132nd General Assembly

Regular Session   **H. B. No. 656**

2017-2018

Representative Sheehy

Cosponsors: Representatives West, Miller

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A BILL

To enact section 109.68 of the Revised Code to	1
require the Attorney General to create and	2
operate a database of information regarding law	3
enforcement officers who have been terminated	4
from employment, or resigned in lieu of	5
termination, and to require law enforcement	6
agencies to access the database for the sole	7
purpose of determining eligibility of those	8
officers for employment.	9

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

Section 1. That section 109.68 of the Revised Code be	10
enacted to read as follows:	11
Sec. 109.68. (A) As used in this section:	12
(1) "Law enforcement agency" means the employer of a law	13
enforcement officer.	14
(2) "Law enforcement officer" means a sheriff, deputy	15
sheriff, marshal, deputy marshal, member of the organized police	16
department of a municipal corporation, police officer of a	17
township or joint police district, or township constable, who is	18

employed by a political subdivision of this state; a member of a   19

police force employed by a regional transit authority under   20

division (Y) of section 306.35 of the Revised Code; a police   21

officer employed by a qualified nonprofit police department   22

pursuant to section 1702.80 of the Revised Code; a state   23

university law enforcement officer appointed under section   24

3345.04 of the Revised Code; a member of a police force employed   25

by a metropolitan housing authority under division (D) of   26

section 3735.31 of the Revised Code; a special police officer   27

employed by a port authority under section 4582.04 or 4582.28 of   28

the Revised Code; a police officer employed by a proprietary   29

police department or security department of a hospital operated   30

by a public hospital agency or nonprofit hospital agency   31

pursuant to section 4973.17 of the Revised Code; a veterans'   32

home police officer appointed under section 5907.02 of the   33

Revised Code; a state highway patrol trooper; or an officer,   34

agent, or employee of the state or any of its agencies,   35

instrumentalities, or political subdivisions, upon whom, by   36

statute, a duty to conserve the peace or to enforce all or   37

certain laws is imposed and the authority to arrest violators is   38

conferred, within limits of that statutory duty and authority.   39

    (B) The attorney general shall establish, administer, and   40

operate a database of information regarding law enforcement   41

officers who have been terminated from employment, or resigned   42

in lieu of termination. The attorney general shall obtain the   43

information from the reports provided by law enforcement   44

agencies under division (C) of this section and shall include   45

the information in the database. The attorney general shall   46

maintain the database separate and apart from other records   47

maintained by the attorney general. The attorney general shall   48

have this database operational on or before January 1, 2019.   49

(C) Each law enforcement agency shall furnish to the attorney general, in a format required by the attorney general, a report of the name, date of birth, and residence address of any law enforcement officer the law enforcement agency terminated from employment, or who resigned in lieu of termination; 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, or resigned in lieu of termination.

(D) 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.

(E) 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 (C) of this section.

(F) Information in the database and any reports provided to the attorney general under division (C) of this section are confidential and are not public records under section 149.43 of the Revised Code.

(G)(1) No person shall knowingly use information contained

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in or received from the database for purposes not authorized by this section. 80, 81

(2) No person shall knowingly use information contained in or received from the database with the intent to harass or intimidate another person. 82, 83, 84

(3) Whoever violates division (G)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates division (G)(2) of this section is guilty of a misdemeanor of the first degree. 85, 86, 87, 88

Section 2. If, on or after January 1, 2014, a law enforcement agency, as defined in section 109.68 of the Revised Code as enacted by this act, terminated a law enforcement officer's employment or the officer resigned in lieu of termination, the law enforcement agency, not later than March 1, 2019, shall furnish to the Attorney General a report containing the information required by division (C) of that section. 89, 90, 91, 92, 93, 94, 95