigator” and “fire department.”

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## **DETAILED ANALYSIS**

### **Fire investigator firearms training**

The bill requires the Ohio Peace Officer Training Academy (OPOTA) to recommend rules to the Attorney General with respect to permitting fire investigators to attend approved peace officer training schools, including OPOTA, to receive training to qualify them to carry firearms while on duty, and to receive certificates of satisfactory completion of training programs as well as rules relating to the requirements for training programs that fire investigators must complete to qualify them to carry firearms while on duty.<sup>1</sup>

### **Rules governing fire investigator firearms training**

The bill requires the Attorney General to adopt rules governing the training of fire investigators to qualify them to carry firearms while on duty. The rules must specify the amount of training necessary for the satisfactory completion of training programs at approved peace officer training schools other than OPOTA.<sup>2</sup> The rules must include both of the following:

- That all fire investigators must receive firearms training through a program approved by the Ohio Peace Officer Training Commission as well as training in additional subjects that the Ohio Peace Officer Training Commission believes is necessary.<sup>3</sup>
- If a fire investigator is seeking certification to carry a rifle or carbine while on duty, the investigator must receive proper training specific to the use of rifles and carbines approved by the Ohio Peace Officer Training Commission.<sup>4</sup>

The Attorney General must also adopt rules that authorize and govern the attendance of fire investigators at approved peace officer training schools, including OPOTA, where they receive training to qualify them to carry firearms while on duty, as well as the certification of the investigators upon their satisfactory completion of training programs providing that training.<sup>5</sup> The bill also gives the executive director of the Ohio Peace Office Training Commission the power to certify fire investigators who satisfactorily complete approved training programs

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<sup>1</sup> R.C. 109.73(A)(18) and (19).

<sup>2</sup> R.C. 109.7481(A).

<sup>3</sup> R.C. 109.7481(A)(1).

<sup>4</sup> R.C. 109.7481(A)(2).

<sup>5</sup> R.C. 109.7481(B).

that qualify them to carry firearms while on duty and issue appropriate certificates to those investigators.<sup>6</sup>

## **Fire investigators requirements for carrying firearms**

Under the bill, a fire investigator may only carry firearms while on duty if certain requirements are met. In order to carry firearms on duty, a fire investigator must be authorized by the State Fire Marshal if the fire investigator is employed by the state. If the fire investigator is employed by a municipal fire department, then the fire investigator must be authorized by the legislative authority of the municipal corporation served by the fire department. If the fire investigator is employed by a township, the investigator must be authorized by that township's fire department chief, or the chief of the fire department of the joint fire district. If the fire investigator is employed by a township or village where no fire department is established, then the fire prevention officer of that township or village where the fire investigator is serving must specifically authorize the investigator to carry firearms while on duty.<sup>7</sup>

The bill also requires that, in order to carry a firearm while on duty, a fire investigator be awarded a certificate by the executive director of the Ohio Peace Officer Training Commission. The certificate represents satisfactory completion of an approved state, county, or municipal basic training program or an OPOTA program that qualifies the investigator to carry firearms while on duty. The certificate must also conform to the rules adopted by the Attorney General, as described under "**Rules governing fire investigator firearms training**," above.<sup>8</sup> Before or during employment as a fire investigator and before the bill's effective date, a fire investigator who successfully completed a firearms training program approved by the Ohio Peace Officer Training Commission will be qualified to carry firearms while on duty and therefore may carry firearms while on duty.<sup>9</sup>

The bill also provides that a fire investigator who carries one or more firearms on duty after being authorized, has protection from civil or criminal liability. The protection applies to any conduct occurring while carrying a firearm or firearms to the same extent as a law enforcement officer of a law enforcement agency has such protection.<sup>10</sup>

## **Fire investigators firearms training courses**

The bill requires OPOTA to permit fire investigators, along with tactical medical professionals under existing law, to attend training courses at OPOTA that are designed to qualify fire investigators to carry firearms while on duty. The courses are comparable to training

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<sup>6</sup> R.C. 109.75(O).

<sup>7</sup> R.C. 109.774(A)(1).

<sup>8</sup> R.C. 109.774(A)(2)(a).

<sup>9</sup> R.C. 109.774(A)(2)(b).

<sup>10</sup> R.C. 109.774(B).

received from training programs at approved peace officer training schools.<sup>11</sup> After the satisfactory completion of the selected courses, the executive director of the Ohio Peace Officer Training Commission may certify fire investigators to carry firearms while on duty.<sup>12</sup> The bill provides that the political subdivision served by a fire investigator who attends OPOTA may pay the tuition costs of the fire investigator.<sup>13</sup>

## **Fire investigators requalification and license to carry firearms**

Under the bill, fire investigators are added to the list of persons required to complete a firearms requalification program.<sup>14</sup> The bill requires that a fire investigator who is authorized to carry firearms in the course of the fire investigator's official duties successfully complete a firearms requalification program approved by the executive director of the Ohio Peace Officer Training Commission.<sup>15</sup> The bill also provides that a fire investigator who is qualified to carry firearms while on duty has the same right to carry a concealed handgun in Ohio as person who was issued a concealed handgun license.<sup>16</sup>

## **Definitions**

The bill defines the following terms for purposes of its provisions described above:<sup>17</sup>

**"Fire investigator"** means an employee of a fire department charged with investigating fires and explosions who has been authorized to perform the duties of investigating the origin and cause of fires and explosions using the scientific method to investigate elements of the event including the circumstances, actions, persons, means, and motives that resulted in the fire or explosion or the report of a fire or explosion within Ohio.

"Fire investigator" does not include a person who is acting as a fire investigator on behalf of an insurance company or any other privately owned or operated enterprise.

**"Fire department"** means a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision.

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<sup>11</sup> R.C. 109.79(A).

<sup>12</sup> R.C. 109.79(A).

<sup>13</sup> R.C. 109.79(A).

<sup>14</sup> R.C. 109.801(A)(1).

<sup>15</sup> R.C. 109.801(A)(1).

<sup>16</sup> R.C. 2923.126(E)(4).

<sup>17</sup> R.C. 109.71(J) and (K).

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## HISTORY

Action	Date
Introduced	10-30-23
Reported, H. Government Oversight	02-07-24

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