

43rd Ohio House District

Serving Preble and Western
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J. Todd Smith
State Representative

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Criminal Justice

Primary and Secondary Education

State and Local Government

Subcommittee on Criminal Sentencing

Commission on Minority Health

Commission on Fatherhood

Sponsor Testimony for H.B. 236

Chairman Green, Vice-Chair McClain, ranking member Sheehy and members of the House Transportation and Public Safety Committee. Thank you for allowing me the opportunity to provide sponsor testimony for House Bill 236 alongside my colleague Representative Plummer.

When I first came to Columbus I was told to always listen to my constituents and to simply try to find a need and in that need I would find an opportunity to help, to serve and make a difference.

The impetus for HB236 came when my office received a message from an officer who is employed by a hospital in my district. This officer is fully OPOTA certified according to the State Attorney General and is a badge wearing, handgun carrying officer who can actually be called in for backup for the City of Eaton Police Department. The officer was assaulted one day, punched in the face, while helping a mentally disturbed patient into the hospital. He was informed by the prosecutor that the assailant would be prosecuted for assault but not assault on an officer. When asked why this was the case he was informed that he was technically not a peace officer by definition in the Ohio Revised Code.

All individuals who can be trained and certified by the state as peace officers are listed in section 109.71 of the Ohio Revised Code. All of these OPOTA certified officers, including those employed by hospitals, are called peace officers in this section of the code.

Yet when assault on an officer is mentioned in the ORC assault codes (2903.11, 2903.12, 2903.13) it refers to the definition of a peace officer in section 2935.01 of the code not section 109.71. A hospital employed police officer is not listed in section 2935.01 of the code.

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The simple correction which HP 236 seeks is to take the exact same language referring to a hospital employed peace officer in section 109.71 of the code and include it in the definition of a peace officer in section 2935.01 of the code.

These officers employed at the hospitals are fully certified according to the law and should also be fully protected by the law.

An interesting situation could occur if this officer were called in for backup by the city department. If the hospital employed officer and a city employed officer were assaulted on the same call, by the same criminal, in the same way, the criminal would be prosecuted differently for each assault.

To me this seems to be a clear need and a simple fix. After running this situation by interested parties we now have the support of the Buckeye Sheriffs Association, The Ohio Prosecuting Attorney's Association and the Fraternal Order of Police.

Thank you for your time here today and I will be glad to answer any questions you may have to the best of my ability.