

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 735

Representatives Smith, K., Robinson

Cosponsors: Representatives Sheehy, Crawley, Sobecki, Patterson, Kelly, Lepore-Hagan, Sweeney, Galonski, Lightbody, Brent, Boggs, West, Weinstein, Sykes, Boyd, Brown, Howse

A BILL

To enact section 2901.44 of the Revised Code to
require certain law enforcement officers to wear
a clearly visible badge and identification on
their person while on duty and to impose a fine
on the appointing authority of an officer who
fails to comply.

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

Section 1. That section 2901.44 of the Revised Code be
enacted to read as follows:

Sec. 2901.44. (A) As used in this section:

(1) "Appointing authority" has the same meaning as in
section 124.01 of the Revised Code.

(2) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer
of a township or joint police district, marshal, deputy marshal,
municipal police officer, member of a police force employed by a
metropolitan housing authority under division (D) of section

3735.31 of the Revised Code, or state highway patrol trooper; 17

(b) An officer, agent, or employee of the state or any of 18
its agencies, instrumentalities, or political subdivisions, upon 19
whom, by statute, a duty to conserve the peace or to enforce all 20
or certain laws is imposed and the authority to arrest violators 21
is conferred, within the limits of that statutory duty and 22
authority; 23

(c) A member of an auxiliary police force organized by 24
county, township, or municipal law enforcement authorities, 25
within the scope of the member's appointment or commission; 26

(d) A person appointed by a mayor pursuant to section 27
737.10 of the Revised Code as a special patrolling officer 28
during riot or emergency, for the purposes and during the time 29
when the person is appointed; 30

(e) A member of the organized militia of this state, 31
lawfully called to duty to aid civil authorities in keeping the 32
peace or protect against domestic violence; 33

(f) A member of a police force employed by a regional 34
transit authority under division (Y) of section 306.35 of the 35
Revised Code. 36

(3) "Undercover drug agent" has the same meaning as in 37
section 109.79 of the Revised Code. 38

(B) Except as otherwise provided in division (C) of this 39
section, a law enforcement officer shall wear the law 40
enforcement officer's badge and identification that is clearly 41
visible on the law enforcement officer's person whenever the law 42
enforcement officer is on duty, including during an emergency 43
declared by the governor or mayor. The identification shall be 44
easily identifiable, shall include the appointing authority of 45

the law enforcement officer, and may include the law enforcement officer's name and badge number. 46
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(C) Division (B) of this section does not apply to a law enforcement officer who is undercover, including as an undercover drug agent. 48
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(D) (1) Any person who directly or indirectly encounters a law enforcement officer failing to comply with the requirements of division (B) of this section may submit a complaint to the attorney general by mail, by telephone, or electronically through an online portal established by the attorney general for that purpose. Instructions for submitting a complaint and a link to the online portal shall be published on the attorney general's web site within thirty days of the effective date of this section. The attorney general shall investigate all complaints submitted pursuant to this division. 51
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(2) If, after an investigation, the attorney general determines that reasonable evidence exists that a law enforcement officer failed to comply with division (B) of this section and the officer is not exempted from those requirements under division (C) of this section, the attorney general shall fine the officer's appointing authority one thousand dollars for each instance of noncompliance. Fines shall be remitted by the appointing authority to the attorney general within thirty days after receiving notification of the attorney general's determination and deposited in the general revenue fund. 61
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(3) For the purpose of division (D) (2) of this section, each day or partial day that a law enforcement officer fails to comply with division (B) of this section is a separate instance of noncompliance. If more than one law enforcement officer fails to comply with division (B) of this section, each officer's 71
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failure to comply is a separate instance of noncompliance even 76
if such failures occur on the same day. 77

(E) Notwithstanding any provisions of section 4117.10 of 78
the Revised Code to the contrary, this section prevails over any 79
conflicting provision of a collective bargaining agreement 80
entered into under Chapter 4117. of the Revised Code on or after 81
the effective date of this section. 82

Section 2. Section 1 of this act takes effect April 1, 83
2022. 84