

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 331

Representatives Smith, K., Blackshear

Cosponsors: Representatives Galonski, Smith, M., Crossman, Brown, Lepore-Hagan, Sheehy

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.

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;

(b) An officer, agent, or employee of the state or any of

its agencies, instrumentalities, or political subdivisions, upon 17
whom, by statute, a duty to conserve the peace or to enforce all 18
or certain laws is imposed and the authority to arrest violators 19
is conferred, within the limits of that statutory duty and 20
authority; 21

(c) A member of an auxiliary police force organized by 22
county, township, or municipal law enforcement authorities, 23
within the scope of the member's appointment or commission; 24

(d) A person appointed by a mayor pursuant to section 25
737.10 of the Revised Code as a special patrolling officer 26
during riot or emergency, for the purposes and during the time 27
when the person is appointed; 28

(e) A member of the organized militia of this state, 29
lawfully called to duty to aid civil authorities in keeping the 30
peace or protect against domestic violence; 31

(f) A member of a police force employed by a regional 32
transit authority under section 306.35 of the Revised Code. 33

(3) "Undercover drug agent" has the same meaning as in 34
section 109.79 of the Revised Code. 35

(B) Except as otherwise provided in division (C) of this 36
section, a law enforcement officer shall wear the law 37
enforcement officer's badge and identification that is clearly 38
visible on the law enforcement officer's person whenever the law 39
enforcement officer is on duty, including during an emergency 40
declared by the governor or mayor. The identification shall be 41
easily identifiable, shall include the appointing authority of 42
the law enforcement officer, and may include the law enforcement 43
officer's name and badge number. 44

(C) Division (B) of this section does not apply to a law 45

enforcement officer who is undercover, including as an 46
undercover drug agent. 47

(D) (1) Any person who directly or indirectly encounters a 48
law enforcement officer failing to comply with the requirements 49
of division (B) of this section may submit a complaint to the 50
attorney general by mail, by telephone, or electronically 51
through an online portal established by the attorney general for 52
that purpose. Instructions for submitting a complaint and a link 53
to the online portal shall be published on the attorney 54
general's web site within thirty days of the effective date of 55
this section. The attorney general shall investigate all 56
complaints submitted pursuant to this division. 57

(2) If, after an investigation, the attorney general 58
determines that reasonable evidence exists that a law 59
enforcement officer failed to comply with division (B) of this 60
section and the officer is not exempted from those requirements 61
under division (C) of this section, the attorney general shall 62
fine the officer's appointing authority one thousand dollars for 63
each instance of noncompliance. Fines shall be remitted by the 64
appointing authority to the attorney general within thirty days 65
after receiving notification of the attorney general's 66
determination and deposited in the general revenue fund. 67

(3) For the purpose of division (D) (2) of this section, 68
each day or partial day that a law enforcement officer fails to 69
comply with division (B) of this section is a separate instance 70
of noncompliance. If more than one law enforcement officer fails 71
to comply with division (B) of this section, each officer's 72
failure to comply is a separate instance of noncompliance even 73
if such failures occur on the same day. 74

(E) Notwithstanding any provisions of section 4117.10 of 75

the Revised Code to the contrary, this section prevails over any 76
conflicting provision of a collective bargaining agreement 77
entered into under Chapter 4117. of the Revised Code on or after 78
the effective date of this section. 79

Section 2. Section 1 of this act takes effect April 1, 80
2022. 81