

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 421**

**Representatives Smith, T., Blair**

**Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien**

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**A BILL**

To amend section 4973.17 of the Revised Code to  
provide a municipal corporation or county  
immunity from civil and criminal liability in  
any action that arises from a hospital police  
officer acting directly in the discharge of the  
person's duties as a police officer and that  
occurs on the premises of the hospital or its  
affiliates or subsidiaries or elsewhere in the  
municipal corporation or county.

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

**Section 1.** That section 4973.17 of the Revised Code be  
amended to read as follows:

**Sec. 4973.17.** (A) (1) Upon the application of any bank;  
savings and loan association; savings bank; credit union; or  
association of banks, savings and loan associations, savings  
banks, or credit unions in this state, the secretary of state  
may appoint and commission any persons that the bank; savings  
and loan association; savings bank; credit union; or association  
of banks, savings and loan associations, savings banks, or

credit unions designates, or as many of those persons as the 19  
secretary of state considers proper, to act as police officers 20  
for and on the premises of that bank; savings and loan 21  
association; savings bank; credit union; or association of 22  
banks, savings and loan associations, savings banks, or credit 23  
unions; or elsewhere, when directly in the discharge of their 24  
duties. Police officers so appointed shall be citizens of this 25  
state and of good character. Police officers so appointed who 26  
start to perform their duties on or after April 14, 2006, shall 27  
successfully complete a training program approved by the Ohio 28  
peace officer training commission described in section 109.71 of 29  
the Revised Code and be certified by the commission within six 30  
months after starting to perform their duties. Police officers 31  
so appointed shall hold office for three years, unless, for good 32  
cause shown, their commission is revoked by the secretary of 33  
state, or by the bank; savings and loan association; savings 34  
bank; credit union; or association of banks, savings and loan 35  
associations, savings banks, or credit unions, as provided by 36  
law. 37

(2) Persons commissioned as police officers pursuant to 38  
division (A) of this section prior to April 14, 2006, who have 39  
not successfully completed a training program approved by the 40  
Ohio peace officer training commission, and who have not been 41  
certified by the commission, may be reappointed and re- 42  
commissioned by the secretary of state only during the person's 43  
continuous employment as a police officer by the institution for 44  
which the person was employed on April 14, 2006, or by a 45  
successor institution to the institution for which the person 46  
was employed on April 14, 2006. The secretary of state shall 47  
note on such appointments and commissions that the person is not 48  
a peace officer as defined in section 109.71 of the Revised 49

Code. 50

(3) For the exclusive purpose of assigning break in 51  
service update training as prescribed in rule 109:2-1-12 (D) of 52  
the Administrative Code, a police officer appointed under 53  
division (A) of this section, who began performing police 54  
officer duties on or before April 14, 2006, shall be credited as 55  
holding a valid peace officer appointment retroactive to the 56  
date on which the officer began performing these duties. 57

(B) Upon the application of a company owning or using a 58  
railroad in this state and subject to section 4973.171 of the 59  
Revised Code, the secretary of state may appoint and commission 60  
any persons that the railroad company designates, or as many of 61  
those persons as the secretary of state considers proper, to act 62  
as police officers for and on the premises of the railroad 63  
company, its affiliates or subsidiaries, or elsewhere, when 64  
directly in the discharge of their duties. Police officers so 65  
appointed, within the time set by the Ohio peace officer 66  
training commission, shall successfully complete a commission 67  
approved training program and be certified by the commission. 68  
They shall hold office for three years, unless, for good cause 69  
shown, their commission is revoked by the secretary of state, or 70  
railroad company, as provided by law. 71

Any person holding a similar commission in another state 72  
may be commissioned and may hold office in this state without 73  
completing the approved training program required by this 74  
division provided that the person has completed a substantially 75  
equivalent training program in the other state. The Ohio peace 76  
officer training commission shall determine whether a training 77  
program in another state meets the requirements of this 78  
division. 79

(C) Upon the application of any company under contract 80  
with the United States atomic energy commission for the 81  
construction or operation of a plant at a site owned by the 82  
commission, the secretary of state may appoint and commission 83  
persons the company designates, not to exceed one hundred fifty, 84  
to act as police officers for the company at the plant or site 85  
owned by the commission. Police officers so appointed shall be 86  
citizens of this state and of good character. They shall hold 87  
office for three years, unless, for good cause shown, their 88  
commission is revoked by the secretary of state or by the 89  
company, as provided by law. 90

(D) (1) Upon the application of any hospital that is 91  
operated by a public hospital agency or a nonprofit hospital 92  
agency and that employs and maintains its own proprietary police 93  
department or security department and subject to section 94  
4973.171 of the Revised Code, the secretary of state may appoint 95  
and commission any persons that the hospital designates, or as 96  
many of those persons as the secretary of state considers 97  
proper, to act as police officers for the hospital. No person 98  
who is appointed as a police officer under this division shall 99  
engage in any duties or activities as a police officer for the 100  
hospital or any affiliate or subsidiary of the hospital unless 101  
all of the following apply: 102

(a) The chief of police of the municipal corporation in 103  
which the hospital is located or, if the hospital is located in 104  
the unincorporated area of a county, the sheriff of that county 105  
has granted approval to the hospital to permit persons appointed 106  
as police officers under this division to engage in those duties 107  
and activities. The approval required by this division is 108  
general in nature and is intended to cover in the aggregate all 109  
persons appointed as police officers for the hospital under this 110

division; a separate approval is not required for each appointee 111  
on an individual basis. 112

(b) Subsequent to the grant of approval described in 113  
division (D)(1)(a) of this section, the hospital has entered 114  
into a written agreement with the chief of police of the 115  
municipal corporation in which the hospital is located or, if 116  
the hospital is located in the unincorporated area of a county, 117  
with the sheriff of that county, that sets forth the standards 118  
and criteria to govern the interaction and cooperation between 119  
persons appointed as police officers for the hospital under this 120  
division and law enforcement officers serving the agency 121  
represented by the chief of police or sheriff who signed the 122  
agreement in areas of their concurrent jurisdiction. The written 123  
agreement shall be signed by the appointing authority of the 124  
hospital and by the chief of police or sheriff. The standards 125  
and criteria may include, but are not limited to, provisions 126  
governing the reporting of offenses discovered by hospital 127  
police officers to the agency represented by the chief of police 128  
or sheriff, provisions governing investigatory responsibilities 129  
relative to offenses committed on hospital property, and 130  
provisions governing the processing and confinement of persons 131  
arrested for offenses committed on hospital property. The 132  
agreement required by this division is intended to apply in the 133  
aggregate to all persons appointed as police officers for the 134  
hospital under this division; a separate agreement is not 135  
required for each appointee on an individual basis. 136

(c) The person has successfully completed a training 137  
program approved by the Ohio peace officer training commission 138  
and has been certified by the commission. A person appointed as 139  
a police officer under this division may attend a training 140  
program approved by the commission and be certified by the 141

commission regardless of whether the appropriate chief of police 142  
or sheriff has granted the approval described in division (D) (1) 143  
(a) of this section and regardless of whether the hospital has 144  
entered into the written agreement described in division (D) (1) 145  
(b) of this section with the appropriate chief of police or 146  
sheriff. 147

(2) (a) A person who is appointed as a police officer under 148  
division (D) (1) of this section is entitled, upon the grant of 149  
approval described in division (D) (1) (a) of this section and 150  
upon the person's and the hospital's compliance with the 151  
requirements of divisions (D) (1) (b) and (c) of this section, to 152  
act as a police officer for the hospital on the premises of the 153  
hospital and of its affiliates and subsidiaries that are within 154  
the territory of the municipal corporation served by the chief 155  
of police or the unincorporated area of the county served by the 156  
sheriff who signed the written agreement described in division 157  
(D) (1) (b) of this section, whichever is applicable, and anywhere 158  
else within the territory of that municipal corporation or 159  
within the unincorporated area of that county. The authority to 160  
act as a police officer as described in this division is granted 161  
only if the person, when engaging in that activity, is directly 162  
in the discharge of the person's duties as a police officer for 163  
the hospital. The authority to act as a police officer as 164  
described in this division shall be exercised in accordance with 165  
the standards and criteria set forth in the written agreement 166  
described in division (D) (1) (b) of this section. 167

(b) Additionally, a person appointed as a police officer 168  
under division (D) (1) of this section is entitled, upon the 169  
grant of approval described in division (D) (1) (a) of this 170  
section and upon the person's and the hospital's compliance with 171  
the requirements of divisions (D) (1) (b) and (c) of this section, 172

to act as a police officer elsewhere, within the territory of a 173  
municipal corporation or within the unincorporated area of a 174  
county, if the chief of police of that municipal corporation or 175  
the sheriff of that county, respectively, has granted approval 176  
for that activity to the hospital, police department, or 177  
security department served by the person as a police officer and 178  
if the person, when engaging in that activity, is directly in 179  
the discharge of the person's duties as a police officer for the 180  
hospital. The approval described in this division may be general 181  
in nature or may be limited in scope, duration, or 182  
applicability, as determined by the chief of police or sheriff 183  
granting the approval. 184

(3) Police officers appointed under division (D) (1) of 185  
this section shall hold office for three years, unless, for good 186  
cause shown, their commission is revoked by the secretary of 187  
state or by the hospital, as provided by law. 188

(4) The municipal corporation in which the hospital is 189  
located or, if the hospital is located in the unincorporated 190  
area of a county, the county is immune from civil or criminal 191  
liability in any action brought under the laws of this state if 192  
all of the following apply: 193

(a) The action arises out of the actions of a police 194  
officer appointed under division (D) (1) of this section. 195

(b) The actions of the police officer are directly in the 196  
discharge of the person's duties as a police officer for the 197  
hospital. 198

(c) The actions of the police officer occur on the 199  
premises of the hospital or its affiliates or subsidiaries that 200  
are within the territory of the municipal corporation served by 201

the chief of police or the unincorporated area of the county 202  
served by the sheriff who signed the agreement described in 203  
division (D) (1) (b) of this section, whichever is applicable, or 204  
anywhere else within the territory of that municipal corporation 205  
or within the unincorporated area of that county. 206

(5) As used in ~~divisions~~ division (D) (1) ~~to (3)~~ of this 207  
section, "public hospital agency" and "nonprofit hospital 208  
agency" have the same meanings as in section 140.01 of the 209  
Revised Code. 210

(E) (1) Upon the application of any owner or operator of an 211  
amusement park that has an average yearly attendance in excess 212  
of six hundred thousand guests and that employs and maintains 213  
its own proprietary police department or security department and 214  
subject to section 4973.171 of the Revised Code, any judge of 215  
the municipal court or county court that has territorial 216  
jurisdiction over the amusement park may appoint and commission 217  
any persons that the owner or operator designates, or as many of 218  
those persons as the judge considers proper, to act as police 219  
officers for the amusement park. If the amusement park is 220  
located in more than one county, any judge of the municipal 221  
court or county court of any of those counties may make the 222  
appointments and commissions as described in this division. No 223  
person who is appointed as a police officer under this division 224  
shall engage in any duties or activities as a police officer for 225  
the amusement park or any affiliate or subsidiary of the owner 226  
or operator of the amusement park unless all of the following 227  
apply: 228

(a) The appropriate chief or chiefs of police of the 229  
political subdivision or subdivisions in which the amusement 230  
park is located as specified in this division have granted 231

approval to the owner or operator of the amusement park to 232  
permit persons appointed as police officers under this division 233  
to engage in those duties and activities. If the amusement park 234  
is located in a single municipal corporation or a single 235  
township, the chief of police of that municipal corporation or 236  
township is the appropriate chief of police for the grant of 237  
approval under this division. If the amusement park is located 238  
in two or more townships, two or more municipal corporations, or 239  
one or more townships and one or more municipal corporations, 240  
the chiefs of police of all of the affected townships and 241  
municipal corporations are the appropriate chiefs of police for 242  
the grant of approval under this division, and the approval must 243  
be jointly granted by all of those chiefs of police. The 244  
approval required by this division is general in nature and is 245  
intended to cover in the aggregate all persons appointed as 246  
police officers for the amusement park under this division. A 247  
separate approval is not required for each appointee on an 248  
individual basis. 249

(b) Subsequent to the grant of approval described in 250  
division (E) (1) (a) of this section, the owner or operator has 251  
entered into a written agreement with the appropriate chief or 252  
chiefs of police of the political subdivision or subdivisions in 253  
which the amusement park is located as specified in this 254  
division and has provided the sheriff of the county in which the 255  
political subdivision or subdivisions are located with a copy of 256  
the agreement. If the amusement park is located in a single 257  
municipal corporation or a single township, the chief of police 258  
of that municipal corporation or township is the appropriate 259  
chief of police for entering into the written agreement under 260  
this division. If the amusement park is located in two or more 261  
townships, two or more municipal corporations, or one or more 262

townships and one or more municipal corporations, the chiefs of 263  
police of all of the affected townships and municipal 264  
corporations are the appropriate chiefs of police for entering 265  
into the written agreement under this division, and the written 266  
agreement must be jointly entered into by all of those chiefs of 267  
police. The written agreement between the owner or operator and 268  
the chief or chiefs of police shall address the scope of 269  
activities, the duration of the agreement, and mutual aid 270  
arrangements and shall set forth the standards and criteria to 271  
govern the interaction and cooperation between persons appointed 272  
as police officers for the amusement park under this division 273  
and law enforcement officers serving the agency represented by 274  
the chief of police who signed the agreement. The written 275  
agreement shall be signed by the owner or operator and by the 276  
chief or chiefs of police who enter into it. The standards and 277  
criteria may include, but are not limited to, provisions 278  
governing the reporting of offenses discovered by the amusement 279  
park's police officers to the agency represented by the chief of 280  
police of the municipal corporation or township in which the 281  
offense occurred, provisions governing investigatory 282  
responsibilities relative to offenses committed on amusement 283  
park property, and provisions governing the processing and 284  
confinement of persons arrested for offenses committed on 285  
amusement park property. The agreement required by this division 286  
is intended to apply in the aggregate to all persons appointed 287  
as police officers for the amusement park under this division. A 288  
separate agreement is not required for each appointee on an 289  
individual basis. 290

(c) The person has successfully completed a training 291  
program approved by the Ohio peace officer training commission 292  
and has been certified by the commission. A person appointed as 293

a police officer under this division may attend a training 294  
program approved by the commission and be certified by the 295  
commission regardless of whether the appropriate chief of police 296  
has granted the approval described in division (E) (1) (a) of this 297  
section and regardless of whether the owner or operator of the 298  
amusement park has entered into the written agreement described 299  
in division (E) (1) (b) of this section with the appropriate chief 300  
of police. 301

(2) (a) A person who is appointed as a police officer under 302  
division (E) (1) of this section is entitled, upon the grant of 303  
approval described in section (E) (1) (a) of this section and upon 304  
the person's and the owner or operator's compliance with the 305  
requirements of division (E) (1) (b) and (c) of this section, to 306  
act as a police officer for the amusement park and its 307  
affiliates and subsidiaries that are within the territory of the 308  
political subdivision or subdivisions served by the chief of 309  
police, or respective chiefs of police, who signed the written 310  
agreement described in division (E) (1) (b) of this section, and 311  
upon any contiguous real property of the amusement park that is 312  
covered by the written agreement, whether within or adjacent to 313  
the political subdivision or subdivisions. The authority to act 314  
as a police officer as described in this division is granted 315  
only if the person, when engaging in that activity, is directly 316  
in the discharge of the person's duties as a police officer for 317  
the amusement park. The authority to act as a police officer as 318  
described in this division shall be exercised in accordance with 319  
the standards and criteria set forth in the written agreement 320  
described in division (E) (1) (b) of this section. 321

(b) In addition to the authority granted under division 322  
(E) (2) (a) of this section, a person appointed as a police 323  
officer under division (E) (1) of this section is entitled, upon 324

the grant of approval described in division (E) (1) (a) of this 325  
section and upon the person's and the owner or operator's 326  
compliance with the requirements of divisions (E) (1) (b) and (c) 327  
of this section, to act as a police officer elsewhere within the 328  
territory of a municipal corporation or township if the chief of 329  
police of that municipal corporation or township has granted 330  
approval for that activity to the owner or operator served by 331  
the person as a police officer and if the person, when engaging 332  
in that activity, is directly in the discharge of the person's 333  
duties as a police officer for the amusement park. The approval 334  
described in this division may be general in nature or may be 335  
limited in scope, duration, or applicability, as determined by 336  
the chief of police granting the approval. 337

(3) Police officers appointed under division (E) (1) of 338  
this section shall hold office for five years, unless, for good 339  
cause shown, their commission is revoked by the appointing judge 340  
or the judge's successor or by the owner or operator, as 341  
provided by law. 342

(F) A fee of fifteen dollars for each commission applied 343  
for under this section shall be paid at the time the application 344  
is made, and this amount shall be returned if for any reason a 345  
commission is not issued. 346

**Section 2.** That existing section 4973.17 of the Revised 347  
Code is hereby repealed. 348