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H.B. 206
134th General Assembly

Final Analysis

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Primary Sponsors: Reps. Ghanbari and O'Brien

Effective date: September 23, 2022

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UPDATED VERSION*

SUMMARY

- Grants township officers, who serve a township with a population between 5,000 and 50,000, the authority to make an arrest for specified traffic offenses on an interstate highway within the township's jurisdiction if certain criteria are met and the board of township trustees adopts a resolution authorizing the arrests.
- Specifies that the fine collected from a speeding ticket issued by a township officer on an interstate highway within the township's jurisdiction must be paid to the county treasury for highway maintenance and repair.

DETAILED ANALYSIS

Jurisdiction of township officers on interstate highways

Interstates within a township

The act alters the arrest authority of township officers¹ who serve a township with a population² between 5,000 and 50,000 regarding specified traffic and motor vehicle equipment

* This version updates the effective date.

¹ For purposes of this analysis, a "township officer" means a person who has received a certification from the Ohio Peace Officer Training Commission and who is (1) a member of the police force of a township police district, (2) a member of a joint police district, or (3) a township constable. R.C. 4513.39(B).

² "Population" means the population of the township, according to the most recent federal decennial census, that created the township or joint police district served by the township officer or the population of the township served by the township officer when the officer is a township constable. R.C. 4513.39.

violations. Specifically, the township board of trustees may adopt a resolution³ that authorizes the township's officers to make arrests on an interstate highway that is part of the interstate highway system, provided that:

1. The interstate highway is located within the township officers' jurisdiction; and
2. The highway has a permanent access point on and off the highway for the township officers to use that is located within the township officers' jurisdiction and is open to the public. (An access point that is available as of the act's effective date – September 23, 2022 – remains an available access point for township officers to use even if a municipal corporation subsequently annexes the territory in which the access point is located.)⁴

Prior law generally prohibited a township officer who served a township with a population of 50,000 or less from enforcing the specified traffic laws on interstate highways. Table 1 below illustrates the arrest authority for township officers on highways within the township's jurisdiction, as altered by the act.

Table 1: Township officer arrest authority on highways

Officer jurisdiction	Highways where officer has arrest authority before H.B. 206	Highways where officer has arrest authority after H.B. 206 ⁵
Township with a population of less than 5,000	State highways and national highway system highways that are <i>not</i> interstate highways (for example, U.S. Route 23)	Same
Township with a population between 5,000 to 50,000	State highways and national highway system highways that are <i>not</i> interstate highways	State highways and national highway system highways, <i>including</i> interstate highways (if there is an appropriate township resolution)
Township with a population exceeding 50,000	State highways and national highway system highways, <i>including</i> interstate highways	Same

Fine distribution

Under the act, the fine collected from a speeding ticket issued by an authorized township officer on an interstate highway within a township with a population between 5,000 and 50,000 must be paid into the county treasury for highway maintenance and repair. This fine

³ The board may subsequently rescind the resolution.

⁴ R.C. 4513.39(C).

⁵ R.C. 4513.39(B) and (C).

distribution is consistent with the speeding fines collected on interstate highways by a township officer who serves a township with a population greater than 50,000, which is also paid into the county treasury for those purposes.⁶ All other fines collected by a township officer for the nonspeeding traffic offenses are split 50% to the township general fund and 50% to the county treasury for highway maintenance and repair.⁷

Township officer jurisdiction

The territorial jurisdiction of a township officer may include the boundaries of the unincorporated area of a township or the boundaries of a township police district or joint police district. A township police district is a district created by a board of township trustees that encompasses all or a portion of the township's unincorporated territory. A joint police district is a district created by the boards of two or more contiguous townships, or the boards of one or more contiguous townships and the legislative authorities of one or more contiguous municipal corporations encompassing all or any part of the townships or municipal corporations, as mutually agreed.⁸

HISTORY

Action	Date
Introduced	03-11-21
Reported, H. Transportation & Public Safety	04-21-21
Passed House (83-10)	05-12-21
Reported, S. Gov't Oversight & Reform	06-01-22
Passed Senate (29-3)	06-01-22

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⁶ R.C. 4513.35(A)(3)(b).

⁷ R.C. 4513.35(A)(3)(a).

⁸ R.C. 4513.39(B) and R.C. 505.48 and 505.482, not in the act.