

As Introduced

**133rd General Assembly
Regular Session
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S. B. No. 147

Senator Hoagland

Cosponsors: Senators Terhar, Coley, Williams, Huffman, M.

A BILL

To amend sections 3313.536 and 5502.01 and to enact 1
sections 5502.70, 5502.701, 5502.702, and 2
5502.703 of the Revised Code to create the Ohio 3
School Marshal Program. 4

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

Section 1. That sections 3313.536 and 5502.01 be amended 5
and sections 5502.70, 5502.701, 5502.702, and 5502.703 of the 6
Revised Code be enacted to read as follows: 7

Sec. 109.801. (A) (1) Each year, any of the following 8
persons who are authorized to carry firearms in the course of 9
their official duties shall complete successfully a firearms 10
requalification program approved by the executive director of 11
the Ohio peace officer training commission in accordance with 12
rules adopted by the attorney general pursuant to section 13
109.743 of the Revised Code: any peace officer, sheriff, chief 14
of police of an organized police department of a municipal 15
corporation or township, chief of police of a township police 16
district or joint police district police force, superintendent 17
of the state highway patrol, state highway patrol trooper, or 18

chief of police of a university or college police department; 19
any parole or probation officer who carries a firearm in the 20
course of official duties; any corrections officer of a 21
multicounty correctional center, or of a municipal-county or 22
multicounty-municipal correctional center, established under 23
section 307.93 of the Revised Code who carries a firearm in the 24
course of official duties; the house of representatives sergeant 25
at arms if the house of representatives sergeant at arms has 26
arrest authority pursuant to division (E) (1) of section 101.311 27
of the Revised Code; any assistant house of representatives 28
sergeant at arms; the senate sergeant at arms; any assistant 29
senate sergeant at arms; any tactical medical professional; a 30
school marshal appointed under section 5502.70 of the Revised 31
Code; or any employee of the department of youth services who is 32
designated pursuant to division (A) (2) of section 5139.53 of the 33
Revised Code as being authorized to carry a firearm while on 34
duty as described in that division. 35

(2) No person listed in division (A) (1) of this section 36
shall carry a firearm during the course of official duties if 37
the person does not comply with division (A) (1) of this section. 38

(B) The hours that a sheriff spends attending a firearms 39
requalification program required by division (A) of this section 40
are in addition to the sixteen hours of continuing education 41
that are required by division (E) of section 311.01 of the 42
Revised Code. 43

(C) As used in this section, "firearm" has the same 44
meaning as in section 2923.11 of the Revised Code. 45

Sec. 3313.536. (A) As used in this section: 46

(1) "Administrator" means the superintendent, principal, 47

chief administrative officer, or other person having supervisory	48
authority of any of the following:	49
(a) A city, exempted village, local, or joint vocational	50
school district;	51
(b) A community school established under Chapter 3314. of	52
the Revised Code, as required through reference in division (A)	53
(11)(d) of section 3314.03 of the Revised Code;	54
(c) A STEM school established under Chapter 3326. of the	55
Revised Code, as required through reference in section 3326.11	56
of the Revised Code;	57
(d) A college-preparatory boarding school established	58
under Chapter 3328. of the Revised Code;	59
(e) A district or school operating a career-technical	60
education program approved by the department of education under	61
section 3317.161 of the Revised Code;	62
(f) A chartered nonpublic school;	63
(g) An educational service center;	64
(h) A preschool program or school-age child care program	65
licensed by the department of education;	66
(i) Any other facility that primarily provides educational	67
services to children subject to regulation by the department of	68
education.	69
(2) "Emergency management test" means a regularly	70
scheduled drill, exercise, or activity designed to assess and	71
evaluate an emergency management plan under this section.	72
(3) "Building" means any school, school building,	73
facility, program, or center.	74

(4) "Regional school marshal" means the regional school marshal appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located. 75
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(B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall involve the regional school marshal in the development of the plan. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred. 79
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(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B) (1) of this section all of the following: 96
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(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators; 99
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(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following: 101
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(i) A floor plan that is unique to each floor of the building;	105 106
(ii) A site plan that includes all building property and surrounding property;	107 108
(iii) An emergency contact information sheet;	109
<u>(iv) A plan for implementing mobile communications;</u>	110
<u>(v) A plan for mobile accountability;</u>	111
<u>(vi) A plan for mobile reunification.</u>	112
(3) Each protocol described in divisions (B) (2) (a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.	113 114 115 116 117 118 119
Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol.	120 121 122 123
(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place.	124 125 126
(C) (1) The administrator shall submit to the department of education, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires	127 128 129 130 131 132

changes in the procedures outlined in the plan, and whenever 133
information on the emergency contact information sheet changes. 134

(2) The administrator also shall file a copy of the plan 135
with each law enforcement agency that has jurisdiction over the 136
school building and, upon request, to any of the following: 137

(a) The fire department that serves the political 138
subdivision in which the building is located; 139

(b) The emergency medical service organization that serves 140
the political subdivision in which the building is located; 141

(c) The county emergency management agency for the county 142
in which the building is located; 143

(d) The regional school marshal. 144

(3) Upon receipt of an emergency management plan, the 145
department of education shall submit the information in 146
accordance with rules adopted by the state board of education 147
pursuant to division (F) of this section, to both of the 148
following: 149

(a) The attorney general, who shall post that information 150
on the Ohio law enforcement gateway or its successor; 151

(b) The director of public safety, who shall post the 152
information on the contact and information management system. 153

(4) Any department or entity to which copies of an 154
emergency management plan are filed under this section shall 155
keep the copies in a secure place. 156

(D) (1) Not later than the first day of July of each year, 157
each administrator shall review the emergency management plan 158
and certify to the department of education that the plan is 159

current and accurate. 160

(2) Anytime that an administrator updates the emergency 161
management plan pursuant to division (C)(1) of this section, the 162
administrator shall file copies, not later than the tenth day 163
after the revision is adopted and in accordance with rules 164
adopted by the state board pursuant to division (F) of this 165
section, to the department of education and to any entity with 166
which the administrator filed a copy under division (C)(2) of 167
this section. 168

(E) Each administrator shall do ~~both of~~ the following: 169

(1) (a) Prepare and conduct at least one ~~annual~~ quarterly 170
emergency management test, as defined in division (A)(2) of this 171
section, in accordance with rules adopted by the state board 172
pursuant to division (F) of this section; 173

(b) Prior to conducting an emergency management test, file 174
a defined mission statement with the administrator's regional 175
school marshal; 176

(c) Upon completion of an emergency management test, file 177
an after-action report with the administrator's regional school 178
marshal. 179

(2) Grant access to each building under the control of the 180
administrator to law enforcement personnel and to entities 181
described in division (C)(2) of this section, to enable the 182
personnel and entities to hold training sessions for responding 183
to threats and emergency events affecting the building, provided 184
that the access occurs outside of student instructional hours 185
and the administrator, or the administrator's designee, is 186
present in the building during the training sessions. 187

(F) The state board of education, in accordance with 188

Chapter 119. of the Revised Code, shall adopt rules regarding 189
emergency management plans under this section, including the 190
content of the plans and procedures for filing the plans. The 191
rules shall specify that plans and information required under 192
division (B) of this section be submitted on standardized forms 193
developed by the department of education for such purpose. The 194
rules shall also specify the requirements and procedures for 195
emergency management tests conducted pursuant to division (E) (1) 196
of this section. Failure to comply with the rules may result in 197
discipline pursuant to section 3319.31 of the Revised Code or 198
any other action against the administrator as prescribed by 199
rule. 200

(G) Division (B) of section 3319.31 of the Revised Code 201
applies to any administrator who is subject to the requirements 202
of this section and is not exempt under division (H) of this 203
section and who is an applicant for a license or holds a license 204
from the state board pursuant to section 3319.22 of the Revised 205
Code. 206

(H) The superintendent of public instruction may exempt 207
any administrator from the requirements of this section, if the 208
superintendent determines that the requirements do not otherwise 209
apply to a building or buildings under the control of that 210
administrator. 211

(I) Copies of the emergency management plan and 212
information required under division (B) of this section are 213
security records and are not public records pursuant to section 214
149.433 of the Revised Code. In addition, the information posted 215
to the contact and information management system, pursuant to 216
division (C) (3) (b) of this section, is exempt from public 217
disclosure or release in accordance with sections 149.43, 218

149.433, and 5502.03 of the Revised Code.	219
Notwithstanding section 149.433 of the Revised Code, a	220
floor plan filed with the attorney general pursuant to this	221
section is not a public record to the extent it is a record kept	222
by the attorney general.	223
Sec. 5502.01. (A) The department of public safety shall	224
administer and enforce the laws relating to the registration,	225
licensing, sale, and operation of motor vehicles and the laws	226
pertaining to the licensing of drivers of motor vehicles.	227
The department shall compile, analyze, and publish	228
statistics relative to motor vehicle accidents and the causes of	229
them, prepare and conduct educational programs for the purpose	230
of promoting safety in the operation of motor vehicles on the	231
highways, and conduct research and studies for the purpose of	232
promoting safety on the highways of this state.	233
(B) The department shall administer the laws and rules	234
relative to trauma and emergency medical services specified in	235
Chapter 4765. of the Revised Code and any laws and rules	236
relative to medical transportation services specified in Chapter	237
4766. of the Revised Code.	238
(C) The department shall administer and enforce the laws	239
contained in Chapters 4301. and 4303. of the Revised Code and	240
enforce the rules and orders of the liquor control commission	241
pertaining to retail liquor permit holders.	242
(D) The department shall administer the laws governing the	243
state emergency management agency and shall enforce all	244
additional duties and responsibilities as prescribed in the	245
Revised Code related to emergency management services.	246
(E) The department shall conduct investigations pursuant	247

to Chapter 5101. of the Revised Code in support of the duty of 248
the department of job and family services to administer the 249
supplemental nutrition assistance program throughout this state. 250
The department of public safety shall conduct investigations 251
necessary to protect the state's property rights and interests 252
in the supplemental nutrition assistance program. 253

(F) The department of public safety shall enforce 254
compliance with orders and rules of the public utilities 255
commission and applicable laws in accordance with Chapters 256
4905., 4921., and 4923. of the Revised Code regarding commercial 257
motor vehicle transportation safety, economic, and hazardous 258
materials requirements. 259

(G) Notwithstanding Chapter 4117. of the Revised Code, the 260
department of public safety may establish requirements for its 261
enforcement personnel, including its enforcement agents 262
described in section 5502.14 of the Revised Code, that include 263
standards of conduct, work rules and procedures, and criteria 264
for eligibility as law enforcement personnel. 265

(H) The department shall administer, maintain, and operate 266
the Ohio criminal justice network. The Ohio criminal justice 267
network shall be a computer network that supports state and 268
local criminal justice activities. The network shall be an 269
electronic repository for various data, which may include arrest 270
warrants, notices of persons wanted by law enforcement agencies, 271
criminal records, prison inmate records, stolen vehicle records, 272
vehicle operator's licenses, and vehicle registrations and 273
titles. 274

(I) The department shall coordinate all homeland security 275
activities of all state agencies and shall be a liaison between 276
state agencies and local entities for those activities and 277

related purposes. 278

(J) ~~Beginning July 1, 2004, the~~ The department shall 279
administer and enforce the laws relative to private 280
investigators and security service providers specified in 281
Chapter 4749. of the Revised Code. 282

(K) The department shall administer criminal justice 283
services in accordance with sections 5502.61 to 5502.66 of the 284
Revised Code. 285

(L) The department shall administer the school marshal 286
program in accordance with sections 5502.70 to 5502.703 of the 287
Revised Code. 288

(M) The department shall coordinate security measures and 289
operations, and may direct the department of administrative 290
services to implement any security measures and operations the 291
department of public safety requires, at the Vern Riffe Center 292
and the James A. Rhodes state office tower. 293

Notwithstanding section 125.28 of the Revised Code, the 294
director of public safety may recover the costs of directing 295
security measures and operations under this division by either 296
issuing intrastate transfer voucher billings to the department 297
of administrative services, which the department shall process 298
to pay for the costs, or, upon the request of the director of 299
administrative services, the director of budget and management 300
may transfer cash in the requested amount from the building 301
management fund created under section 125.28 of the Revised 302
Code. Payments received or cash transfers made under this 303
division for the costs of directing security measures and 304
operations shall be deposited into the state treasury to the 305
credit of the security, investigations, and policing fund 306

created under section 4501.11 of the Revised Code. 307

Sec. 5502.70. (A) There is hereby created in the 308
department of public safety the Ohio school marshal program, 309
which shall be administered by a chief school marshal. The 310
program shall provide services to public and nonpublic schools 311
and institutions of higher education regarding school and campus 312
safety and security. 313

(B) The chief school marshal shall be appointed by the 314
director of public safety, and shall serve at the pleasure of 315
the director. To carry out the duties prescribed by this section 316
or section 5502.702 of the Revised Code, the chief marshal may 317
appoint and maintain necessary staff and may enter into any 318
necessary agreements. 319

(C) The chief marshal, in consultation with the director 320
of public safety, shall appoint sixteen regional school marshals 321
to conduct the duties described in section 5502.702 of the 322
Revised Code. The regions shall be the same as those described 323
in division (A) of section 3312.02 of the Revised Code. To carry 324
out the duties prescribed by this section or section 5502.702 of 325
the Revised Code, a regional marshal may appoint and maintain 326
necessary staff and may enter into any necessary agreements. 327

(D) Except as otherwise provided by law, nothing in this 328
section or in section 5502.702 of the Revised Code shall be 329
construed to give the director of public safety, the chief 330
school marshal, or a regional school marshal authority over the 331
incident management structure or responsibilities of local 332
emergency response personnel. 333

Sec. 5502.701. (A) As used in this section, "veteran" 334
means any person who has completed service in the armed forces 335

of the United States and who has been honorably discharged under 336
honorable conditions from the armed forces, or who has been 337
transferred to the reserve with evidence of satisfactory 338
service. 339

(B) No person is eligible for the positions of chief 340
school marshal or regional school marshal unless that person 341
meets the following requirements: 342

(1) The person is a licensed peace officer, as defined in 343
division (A) (1) of section 109.71 of the Revised Code; or 344

(2) The person is a veteran, as defined in division (A) of 345
this section; and 346

(3) The person has met all additional qualifications 347
prescribed by rule adopted under section 5502.703 of the Revised 348
Code. 349

Sec. 5502.702. (A) As used in this section: 350

(1) "Administrator" has the same meaning as in division 351
(A) of section 3313.536 of the Revised Code. 352

(2) "Private college" has the same meaning as in section 353
3365.01 of the Revised Code. 354

(3) "State institution of higher education" has the same 355
meaning as in section 3345.011 of the Revised Code. 356

(B) The duties of the chief school marshal include: 357

(1) Administering the Ohio school marshal program; 358

(2) Adopting additional qualifications and training 359
requirements for regional school marshals appointed under 360
section 5502.70 of the Revised Code; 361

(3) Enforcing rules and executing additional duties 362

<u>prescribed by the director of public safety.</u>	363
<u>(C) The duties of a regional school marshal include:</u>	364
<u>(1) Upon request, assisting an administrator within a</u>	365
<u>marshal's region in the development or review of an emergency</u>	366
<u>management plan under section 3313.536 of the Revised Code;</u>	367
<u>(2) Upon request, assisting in the development or review</u>	368
<u>of security protocols of a state institution of higher education</u>	369
<u>or a private college within a marshal's region;</u>	370
<u>(3) Upon request, assisting an administrator of a public</u>	371
<u>or nonpublic school within a marshal's region with any other</u>	372
<u>security protocols for activities or events outside of the</u>	373
<u>building during or after school hours;</u>	374
<u>(4) Upon request, assisting in strategic communications</u>	375
<u>between federal, state, and local law enforcement or agencies in</u>	376
<u>the event of an emergency situation at a school or institution</u>	377
<u>of higher education within a marshal's region;</u>	378
<u>(5) Offering tactical emergency medical services training</u>	379
<u>to public and nonpublic schools within a marshal's region;</u>	380
<u>(6) Promoting the use of the SaferOH tip line within a</u>	381
<u>marshal's region;</u>	382
<u>(7) Enforcing rules and executing additional duties</u>	383
<u>prescribed by either the director of public safety or the chief</u>	384
<u>school marshal;</u>	385
<u>(8) Overseeing training operations and offering training</u>	386
<u>opportunities for school employees, including observing</u>	387
<u>emergency management tests as described in division (E) of</u>	388
<u>section 3313.536 of the Revised Code, providing weapons</u>	389
<u>manipulation instruction, and other appropriate activities.</u>	390

Sec. 5502.703. The director of public safety, in 391
accordance with Chapter 119. of the Revised Code, shall adopt, 392
may amend or rescind, and shall enforce rules with respect to 393
the Ohio school marshal program. The rules shall be made 394
available for public inspection at the department of public 395
safety and at other places and during reasonable hours as fixed 396
by the chief school marshal of the Ohio school marshal program. 397

Section 2. That existing sections 3313.536 and 5502.01 of 398
the Revised Code are hereby repealed. 399