

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 91**

**Representative Cupp**

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

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**A BILL**

To amend sections 505.49, 737.052, and 737.15 and 1  
to enact section 109.804 of the Revised Code to 2  
require the Ohio Peace Officer Training 3  
Commission to develop and conduct a chief of 4  
police training course for newly appointed 5  
village, city, and township chiefs of police. 6

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

**Section 1.** That sections 505.49, 737.052, and 737.15 be 7  
amended and section 109.804 of the Revised Code be enacted to 8  
read as follows: 9

**Sec. 109.804.** (A) The Ohio peace officer training 10  
commission shall develop and conduct a chief of police training 11  
course lasting forty hours for newly appointed chiefs of police 12  
appointed on or after January 1, 2018. The commission shall 13  
determine the course topics, which shall include diversity 14  
training with an emphasis on historical perspectives and 15  
community-police relations, and shall establish criteria for 16  
what constitutes successful completion of the course. The 17  
commission shall conduct the course at the Ohio peace officer 18

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