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135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Hoagland and O'Brien

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SUMMARY

- Creates the Law Enforcement Assistance Fund and requires the Attorney General to use the fund to pay reimbursements for “costs related to continuing professional training,” including mandatory training and additional training subject to an annual maximum, successfully completed by peace officers and troopers, and related expenses.
- Establishes a program for making those reimbursements and specifies that the program applies on and after the bill’s effective date or July 1, 2023, whichever is later, with respect to funding for costs related to mandatory or additional continuing professional training successfully completed during or after calendar year 2023 (a pilot program for reimbursements currently in operation expires June 30, 2023).
- Creates the Law Enforcement Equipment Fund, requires the Attorney General to use the fund to provide grants to “qualifying law enforcement agencies” for the purchase of law enforcement equipment, and requires the transfer to the fund, at the end of each fiscal year, of any surplus money in the Law Enforcement Assistance Fund.
- Establishes a program for making those grants and specifies that the program applies on and after the bill’s effective date or July 1, 2023, whichever is later.
- Authorizes a \$40.0 million GRF cash transfer to the Law Enforcement Assistance Fund and appropriates that amount in each of those fiscal years to related line item 055619, Law Enforcement Assistance Program.
- Transfers the available balance of the Law Enforcement Assistance Fund remaining at the end of each fiscal year, or an amount jointly determined by the Director of Budget and Management and the Attorney General as surplus, to the credit of the Law Enforcement Equipment Fund.

DETAILED ANALYSIS

Law Enforcement Assistance Fund and payment of reimbursements for annual training

Creation of fund and adoption of rules

The bill creates in the state treasury the Law Enforcement Assistance Fund (LEAF), and requires the Attorney General (AG) to use the fund to pay: (1) reimbursements for “costs related to mandatory or additional continuing professional training” successfully completed by “peace officers” and “troopers” of “appointing authorities” (see “**Relevant definitions**,” below) as described below in “**Annual training requirement**” and in the following paragraphs, (2) compensation of any AG employees administering those provisions, and (3) other administrative costs the AG incurs in administering those provisions. The bill specifies that its reimbursement provisions apply on and after the bill’s effective date or July 1, 2023, whichever is later, and apply with respect to reimbursement for costs related to the mandatory or additional continuing professional training of peace officers and troopers successfully completed during or after calendar year 2023, subject to a specified maximum and limitations described below in “**Reimbursement maximum and limitations**.” Money in the LEAF that is not distributed under the reimbursement program during any state fiscal year, commencing in state fiscal year 2024, must be transferred at the end of that fiscal year to the Law Enforcement Equipment Fund the bill establishes for the new grant program it establishes, described below in “**Law Enforcement Equipment Fund and payment of grants for purchase of equipment**.”¹

The bill requires the AG to adopt rules establishing application procedures, standards, and guidelines, and prescribing an application form, for the reimbursement, on a quarterly basis, of public appointing authorities (PAAs) for “costs related to continuing professional training” (see “**Relevant definitions**,” below) that is successfully completed by their peace officers and troopers during or after calendar year 2023, subject to the specified maximum and limitations described below in “**Reimbursement maximum and limitations**.” The rules must include at least:²

1. A requirement that reimbursement applications be submitted on a quarterly basis during a calendar year, with applications requesting reimbursement for costs related to training successfully completed in January, February, or March of the calendar year being submitted not later than March 31 of that year, applications requesting reimbursement for costs related to training successfully completed in April, May, or June being submitted not later than June 30 of that year, applications requesting reimbursement for costs related to training successfully completed in July, August, or

¹ R.C. 109.802(A)(2) and (B).

² R.C. 109.802(C).

September being submitted not later than September 30 of that year, and applications requesting reimbursement for costs related to training successfully completed in October, November, and December being submitted not later than December 31 of that year;

2. The documentation required to substantiate costs for which the applicant seeks reimbursement, including documentation evidencing: (a) the successful completion of the “mandatory continuing professional training” or “additional continuing professional training” (see “**Relevant definitions**,” below) with respect to which the applicant seeks reimbursement, the number of hours of that training that were for mandatory training, and the number of hours that were for additional training, (b) the salaries of the officers and troopers while receiving the training described in clause (a) and on duty in their official capacity, based on their hourly wages, (c) the actual cost charged for the training described in clause (a), by the entity providing the training, (d) any payment received from any other source to cover any amount of the salaries or actual costs described in clause (b) or (c), and (e) the amount of any overtime paid to officers or troopers substituting for officers or troopers receiving the training described in clause (a), and for which the applicant seeks reimbursement;
3. Procedures for submitting reimbursement applications for costs related to mandatory continuing professional training successfully completed by a peace officer or trooper for whom the Executive Director of the Ohio Peace Officer Training Commission (OPOTC), under the existing provision described below in “**Extension mechanism**,” granted an extension of the time for compliance with the continuing professional training requirement, and for the payment of reimbursements for costs related to that training;
4. Procedures for the payment of reimbursements from the fund on a quarterly basis, as described below in “**Reimbursement program**,” and standards for determining the amounts of those quarterly reimbursements;
5. Any other requirements necessary for the proper administration of the reimbursement program.

Reimbursement program

In general

The bill requires the OPOTC to administer a program for reimbursing PAAs for costs related to mandatory or additional continuing professional training successfully completed by the PAA’s peace officers or troopers during or after calendar year 2023. Reimbursements under the program are to be paid on a quarterly basis, not later than the 15th day of the month following the last month for which training is covered under the application in question. The OPOTC must administer the program in accordance with the rules adopted by the AG.

Under the bill, each PAA may apply each quarter of a calendar year, by the dates specified above in (1) of the discussion of the required AG rules, to the OPOTC for reimbursement for costs related to mandatory or additional continuing professional training successfully completed by the PAA’s peace officers or troopers during or after calendar year 2023. Reimbursement may be requested for both costs related to mandatory continuing

professional training and costs related to additional continuing professional training, subject to the maximum and limitations described below in **“Reimbursement maximum and limitations.”** Applications must be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the rules adopted by the AG.

The OPOTC, in accordance with those rules, must review each reimbursement application to determine if the applicant is entitled to reimbursement for costs related to the mandatory or additional continuing professional training for which the applicant seeks reimbursement. Except as described in the next paragraph, a PAA that submits information required under an existing law requiring agencies to submit reports to the OPOTC regarding its peace officers or troopers³ and that applies for reimbursement is entitled to reimbursement, on a quarterly basis, for both costs related to mandatory continuing professional training and costs related to additional continuing professional training, successfully completed by each of its peace officers or troopers. The reimbursements are subject to the maximum and limitations described below in **“Reimbursement maximum and limitations.”**

If a peace officer or trooper of the PAA for whom the OPOTC’s Executive Director, under the existing provision described below in **“Extension mechanism,”** granted an extension successfully completes the mandatory continuing professional training during the period of the extension, the PAA is entitled to reimbursement for costs related to the mandatory training successfully completed by that peace officer or trooper. An application under this provision must be made as described above, and the reimbursements are subject to the maximum per-calendar year reimbursements and the limitations described below in **“Reimbursement maximum and limitations.”**

If a PAA that applies for reimbursement is entitled to reimbursement under either provision described above for costs related to the mandatory or additional continuing professional training of each peace officer and trooper who successfully completes the training, the OPOTC must approve reimbursing the PAA for the costs related to that training subject to the maximum per-calendar year reimbursements and the limitations described below in **“Reimbursement maximum and limitations.”** Reimbursements are to be paid on a quarterly basis, in accordance with the bill’s provisions described above.

If a PAA is entitled to reimbursement with respect to any of its peace officers or troopers, payment of the reimbursement may not be withheld during the period of any extension granted to other peace officers or troopers of the PAA pending their compliance with the requirement for mandatory continuing professional training. If a PAA is entitled to reimbursement and if one or more of its peace officers or troopers fails to complete the required minimum number of hours of continuing professional training set by the OPOTC during the calendar year or during the period of an extension granted to the peace officer or

³ R.C. 109.761, not in the bill.

trooper, the failure does not affect the reimbursement made to the PAA, and the PAA is not required to return the reimbursement or any portion of it.

Each PAA that receives funds under the reimbursement program must keep those funds separate from any other funds of the PAA and may use those funds only for paying costs related to mandatory or additional continuing professional training.⁴

Reimbursement maximum and limitations

The bill specifies a maximum amount of reimbursements in any calendar year and limitations on reimbursements under the reimbursement program, as follows:⁵

1. Regarding maximum reimbursements, it specifies that the total number of hours of successfully completed training for which reimbursement may be provided, for mandatory training plus any additional training, may not exceed 40 hours in any calendar year;
2. Regarding reimbursement limitations, it specifies that: (a) no reimbursement may be made for any cost related to any mandatory or additional continuing professional training completed by a peace officer or trooper prior to July 1, 2023, and (b) all reimbursements to be made must be reduced by any payment received from any other source to cover any amount of the salaries of the officers and troopers while receiving the training with respect to which the applicant seeks reimbursement or any amount of the actual cost charged for that training.⁶

Law Enforcement Equipment Fund and payment of grants for purchase of equipment

The bill creates in the state treasury the Law Enforcement Equipment Fund (LEEF), and requires the AG to use money in the fund to distribute grants to “qualifying law enforcement agencies” (see “**Relevant definitions**,” below) to be used for the purchase of law enforcement equipment, including, but not limited to, vehicles on state-bid contracts, leather goods, firearms, protective vests, and communications devices or materials. At the end of each fiscal year, commencing in fiscal year 2024, any surplus money in the LEAF must be transferred to the LEEF. The bill specifies that its grant program applies on and after the bill’s effective date or July 1, 2023, whichever is later.

The bill requires the AG to adopt rules establishing application procedures, standards, and guidelines, and prescribing an application form, for grants from the LEEF. The bill requires the OPOTC to administer a program for providing grants under the LEEF, in accordance with the rules adopted by the AG. Qualifying law enforcement agencies may apply in accordance with those rules for grants under the program. Priority for grants must be given to qualifying law

⁴ R.C. 109.802(D)(1) and (E) to (H)(1).

⁵ R.C. 109.802(C) and (D)(2).

⁶ R.C. 109.802(D)(2).

enforcement agencies based on their size and need, with smaller agencies being given preference for a grant.

Each qualifying law enforcement agency that receives a grant under the program must keep the funds received under the grant separate from any other funds of the agency and may use those funds only for the purchase of law enforcement equipment as specified in the bill's provisions establishing the LEEF.⁷

Annual training requirement

In general

Existing law, unchanged by the bill except for two conforming changes described in this paragraph, specifies that, subject to the exceptions described below, every "appointing authority" must require each of its appointed "peace officers" and "troopers" (see "**Relevant definitions**," below) to complete up to 24 hours of continuing professional training each calendar year, as directed by the OPOTC. Currently, the law states that the number of hours directed by the OPOTC, up to 24 hours, is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the minimum number of hours the OPOTC directs – the bill modifies this provision to add in a limitation stating that any reimbursement under the bill's reimbursement program for the total amount of training completed is subject to the maximum per-calendar year reimbursements and the limitations described above in "**Reimbursement maximum and limitations**." The OPOTC sets the required minimum number of hours based upon available funding for reimbursement. Currently, if no reimbursement funding is available, no continuing professional training will be required – the bill modifies this provision to specify that it is applicable through calendar year 2022.

With the advice of the OPOTC, the AG must adopt rules setting forth minimum standards for continuing professional training for peace officers and troopers and governing the administration of continuing professional training programs for them. The law specifies a series of topics and provisions that must be addressed in the rules.⁸

Extension mechanism

Existing law, unchanged by the bill, provides a mechanism under which an appointing authority may request an extension of the time for completion of training by one or more of its officers or troopers for a calendar year, because of emergency circumstances. If the OPOTC's Executive Director is satisfied that emergency circumstances exist for any peace officer or trooper for whom a request was made, the Executive Director may approve the request and grant an extension of the time within which the identified peace officer or trooper must complete the required minimum number of hours set by the OPOTC. An extension may be for any period of time the Executive Director believes to be appropriate. If the Executive Director grants an extension, the appointing authority must require that the identified peace officer or

⁷ R.C. 109.802(A)(2), (G), and (H)(2).

⁸ R.C. 109.803(A)(1), (B), and (C).

trooper completes the required minimum number of hours of training not later than the end date of the extension.⁹

Pilot program for funding of peace officer and trooper training

Am. Sub. H.B. 110 of the 134th General Assembly required the AG to create, and administer, a pilot program for state funding of the training of “peace officers” and “troopers” (see “**Relevant definitions**,” below) required under the provisions described above in “**Annual training requirement**.” The program was a one-year program, operating in calendar year 2022.¹⁰

Am. Sub. H.B. 45 of the 134th General Assembly extended the pilot program’s termination from December 31, 2022, until June 30, 2023, and modified the nature of, and procedures under, the program as it will exist during the extension period. The bill enacts language to transition from the extended pilot program to the new program it enacts, described above in “**Law Enforcement Assistance Fund and payment of reimbursements for annual training**.” To accomplish this, the bill specifies that: (1) commencing on the effective date of the new program it enacts, or July 1, 2023, whichever is later, funding of the training will be in accordance with the new program, (2) after the expiration of the extended pilot program, state funding of the training of peace officers and troopers that is required as described above in “**Annual training requirement**” will be in accordance with the new program it enacts, commencing at the time specified in clause (1), and (3) the existing provision specifying that the extended pilot program is the only manner of state funding for the mandatory training of peace officers or troopers, other than direct appropriations to a state law enforcement agency or funding under the expired pilot program, does not apply with respect to funding under the new program it enacts.¹¹

The extended pilot program, unchanged by the bill except as described above, does the following:¹²

1. It specifies that if a law enforcement agency that received money under the original program does not use all of the money received for the salaries of its peace officers and troopers receiving training, the agency must retain the money not used, and use it only for paying future continuing professional training programs for its peace officers and troopers. Under prior law, the agency had to return all of the unused money to the AG.

⁹ R.C. 109.803(A)(2).

¹⁰ Section 701.70(A) of Am. Sub. H.B. 110 of the 134th General Assembly.

¹¹ Section 3, amending Section 701.70 of Am. Sub. H.B. 110 of the 134th General Assembly (as previously amended by Am. Sub. H.B. 45 of the 134th General Assembly).

¹² Section 701.70 of Am. Sub. H.B. 110 of the 134th General Assembly (as previously amended by Am. Sub. H.B. 45 of the 134th General Assembly).

2. It modifies the mechanism for making payments during the period of the extension (hereafter, the modified mechanism is referred to as “the new mechanism”). Under the new mechanism:
 - a. From money appropriated to the AG for payments under the new mechanism, the AG must pay reimbursements in accordance with the new mechanism for continuing professional training programs for peace officers and troopers as provided in R.C. 109.803. The AG must establish rules, under R.C. 111.15, specifying application procedures, standards, and guidelines, and prescribing an application form, for reimbursement under the new mechanism. The rules must include the application deadline and the documentation required, procedures for making reimbursements, standards for determining the reimbursement amounts, and any other requirements necessary for the proper administration of reimbursements under the new mechanism.
 - b. Each law enforcement agency may apply to the AG for reimbursement under the new mechanism for the costs of continuing professional training programs successfully completed by its peace officers or troopers, to be made in accordance with the AG’s rules.
 - c. The AG must review each application to determine if the applicant is entitled to reimbursement. A law enforcement agency that complies with R.C. 109.761(B) and applies as described above is entitled to reimbursement for each of its peace officers or troopers who timely complies with the continuing professional training requirement by completing the minimum number of hours of training directed by the OPOTC and with the other requirements described in law.
 - d. If a law enforcement agency is entitled to reimbursement, OPOTC must approve reimbursing the agency. The reimbursement amount for each authorized training program will be determined by the AG’s rules.
 - e. Each law enforcement agency that receives reimbursement funds must keep those funds separate from its other funds and use them only for the cost of continuing professional training programs. If a law enforcement agency does not use all of the funds received, it must retain the funds not used and use them only for future continuing professional training programs for its peace officers and troopers.
 - f. A law enforcement agency that receives funds for reimbursement is responsible for paying the cost of training of its peace officers or troopers required under R.C. 109.803 that exceeds the amount of the payment received under the new mechanism.

Relevant definitions

As used in the bill's provisions described above:¹³

“Additional continuing professional training” means continuing professional training of peace officers and troopers that is in addition to the mandatory continuing professional training of the officers and troopers, and that is expressly preapproved by the OPOTC or that is in a category of training expressly preapproved by the OPOTC.

An **“appointing authority”** is any agency or entity that appoints a peace officer or trooper, a **“peace officer”** is any person identified as a peace officer under R.C. 109.71, not in the bill, and a **“trooper”** is an individual appointed as an Ohio State Highway Patrol trooper under R.C. 5503.01, not in the bill.

“Costs related to continuing professional training” means all of the following: (1) the salaries of peace officers and troopers earned while they are receiving mandatory or additional continuing professional training and while they are on duty in their official capacity, as based on their hourly wages, (2) the actual cost charged for training described in clause (1), by the entity providing the training, and (3) any amount paid to officers and troopers who work as replacements for the officers and troopers receiving training described in clause (1) and that is overtime pay for those officers and troopers while working as replacements.

“Full-time peace officer” (used in the definition of **“qualifying law enforcement agency,”** below) means a peace officer who is in paid status for at least 40 hours per week.

“Mandatory continuing professional training” means the continuing professional training of peace officers and troopers that is required during or after calendar year 2023 under the provisions described above in **“Annual training requirement,”** and that is expressly preapproved by the OPOTC or that is in a category of training expressly preapproved by the OPOTC.

“Qualifying law enforcement agency” means any municipal, township, or county law enforcement agency that employs not more than 25 full-time peace officers.

GRF cash transfers to Law Enforcement Assistance Fund and transfer of funds to the Law Enforcement Equipment Fund

The bill provides for the following cash transfers and appropriations that pertain to the bill's reimbursement program and grant program, both as described above:¹⁴

1. It authorizes a \$40.0 million cash transfer from the General Revenue Fund in both FY 2024 and FY 2025 to the LEAF, and appropriates that amount in each of those fiscal years to related line item 055619, Law Enforcement Assistance Program. In this regard,

¹³ R.C. 109.802(A), 109.803(D), and Section 701.70(A) of Am. Sub. H.B. 110 of the 134th General Assembly (as previously amended by Am. Sub. H.B. 45 of the 134th General Assembly).

¹⁴ Sections 5 to 7.

it creates line item 055619, Law Enforcement Assistance Program, to be used for that purpose. The appropriation is funded with two one-time cash transfers of \$40.0 million on July 1 of 2023 and 2024 or as soon as possible thereafter from the General Revenue Fund to the newly created Law Enforcement Assistance Fund. The fund has no dedicated funding source.

2. It transfers the available balance of the LEAF remaining at the end of each fiscal year, or an amount jointly determined by the Director of Budget and Management and the AG as surplus, to the credit of the LEEF. In this regard, it requires the AG, on June 30 of each fiscal year or as soon as possible thereafter, to certify to the Director the unexpended, unencumbered balance of the LEAF remaining at the end of the fiscal year. The Director must transfer that amount, or an amount jointly determined by the Director and the AG as surplus, to the credit of the LEEF to support the grants under the grants program.

HISTORY

Action	Date
Introduced	01-26-23
