A BILL

To enact section 109.96 of the Revised Code to require the Attorney General to create a database of information regarding law enforcement officers who have been terminated or resigned under certain circumstances and to require law enforcement agencies to access the database to determine employment eligibility of those officers.

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

Section 1. That section 109.96 of the Revised Code be enacted to read as follows:

Sec. 109.96. (A) As used in this section:

(1) "Law enforcement agency" means the employer of a law enforcement officer.

(2) "Law enforcement officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police
department of a municipal corporation, police officer of a
township or joint police district, or township constable, who is
employed by a political subdivision of this state; a member of a
police force employed by a regional transit authority under
division (Y) of section 306.35 of the Revised Code; a police
officer employed by a qualified nonprofit police department
pursuant to section 1702.80 of the Revised Code; a state
university law enforcement officer appointed under section
3345.04 of the Revised Code; a member of a police force employed
by a metropolitan housing authority under division (D) of
section 3735.31 of the Revised Code; a special police officer
employed by a port authority under section 4582.04 or 4582.28 of
the Revised Code; a police officer employed by a proprietary
police department or security department of a hospital operated
by a public hospital agency or nonprofit hospital agency
pursuant to section 4973.17 of the Revised Code; a veterans'
home police officer appointed under section 5907.02 of the
Revised Code; a state highway patrol trooper; or an officer,
agent, or employee of the state or any of its agencies,
instrumentalities, or political subdivisions, upon whom, by
statute, a duty to conserve the peace or to enforce all or
certain laws is imposed and the authority to arrest violators is
conferred, within limits of that statutory duty and authority.

(B) Notwithstanding section 4117.10 of the Revised Code,
this section prevails over an agreement between a public
employer and an exclusive representative entered into after the
effective date of this section.

(C) The attorney general shall establish, administer, and
operate a database of information regarding law enforcement
officers who have been terminated from employment, resigned in
lieu of termination, resigned during a departmental
investigation, or resigned before a disciplinary hearing. The attorney general shall obtain the information from the reports provided by law enforcement agencies under division (D) of this section and shall include the information in the database. The attorney general shall maintain the database separate and apart from other records maintained by the attorney general. The attorney general shall have this database operational on or before January 1, 2021.

(D) Each law enforcement agency shall furnish to the attorney general, in a format required by the attorney general, a report of the name and date of birth of any law enforcement officer who was terminated from employment, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing; the reason for termination; and the name and telephone number of the law enforcement agency that furnished the information. The law enforcement agency shall furnish that information within thirty days after the law enforcement officer was terminated, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing.

(E) The attorney general shall allow law enforcement agencies to access the database free of charge. A law enforcement agency or the employee who hires law enforcement officers for the agency shall review information contained in the database before hiring a law enforcement officer and shall use the information for the sole purpose of determining eligibility of the law enforcement officer for employment with the law enforcement agency.

(F) The attorney general shall establish policies and procedures for the creation, administration, and operation of
the database, and for the use and dissemination of information from the database. The attorney general shall update the database by the first day of each month to reflect information reported to the attorney general under division (D) of this section.

(G) Information in the database is a public record available for inspection under section 149.43 of the Revised Code.

(H)(1) No person shall knowingly use information contained in or received from the database for purposes not authorized by this section.

(2) No person shall knowingly use information contained in or received from the database with the intent to harass or intimidate another person.

(3) Whoever violates division (H)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (H)(2) of this section is guilty of a misdemeanor of the first degree.

(I) Any law enforcement agency and law enforcement officers who comply with this section shall be immune from any civil or criminal liability for carrying out the duties of this section.