As Introduced

132nd General Assembly
Regular Session **S. B. No. 37**
2017-2018

Senator Hite

Cosponsors: Senators Uecker, Thomas, Sykes, Yuko, Williams, Brown

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 semiannually.

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

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

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

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

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

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

(2) Except as otherwise provided in division (E) of this section and subject to division (D) of this section, the township trustees of a township police district, by a two-thirds vote of the board or the joint police district board, by majority vote of its members, shall appoint a chief of police for the district, determine the number of patrol officers and other personnel required by the district, and establish salary schedules and other conditions of employment for the employees of the township or joint police district. The chief of police of the district shall serve at the pleasure of the township trustees or the joint police district board and shall appoint patrol officers and other personnel that the district may require, subject to division (D) of this section and to the rules and limits as to qualifications, salary ranges, and numbers of personnel established by the board of township trustees or the joint police district board. The township trustees may include in the township police district and under the direction and control of the chief of police any constable appointed pursuant to section 509.01 of the Revised Code, or may designate the chief of police or any patrol officer appointed by the chief of police as a constable, as provided for in section 509.01 of the Revised Code, for the township police district.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Pleads guilty to a felony;

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

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

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

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

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

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

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

the township territory included in the district.

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

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

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

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

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

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

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

(i) Pleads guilty to a felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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