

As Reported by the Senate State and Local Government Committee

131st General Assembly

Regular Session

2015-2016

S. B. No. 322

Senator Hite

Cosponsors: Senators Lehner, LaRose

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
chiefs of police appointed on or after January
1, 2017, and to require newly appointed chiefs
of police of villages, cities, and townships to
attend the training course within six months of
appointment as a chief 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, 2017. The commission shall
determine the course topics, which shall include diversity

training with an emphasis on historical perspectives and 19
community-police relations, and shall establish criteria for 20
what constitutes successful completion of the course. The 21
commission shall conduct the course at the Ohio peace officer 22
training academy and shall offer the course at least 23
semiannually. 24

(B) A newly appointed chief of police may request an 25
equivalency exemption from a portion of the forty hours of the 26
chief of police training course by submitting to the Ohio peace 27
officer training commission, not more than ten calendar days 28
following the person's appointment as a chief of police, 29
evidence of training or qualification in the subject area of the 30
exempted portion. 31

(C) Upon presentation of evidence by a newly appointed 32
chief of police that because of a medical disability or other 33
good cause the newly appointed chief of police is unable to 34
complete the chief of police training course, the Ohio peace 35
officer training commission may defer the requirement for the 36
newly appointed chief of police to complete the chief of police 37
training course until the disability or cause terminates. 38

(D) As used in this section, "newly appointed chief of 39
police" means a person appointed chief of police under section 40
505.49, 737.05, or 737.15 of the Revised Code who did not hold 41
the office of chief of police on the date the person was 42
appointed chief of police, any person otherwise designated as 43
chief of police, or any administrative official who is 44
responsible for the daily administration and supervision of 45
peace officers in the township, city, or village, as applicable. 46

Sec. 505.49. (A) As used in this section, "felony" has the 47
same meaning as in section 109.511 of the Revised Code. 48

(B) (1) The township trustees of a township police 49
district, by a two-thirds vote of the board, or a joint police 50
district board, by majority vote of its members, may adopt rules 51
necessary for the operation of the township or joint police 52
district, including a determination of the qualifications of the 53
chief of police, patrol officers, and others to serve as members 54
of the district police force. 55

(2) Except as otherwise provided in division (E) of this 56
section and subject to division (D) of this section, the 57
township trustees of a township police district, by a two-thirds 58
vote of the board or the joint police district board, by 59
majority vote of its members, shall appoint a chief of police 60
for the district, determine the number of patrol officers and 61
other personnel required by the district, and establish salary 62
schedules and other conditions of employment for the employees 63
of the township or joint police district. The chief of police of 64
the district shall serve at the pleasure of the township 65
trustees or the joint police district board and shall appoint 66
patrol officers and other personnel that the district may 67
require, subject to division (D) of this section and to the 68
rules and limits as to qualifications, salary ranges, and 69
numbers of personnel established by the board of township 70
trustees or the joint police district board. The township 71
trustees may include in the township police district and under 72
the direction and control of the chief of police any constable 73
appointed pursuant to section 509.01 of the Revised Code, or may 74
designate the chief of police or any patrol officer appointed by 75
the chief of police as a constable, as provided for in section 76
509.01 of the Revised Code, for the township police district. 77

(3) Except as provided in division (D) of this section, a 78
patrol officer, other police district employee, or police 79

constable, who has been awarded a certificate attesting to the 80
satisfactory completion of an approved state, county, or 81
municipal police basic training program, as required by section 82
109.77 of the Revised Code, may be removed or suspended only 83
under the conditions and by the procedures in sections 505.491 84
to 505.495 of the Revised Code. Any other patrol officer, police 85
district employee, or police constable shall serve at the 86
pleasure of the township trustees or joint police district 87
board. In case of removal or suspension of an appointee by the 88
board of township trustees of a township police district or the 89
joint police district board, that appointee may appeal the 90
decision of either board to the court of common pleas of the 91
county in which the district is situated to determine the 92
sufficiency of the cause of removal or suspension. The appointee 93
shall take the appeal within ten days of written notice to the 94
appointee of the decision of the board. 95

(C) (1) Division (B) of this section does not apply to a 96
township that has a population of ten thousand or more persons 97
residing within the township and outside of any municipal 98
corporation, that has its own police department employing ten or 99
more full-time paid employees, and that has a civil service 100
commission established under division (B) of section 124.40 of 101
the Revised Code. The township shall comply with the procedures 102
for the employment, promotion, and discharge of police personnel 103
provided by Chapter 124. of the Revised Code, except as 104
otherwise provided in divisions (C) (2) and (3) of this section. 105

(2) The board of township trustees of the township may 106
appoint the chief of police, and a person so appointed shall be 107
in the unclassified service under section 124.11 of the Revised 108
Code and shall serve at the pleasure of the board. A person 109
appointed chief of police under these conditions who is removed 110

by the board or who resigns from the position shall be entitled 111
to return to the classified service in the township police 112
department, in the position that person held previous to the 113
person's appointment as chief of police. 114

(3) The appointing authority of an urban township, as 115
defined in section 504.01 of the Revised Code, may appoint to a 116
vacant position any one of the three highest scorers on the 117
eligible list for a promotional examination. 118

(4) The board of township trustees of a township described 119
in this division shall determine the number of personnel 120
required and establish salary schedules and conditions of 121
employment not in conflict with Chapter 124. of the Revised 122
Code. 123

(5) Persons employed as police personnel in a township 124
described in this division on the date a civil service 125
commission is appointed pursuant to division (B) of section 126
124.40 of the Revised Code, without being required to pass a 127
competitive examination or a police training program, shall 128
retain their employment and any rank previously granted them by 129
action of the township trustees or otherwise, but those persons 130
are eligible for promotion only by compliance with Chapter 124. 131
of the Revised Code. 132

(6) This division does not apply to constables appointed 133
pursuant to section 509.01 of the Revised Code. This division is 134
subject to division (D) of this section. 135

(D)(1) The board of township trustees or a joint police 136
district board shall not appoint or employ a person as a chief 137
of police, and the chief of police shall not appoint or employ a 138
person as a patrol officer or other peace officer of a township 139

police district, township police department, or joint police 140
district on a permanent basis, on a temporary basis, for a 141
probationary term, or on other than a permanent basis if the 142
person previously has been convicted of or has pleaded guilty to 143
a felony. 144

(2) (a) The board of township trustees or joint police 145
district board shall terminate the appointment or employment of 146
a chief of police, patrol officer, or other peace officer of a 147
township police district, township police department, or joint 148
police district who does either of the following: 149

(i) Pleads guilty to a felony; 150

(ii) Pleads guilty to a misdemeanor pursuant to a 151
negotiated plea agreement as provided in division (D) of section 152
2929.43 of the Revised Code in which the chief of police, patrol 153
officer, or other peace officer of a township police district, 154
township police department, or joint police district agrees to 155
surrender the certificate awarded to that chief of police, 156
patrol officer, or other peace officer under section 109.77 of 157
the Revised Code. 158

(b) The board shall suspend the appointment or employment 159
of a chief of police, patrol officer, or other peace officer of 160
a township police district, township police department, or joint 161
police district who is convicted, after trial, of a felony. If 162
such chief of police, patrol officer, or other peace officer 163
files an appeal from that conviction and the conviction is 164
upheld by the highest court to which the appeal is taken, or, if 165
no timely appeal is filed, the board shall terminate the 166
appointment or employment of that chief of police, patrol 167
officer, or other peace officer. If the chief of police, patrol 168
officer, or other peace officer of a township police district, 169

township police department, or joint police district files an 170
appeal that results in that chief of police's, patrol officer's,
or other peace officer's acquittal of the felony or conviction 171
of a misdemeanor, or in the dismissal of the felony charge 172
against the chief of police, patrol officer, or other peace 173
officer, the board shall reinstate that chief of police, patrol 174
officer, or other peace officer. A chief of police, patrol 175
officer, or other peace officer who is reinstated under division 176
(D) (2) (b) of this section shall not receive any back pay unless 177
the conviction of that chief of police, patrol officer, or other 178
peace officer of the felony was reversed on appeal, or the 179
felony charge was dismissed, because the court found 180
insufficient evidence to convict the chief of police, patrol 181
officer, or other peace officer of the felony. 182
183

(3) Division (D) of this section does not apply regarding 184
an offense that was committed prior to January 1, 1997. 185

(4) The suspension or termination of the appointment or 186
employment of a chief of police, patrol officer, or other peace 187
officer under division (D) (2) of this section shall be in 188
accordance with Chapter 119. of the Revised Code. 189

(E) The board of township trustees or the joint police 190
district board may enter into a contract under section 505.43 or 191
505.50 of the Revised Code to obtain all police protection for 192
the township police district or joint police district from one 193
or more municipal corporations, county sheriffs, or other 194
townships. If the board enters into such a contract, subject to 195
division (D) of this section, it may, but is not required to, 196
appoint a police chief for the district. 197

(F) The members of the police force of a township police 198
district of a township, or of a joint police district board 199

comprised of a township, that adopts the limited self-government 200
form of township government shall serve as peace officers for 201
the township territory included in the district. 202

(G) A chief of police or patrol officer of a township 203
police district, township police department, or joint police 204
district may participate, as the director of an organized crime 205
task force established under section 177.02 of the Revised Code 206
or as a member of the investigatory staff of that task force, in 207
an investigation of organized criminal activity in any county or 208
counties in this state under sections 177.01 to 177.03 of the 209
Revised Code. 210

(H) (1) A newly appointed chief of police appointed on or 211
after January 1, 2017, shall attend a chief of police training 212
course conducted by the Ohio peace officer training commission 213
pursuant to division (A) of section 109.804 of the Revised Code 214
within six months following the person's appointment as a chief 215
of police under this section. While attending the chief of 216
police training course, a newly appointed chief of police shall 217
receive compensation in the same manner and amounts as if 218
carrying out the powers and duties of the office of chief of 219
police. The costs of conducting the chief of police training 220
course shall be paid from state funds appropriated to the 221
attorney general. The cost of meals, lodging, and travel of a 222
newly appointed chief of police attending the chief of police 223
training course shall be paid from the budget of the township 224
police district or the budget of the joint police district board 225
that appointed the newly appointed chief of police. 226

(2) As used in this section, "newly appointed chief of 227
police" means a person appointed chief of police under this 228
section who did not hold the office of chief of police on the 229

date the person was appointed chief of police, any person 230
otherwise designated as chief of police, or any administrative 231
official who is responsible for the daily administration and 232
supervision of peace officers in the township. 233

Sec. 737.052. (A) As used in this section, "felony" has 234
the same meaning as in section 109.511 of the Revised Code. 235

(B) (1) The director of public safety shall not appoint a 236
person as a chief of police, a member of the police department 237
of the municipal corporation, or an auxiliary police officer on 238
a permanent basis, on a temporary basis, for a probationary 239
term, or on other than a permanent basis if the person 240
previously has been convicted of or has pleaded guilty to a 241
felony. 242

(2) (a) The director of public safety shall terminate the 243
employment of a chief of police, member of the police 244
department, or auxiliary police officer who does either of the 245
following: 246

(i) Pleads guilty to a felony; 247

(ii) Pleads guilty to a misdemeanor pursuant to a 248
negotiated plea agreement as provided in division (D) of section 249
2929.43 of the Revised Code in which the chief of police, member 250
of the police department, or auxiliary police officer agrees to 251
surrender the certificate awarded to the chief of police, member 252
of the police department, or auxiliary police officer under 253
section 109.77 of the Revised Code. 254

(b) The director shall suspend from employment a chief of 255
police, member of the police department, or auxiliary police 256
officer who is convicted, after trial, of a felony. If the chief 257
of police, member of the police department, or auxiliary police 258

officer files an appeal from that conviction and the conviction 259
is upheld by the highest court to which the appeal is taken or 260
if the chief of police, member of the police department, or 261
auxiliary police officer does not file a timely appeal, the 262
director shall terminate that person's employment. If the chief 263
of police, member of the police department, or auxiliary police 264
officer files an appeal that results in that person's acquittal 265
of the felony or conviction of a misdemeanor, or in the 266
dismissal of the felony charge against that person, the director 267
shall reinstate that person. A chief of police, member of the 268
police department, or auxiliary police officer who is reinstated 269
under division (B) (2) (b) of this section shall not receive any 270
back pay unless that person's conviction of the felony was 271
reversed on appeal, or the felony charge was dismissed, because 272
the court found insufficient evidence to convict that person of 273
the felony. 274

(3) Division (B) of this section does not apply regarding 275
an offense that was committed prior to January 1, 1997. 276

(4) The suspension from employment, or the termination of 277
the employment, of the chief of police, member of the police 278
department, or auxiliary police officer under division (B) (2) of 279
this section shall be in accordance with Chapter 119. of the 280
Revised Code. 281

(C) (1) A newly appointed chief of police appointed on or 282
after January 1, 2017, shall attend a chief of police training 283
course conducted by the Ohio peace officer training commission 284
pursuant to division (A) of section 109.804 of the Revised Code 285
within six months following the person's appointment as a chief 286
of police. While attending the chief of police training course, 287
a newly appointed chief of police shall receive compensation in 288

the same manner and amounts as if carrying out the powers and 289
duties of the office of chief of police. The costs of conducting 290
the chief of police training course shall be paid from state 291
funds appropriated to the attorney general. The cost of meals, 292
lodging, and travel of a newly appointed chief of police 293
attending the chief of police training course shall be paid from 294
the budget of the city department of public safety for which the 295
newly appointed chief of police was appointed. 296

(2) As used in this section, "newly appointed chief of 297
police" means a person appointed chief of police of the city as 298
provided in section 737.05 of the Revised Code who did not hold 299
the office of chief of police on the date the person was 300
appointed chief of police, any person otherwise designated as 301
chief of police, or any administrative official who is 302
responsible for the daily administration and supervision of 303
peace officers in the city. 304

Sec. 737.15. (A) Each village shall have a marshal, 305
designated chief of police, appointed by the mayor with the 306
advice and consent of the legislative authority of the village, 307
who need not be a resident of the village at the time of 308
appointment but shall become a resident thereof within six 309
months after appointment by the mayor and confirmation by the 310
legislative authority unless such residence requirement is 311
waived by ordinance, and who shall continue in office until 312
removed therefrom as provided by section 737.171 of the Revised 313
Code. 314

(B) No person shall receive an appointment under this 315
section after January 1, 1970, unless, not more than sixty days 316
prior to receiving such appointment, the person has passed a 317
physical examination, given by a licensed physician, a physician 318

assistant, a clinical nurse specialist, a certified nurse 319
practitioner, or a certified nurse-midwife, showing that the 320
person meets the physical requirements necessary to perform the 321
duties of village marshal as established by the legislative 322
authority of the village. The appointing authority shall, prior 323
to making any such appointment, file with the Ohio police and 324
fire pension fund a copy of the report or findings of said 325
licensed physician, physician assistant, clinical nurse 326
specialist, certified nurse practitioner, or certified nurse- 327
midwife. The professional fee for such physical examination 328
shall be paid for by such legislative authority. 329

(C) (1) A newly appointed chief of police appointed on or 330
after January 1, 2017, shall attend a chief of police training 331
course conducted by the Ohio peace officer training commission 332
pursuant to division (A) of section 109.804 of the Revised Code 333
within six months following the person's appointment as a chief 334
of police under this section. While attending the chief of 335
police training course, a newly appointed chief of police shall 336
receive compensation in the same manner and amounts as if 337
carrying out the powers and duties of the office of chief of 338
police. The costs of conducting the chief of police training 339
course shall be paid from state funds appropriated to the 340
attorney general. The cost of meals, lodging, and travel of a 341
newly appointed chief of police attending the chief of police 342
training course shall be paid from the budget of the village for 343
which the newly appointed chief of police was appointed. 344

(2) As used in this section, "newly appointed chief of 345
police" means a person appointed chief of police under this 346
section who did not hold the office of chief of police on the 347
date the person was appointed chief of police, any person 348
otherwise designated as chief of police, or any administrative 349

<u>official who is responsible for the daily administration and</u>	350
<u>supervision of peace officers in the village.</u>	351
Section 2. That existing sections 505.49, 737.052, and	352
737.15 of the Revised Code are hereby repealed.	353