

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 91

Representative Cupp

Cosponsors: Representatives Goodman, O'Brien, Riedel, Rogers, Young

A BILL

To amend sections 505.49, 737.052, and 737.15 and
to enact section 109.804 of the Revised Code to
require the Ohio Peace Officer Training
Commission to develop and conduct a chief of
police training course for newly appointed
village, city, and township chiefs of police.

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

Section 1. That sections 505.49, 737.052, and 737.15 be
amended and section 109.804 of the Revised Code be enacted to
read as follows:

Sec. 109.804. (A) The Ohio peace officer training
commission shall develop and conduct a chief of police training
course lasting forty hours for newly appointed chiefs of police
appointed on or after January 1, 2018. The commission shall
determine the course topics, which shall include diversity
training with an emphasis on historical perspectives and
community-police relations, and shall establish criteria for
what constitutes successful completion of the course. The
commission shall conduct the course at the Ohio peace officer

training academy and shall offer the course at least 19
semiannually. 20

(B) A newly appointed chief of police may request an 21
equivalency exemption from a portion of the forty hours of the 22
chief of police training course by submitting to the Ohio peace 23
officer training commission, not more than ten calendar days 24
following the person's appointment as a chief of police, 25
evidence of training or qualification in the subject area of the 26
exempted portion. 27

(C) Upon presentation of evidence by a newly appointed 28
chief of police that because of a medical disability or other 29
good cause the newly appointed chief of police is unable to 30
complete the chief of police training course, the Ohio peace 31
officer training commission may defer the requirement for the 32
newly appointed chief of police to complete the chief of police 33
training course until the disability or cause terminates. 34

(D) As used in this section, "newly appointed chief of 35
police" means a person appointed chief of police under section 36
505.49, 737.05, or 737.15 of the Revised Code who did not hold 37
the office of chief of police on the date the person was 38
appointed chief of police, any person otherwise designated as 39
chief of police of a township, city, or village, or any 40
administrative official who is responsible for the daily 41
administration and supervision of peace officers in the 42
township, city, or village, as applicable. 43

Sec. 505.49. (A) As used in this section, "felony" has the 44
same meaning as in section 109.511 of the Revised Code. 45

(B) (1) The township trustees of a township police 46
district, by a two-thirds vote of the board, or a joint police 47

district board, by majority vote of its members, may adopt rules 48
necessary for the operation of the township or joint police 49
district, including a determination of the qualifications of the 50
chief of police, patrol officers, and others to serve as members 51
of the district police force. 52

(2) Except as otherwise provided in division (E) of this 53
section and subject to division (D) of this section, the 54
township trustees of a township police district, by a two-thirds 55
vote of the board or the joint police district board, by 56
majority vote of its members, shall appoint a chief of police 57
for the district, determine the number of patrol officers and 58
other personnel required by the district, and establish salary 59
schedules and other conditions of employment for the employees 60
of the township or joint police district. The chief of police of 61
the district shall serve at the pleasure of the township 62
trustees or the joint police district board and shall appoint 63
patrol officers and other personnel that the district may 64
require, subject to division (D) of this section and to the 65
rules and limits as to qualifications, salary ranges, and 66
numbers of personnel established by the board of township 67
trustees or the joint police district board. The township 68
trustees may include in the township police district and under 69
the direction and control of the chief of police any constable 70
appointed pursuant to section 509.01 of the Revised Code, or may 71
designate the chief of police or any patrol officer appointed by 72
the chief of police as a constable, as provided for in section 73
509.01 of the Revised Code, for the township police district. 74

(3) Except as provided in division (D) of this section, a 75
patrol officer, other police district employee, or police 76
constable, who has been awarded a certificate attesting to the 77
satisfactory completion of an approved state, county, or 78

municipal police basic training program, as required by section 79
109.77 of the Revised Code, may be removed or suspended only 80
under the conditions and by the procedures in sections 505.491 81
to 505.495 of the Revised Code. Any other patrol officer, police 82
district employee, or police constable shall serve at the 83
pleasure of the township trustees or joint police district 84
board. In case of removal or suspension of an appointee by the 85
board of township trustees of a township police district or the 86
joint police district board, that appointee may appeal the 87
decision of either board to the court of common pleas of the 88
county in which the district is situated to determine the 89
sufficiency of the cause of removal or suspension. The appointee 90
shall take the appeal within ten days of written notice to the 91
appointee of the decision of the board. 92

(C) (1) Division (B) of this section does not apply to a 93
township that has a population of ten thousand or more persons 94
residing within the township and outside of any municipal 95
corporation, that has its own police department employing ten or 96
more full-time paid employees, and that has a civil service 97
commission established under division (B) of section 124.40 of 98
the Revised Code. The township shall comply with the procedures 99
for the employment, promotion, and discharge of police personnel 100
provided by Chapter 124. of the Revised Code, except as 101
otherwise provided in divisions (C) (2) and (3) of this section. 102

(2) The board of township trustees of the township may 103
appoint the chief of police, and a person so appointed shall be 104
in the unclassified service under section 124.11 of the Revised 105
Code and shall serve at the pleasure of the board. A person 106
appointed chief of police under these conditions who is removed 107
by the board or who resigns from the position shall be entitled 108
to return to the classified service in the township police 109

department, in the position that person held previous to the 110
person's appointment as chief of police. 111

(3) The appointing authority of an urban township, as 112
defined in section 504.01 of the Revised Code, may appoint to a 113
vacant position any one of the three highest scorers on the 114
eligible list for a promotional examination. 115

(4) The board of township trustees of a township described 116
in this division shall determine the number of personnel 117
required and establish salary schedules and conditions of 118
employment not in conflict with Chapter 124. of the Revised 119
Code. 120

(5) Persons employed as police personnel in a township 121
described in this division on the date a civil service 122
commission is appointed pursuant to division (B) of section 123
124.40 of the Revised Code, without being required to pass a 124
competitive examination or a police training program, shall 125
retain their employment and any rank previously granted them by 126
action of the township trustees or otherwise, but those persons 127
are eligible for promotion only by compliance with Chapter 124. 128
of the Revised Code. 129

(6) This division does not apply to constables appointed 130
pursuant to section 509.01 of the Revised Code. This division is 131
subject to division (D) of this section. 132

(D) (1) The board of township trustees or a joint police 133
district board shall not appoint or employ a person as a chief 134
of police, and the chief of police shall not appoint or employ a 135
person as a patrol officer or other peace officer of a township 136
police district, township police department, or joint police 137
district on a permanent basis, on a temporary basis, for a 138

probationary term, or on other than a permanent basis if the 139
person previously has been convicted of or has pleaded guilty to 140
a felony. 141

(2) (a) The board of township trustees or joint police 142
district board shall terminate the appointment or employment of 143
a chief of police, patrol officer, or other peace officer of a 144
township police district, township police department, or joint 145
police district who does either of the following: 146

(i) Pleads guilty to a felony; 147

(ii) Pleads guilty to a misdemeanor pursuant to a 148
negotiated plea agreement as provided in division (D) of section 149
2929.43 of the Revised Code in which the chief of police, patrol 150
officer, or other peace officer of a township police district, 151
township police department, or joint police district agrees to 152
surrender the certificate awarded to that chief of police, 153
patrol officer, or other peace officer under section 109.77 of 154
the Revised Code. 155

(b) The board shall suspend the appointment or employment 156
of a chief of police, patrol officer, or other peace officer of 157
a township police district, township police department, or joint 158
police district who is convicted, after trial, of a felony. If 159
such chief of police, patrol officer, or other peace officer 160
files an appeal from that conviction and the conviction is 161
upheld by the highest court to which the appeal is taken, or, if 162
no timely appeal is filed, the board shall terminate the 163
appointment or employment of that chief of police, patrol 164
officer, or other peace officer. If the chief of police, patrol 165
officer, or other peace officer of a township police district, 166
township police department, or joint police district files an 167
appeal that results in that chief of police's, patrol officer's, 168

or other peace officer's acquittal of the felony or conviction 169
of a misdemeanor, or in the dismissal of the felony charge 170
against the chief of police, patrol officer, or other peace 171
officer, the board shall reinstate that chief of police, patrol 172
officer, or other peace officer. A chief of police, patrol 173
officer, or other peace officer who is reinstated under division 174
(D) (2) (b) of this section shall not receive any back pay unless 175
the conviction of that chief of police, patrol officer, or other 176
peace officer of the felony was reversed on appeal, or the 177
felony charge was dismissed, because the court found 178
insufficient evidence to convict the chief of police, patrol 179
officer, or other peace officer of the felony. 180

(3) Division (D) of this section does not apply regarding 181
an offense that was committed prior to January 1, 1997. 182

(4) The suspension or termination of the appointment or 183
employment of a chief of police, patrol officer, or other peace 184
officer under division (D) (2) of this section shall be in 185
accordance with Chapter 119. of the Revised Code. 186

(E) The board of township trustees or the joint police 187
district board may enter into a contract under section 505.43 or 188
505.50 of the Revised Code to obtain all police protection for 189
the township police district or joint police district from one 190
or more municipal corporations, county sheriffs, or other 191
townships. If the board enters into such a contract, subject to 192
division (D) of this section, it may, but is not required to, 193
appoint a police chief for the district. 194

(F) The members of the police force of a township police 195
district of a township, or of a joint police district board 196
comprised of a township, that adopts the limited self-government 197
form of township government shall serve as peace officers for 198

the township territory included in the district. 199

(G) A chief of police or patrol officer of a township 200
police district, township police department, or joint police 201
district may participate, as the director of an organized crime 202
task force established under section 177.02 of the Revised Code 203
or as a member of the investigatory staff of that task force, in 204
an investigation of organized criminal activity in any county or 205
counties in this state under sections 177.01 to 177.03 of the 206
Revised Code. 207

(H) (1) A newly appointed chief of police appointed on or 208
after January 1, 2018, shall attend a chief of police training 209
course conducted by the Ohio peace officer training commission 210
pursuant to division (A) of section 109.804 of the Revised Code 211
not later than six months after the person's appointment as a 212
chief of police under this section. While attending the chief of 213
police training course, a newly appointed chief of police shall 214
receive compensation in the same manner and amounts as if 215
carrying out the powers and duties of the office of chief of 216
police. The costs of conducting the chief of police training 217
course shall be paid from state funds appropriated to the 218
attorney general. The cost of meals, lodging, and travel of a 219
newly appointed chief of police attending the chief of police 220
training course shall be paid from the budget of the township 221
police district or the budget of the joint police district board 222
that appointed the newly appointed chief of police. 223

(2) As used in this section, "newly appointed chief of 224
police" means a person appointed chief of police under this 225
section who did not hold the office of chief of police on the 226
date the person was appointed chief of police, any person 227
otherwise designated as chief of police, or any administrative 228

official who is responsible for the daily administration and 229
supervision of peace officers in the township. 230

Sec. 737.052. (A) As used in this section, "felony" has 231
the same meaning as in section 109.511 of the Revised Code. 232

(B) (1) The director of public safety shall not appoint a 233
person as a chief of police, a member of the police department 234
of the municipal corporation, or an auxiliary police officer on 235
a permanent basis, on a temporary basis, for a probationary 236
term, or on other than a permanent basis if the person 237
previously has been convicted of or has pleaded guilty to a 238
felony. 239

(2) (a) The director of public safety shall terminate the 240
employment of a chief of police, member of the police 241
department, or auxiliary police officer who does either of the 242
following: 243

(i) Pleads guilty to a felony; 244

(ii) Pleads guilty to a misdemeanor pursuant to a 245
negotiated plea agreement as provided in division (D) of section 246
2929.43 of the Revised Code in which the chief of police, member 247
of the police department, or auxiliary police officer agrees to 248
surrender the certificate awarded to the chief of police, member 249
of the police department, or auxiliary police officer under 250
section 109.77 of the Revised Code. 251

(b) The director shall suspend from employment a chief of 252
police, member of the police department, or auxiliary police 253
officer who is convicted, after trial, of a felony. If the chief 254
of police, member of the police department, or auxiliary police 255
officer files an appeal from that conviction and the conviction 256
is upheld by the highest court to which the appeal is taken or 257

if the chief of police, member of the police department, or 258
auxiliary police officer does not file a timely appeal, the 259
director shall terminate that person's employment. If the chief 260
of police, member of the police department, or auxiliary police 261
officer files an appeal that results in that person's acquittal 262
of the felony or conviction of a misdemeanor, or in the 263
dismissal of the felony charge against that person, the director 264
shall reinstate that person. A chief of police, member of the 265
police department, or auxiliary police officer who is reinstated 266
under division (B) (2) (b) of this section shall not receive any 267
back pay unless that person's conviction of the felony was 268
reversed on appeal, or the felony charge was dismissed, because 269
the court found insufficient evidence to convict that person of 270
the felony. 271

(3) Division (B) of this section does not apply regarding 272
an offense that was committed prior to January 1, 1997. 273

(4) The suspension from employment, or the termination of 274
the employment, of the chief of police, member of the police 275
department, or auxiliary police officer under division (B) (2) of 276
this section shall be in accordance with Chapter 119. of the 277
Revised Code. 278

(C) (1) A newly appointed chief of police appointed on or 279
after January 1, 2018, shall attend a chief of police training 280
course conducted by the Ohio peace officer training commission 281
pursuant to division (A) of section 109.804 of the Revised Code 282
not later than six months after the person's appointment as a 283
chief of police. While attending the chief of police training 284
course, a newly appointed chief of police shall receive 285
compensation in the same manner and amounts as if carrying out 286
the powers and duties of the office of chief of police. The 287

costs of conducting the chief of police training course shall be 288
paid from state funds appropriated to the attorney general. The 289
cost of meals, lodging, and travel of a newly appointed chief of 290
police attending the chief of police training course shall be 291
paid from the budget of the city department of public safety for 292
which the newly appointed chief of police was appointed. 293

(2) As used in this section, "newly appointed chief of 294
police" means a person appointed chief of police of the city as 295
provided in section 737.05 of the Revised Code who did not hold 296
the office of chief of police on the date the person was 297
appointed chief of police, any person otherwise designated as 298
chief of police, or any administrative official who is 299
responsible for the daily administration and supervision of 300
peace officers in the city. 301

Sec. 737.15. (A) Each village shall have a marshal, 302
designated chief of police, appointed by the mayor with the 303
advice and consent of the legislative authority of the village, 304
who need not be a resident of the village at the time of 305
appointment but shall become a resident thereof within six 306
months after appointment by the mayor and confirmation by the 307
legislative authority unless such residence requirement is 308
waived by ordinance, and who shall continue in office until 309
removed therefrom as provided by section 737.171 of the Revised 310
Code. 311

(B) No person shall receive an appointment under this 312
section after January 1, 1970, unless, not more than sixty days 313
prior to receiving such appointment, the person has passed a 314
physical examination, given by a licensed physician, a physician 315
assistant, a clinical nurse specialist, a certified nurse 316
practitioner, or a certified nurse-midwife, showing that the 317

person meets the physical requirements necessary to perform the 318
duties of village marshal as established by the legislative 319
authority of the village. The appointing authority shall, prior 320
to making any such appointment, file with the Ohio police and 321
fire pension fund a copy of the report or findings of said 322
licensed physician, physician assistant, clinical nurse 323
specialist, certified nurse practitioner, or certified nurse- 324
midwife. The professional fee for such physical examination 325
shall be paid for by such legislative authority. 326

(C) (1) A newly appointed chief of police appointed on or 327
after January 1, 2018, shall attend a chief of police training 328
course conducted by the Ohio peace officer training commission 329
pursuant to division (A) of section 109.804 of the Revised Code 330
not later than six months after the person's appointment as a 331
chief of police under this section. While attending the chief of 332
police training course, a newly appointed chief of police shall 333
receive compensation in the same manner and amounts as if 334
carrying out the powers and duties of the office of chief of 335
police. The costs of conducting the chief of police training 336
course shall be paid from state funds appropriated to the 337
attorney general. The cost of meals, lodging, and travel of a 338
newly appointed chief of police attending the chief of police 339
training course shall be paid from the budget of the village for 340
which the newly appointed chief of police was appointed. 341

(2) As used in this section, "newly appointed chief of 342
police" means a person appointed chief of police under this 343
section who did not hold the office of chief of police on the 344
date the person was appointed chief of police, any person 345
otherwise designated as chief of police, or any administrative 346
official who is responsible for the daily administration and 347
supervision of peace officers in the village. 348

Section 2. That existing sections 505.49, 737.052, and 349
737.15 of the Revised Code are hereby repealed. 350