

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 713**

**Representatives West, Leland**

**Cosponsors: Representatives Denson, Kelly, Crossman, Kent, Galonski, Sykes, Russo, Boyd, Sweeney, Brown, Weinstein, Lepore-Hagan, Sheehy, Becker, Boggs, Crawley, Sobecki, Seitz, Smith, K., Miller, J., Liston, Howse, Blair, Ingram, O'Brien, Robinson**

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**A BILL**

To enact section 109.70 of the Revised Code to 1  
prohibit law enforcement agencies from using 2  
quotas for arrests and citations. 3

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

**Section 1.** That section 109.70 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 109.70.** (A) As used in this section: 6

(1) "Law enforcement official or agency" means any of the 7  
following that has jurisdiction over the applicable local or 8  
state police officer listed in division (A) (2) (a), (b), (c), 9  
(d), (e), (f), or (g) of this section that corresponds with the 10  
respective division (A) (1) (a), (b), (c), (d), (e), (f), or (g) 11  
of this section: 12

(a) A county sheriff; 13

(b) A village marshal; 14

<u>(c) The organized police department of a municipal corporation;</u>	15 16
<u>(d) The organized police department of a township;</u>	17
<u>(e) A board of township trustees that appoints a township constable;</u>	18 19
<u>(f) The board of a township police district or of a joint police district;</u>	20 21
<u>(g) The state highway patrol.</u>	22
<u>(2) "Local or state police officer" means any of the following who is under the jurisdiction of the applicable law enforcement official or agency listed in division (A) (1) (a), (b), (c), (d), (e), (f), or (g) of this section that corresponds with the respective division (A) (2) (a), (b), (c), (d), (e), (f), or (g) of this section;</u>	23 24 25 26 27 28
<u>(a) A county deputy sheriff;</u>	29
<u>(b) A village deputy marshal;</u>	30
<u>(c) A member of the organized police department of a municipal corporation;</u>	31 32
<u>(d) A member of the organized police department of a township;</u>	33 34
<u>(e) A police constable appointed by a board of township trustees;</u>	35 36
<u>(f) A member of the police force of a township police district or of a joint police district;</u>	37 38
<u>(g) A highway patrol trooper of the state highway patrol.</u>	39
<u>(3) "Quota" means a mandate of a finite number of arrests</u>	40

made or citations issued for any offense that a local or state 41  
police officer must meet in a specified time period. 42

(B) No law enforcement official or agency shall do any of 43  
the following: 44

(1) Establish or maintain, formally or informally, a plan 45  
utilizing a quota as the basis by which to evaluate, promote, 46  
compensate, transfer, or discipline a local or state police 47  
officer over whom the law enforcement official or agency has 48  
jurisdiction; 49

(2) Require a local or state police officer described in 50  
division (B)(1) of this section, or suggest to the police 51  
officer, that the police officer is required or expected to meet 52  
a quota; 53

(3) Offer a financial reward or other benefit to a local 54  
or state police officer described in division (B)(1) of this 55  
section that is determined by or based on the quota of that 56  
police officer. 57

(C) In addition to any other factors a law enforcement 58  
agency considers, when evaluating, promoting, compensating, 59  
transferring, or disciplining an officer, a law enforcement 60  
agency shall consider all of the following: 61

(1) The number of contacts that the officer made with 62  
community members within the jurisdiction that the officer 63  
serves. Such contacts may include wellness checks, public safety 64  
discussions, and other positive interactions unrelated to the 65  
enforcement or investigation of a specific crime. 66

(2) The number of community events that are open to the 67  
public that the officer attended and actively participated in 68  
within the jurisdiction that the officer serves; 69

<u>(3) Complaints and commendations the officer received.</u>	70
<u>(D) This section does not prohibit a law enforcement official or agency from doing any of the following:</u>	71
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<u>(1) Collecting, analyzing, and applying any information concerning the number of arrests made and citations issued in order to ensure that a particular local or state police officer or group of local or state police officers does not violate an applicable legal obligation of the officer or officers;</u>	73
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<u>(2) Assessing the proportion of the arrests made, and citations issued, by a local or state police officer or group of local or state police officers.</u>	78
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<u>(E) (1) The attorney general shall establish an anonymous form that any local or state police officer may access on the web site of the attorney general for the purpose of anonymously reporting the use of quotas in violation of division (B) (1), (2), or (3) of this section by the law enforcement official or agency that has jurisdiction over the local or state police officer. Upon receiving an anonymous report under this division, the attorney general shall investigate the alleged use of quotas in violation of any of those divisions by the law enforcement official or agency that is the subject of the report and whether any of the circumstances described in division (D) of this section apply. The investigation shall be conducted within one year after receiving the report.</u>	81
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<u>(2) The attorney general shall determine the procedure for the investigation conducted under division (E) (1) of this section on a case-by-case basis and shall provide the law enforcement official or agency that is the subject of the investigation an opportunity to be heard. If after the</u>	94
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<u>investigation the attorney general finds that the law</u>	99
<u>enforcement official or agency uses quotas in violation of</u>	100
<u>division (B) (1), (2), or (3) of this section, the attorney</u>	101
<u>general shall order the law enforcement official or agency to</u>	102
<u>cease and desist from using quotas in violation of any of those</u>	103
<u>divisions.</u>	104