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Safety Committee**

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Sub. H. B. No. 23

Representatives Roemer, Williams

**Cosponsors: Representatives Robb Blasdel, Brennan, Click, Daniels, Deeter,
Gross, John, Johnson, Klopfenstein, Richardson, Schmidt, Sigrist, Thomas, C.,
Young, Abrams, Ghanbari, Willis, Abdullahi, Bird, Brent, Brewer, Brownlee,
Claggett, Denson, Dovilla, Hall, T., Hoops, Jarrells, King, Lampton, LaRe, Lawson-
Rowe, Lear, Lett, Manning, Mathews, A., Mathews, T., Miller, J., Miller, K., Miller, M.,
Newman, Odioso, Oelslager, Peterson, Plummer, Ray, Ritter, Russo, Salvo,
Upchurch, White, A., White, E.**

Senator Johnson

To amend section 4973.17 and to enact section	1
5502.54 of the Revised Code to create the	2
escaped convict alert program and to allow a	3
prior parent company of a bank to apply to the	4
Secretary of State for the appointment and	5
commission of banking police officers.	6

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

Section 1. That section 4973.17 be amended and section	7
5502.54 of the Revised Code be enacted to read as follows:	8

Sec. 4973.17. (A)(1) <u>(A)(1)(a)</u> Upon the application of any	9
bank; savings and loan association; savings bank; credit union;	10
or association of banks, savings and loan associations, savings	11
banks, or credit unions in this state, the secretary of state	12
may appoint and commission any persons that the bank; savings	13

and loan association; savings bank; credit union; or association 14
of banks, savings and loan associations, savings banks, or 15
credit unions designates, or as many of those persons as the 16
secretary of state considers proper, to act as police officers 17
for and on the premises of that bank; savings and loan 18
association; savings bank; credit union; or association of 19
banks, savings and loan associations, savings banks, or credit 20
unions; or elsewhere, when directly in the discharge of their 21
duties. 22

(b) Upon the application of any prior parent company of a 23
bank, the secretary of state may appoint and commission any 24
persons that the prior parent company of a bank designates, or 25
as many of those persons as the secretary of state deems proper, 26
to act as police officers for and on the premises of the bank; 27
savings and loan association; savings bank; credit union; or 28
association of banks, savings and loan associations, savings 29
banks, or credit unions that the prior parent company of the 30
bank previously had a controlling interest in; or elsewhere, 31
when directly in the discharge of their duties. 32

(2) Police officers so appointed shall be citizens of this 33
state and of good character. Police officers so appointed who 34
start to perform their duties on or after April 14, 2006, shall 35
successfully complete a training program approved by the Ohio 36
peace officer training commission described in section 109.71 of 37
the Revised Code and be certified by the commission within six 38
months after starting to perform their duties. Police officers 39
so appointed shall hold office for three years, unless, for good 40
cause shown, their commission is revoked by the secretary of 41
state, or by the bank; savings and loan association; savings 42
bank; credit union; ~~or~~ association of banks, savings and loan 43
associations, savings banks, or credit unions; or the prior 44

parent company of a bank, as provided by law.

~~(2)~~(3) Persons commissioned as police officers pursuant to division (A) of this section prior to April 14, 2006, who have not successfully completed a training program approved by the Ohio peace officer training commission, and who have not been certified by the commission, may be reappointed and re-commissioned by the secretary of state only during the person's continuous employment as a police officer by the institution for which the person was employed on April 14, 2006, or by a successor institution to the institution for which the person was employed on April 14, 2006. The secretary of state shall note on such appointments and commissions that the person is not a peace officer as defined in section 109.71 of the Revised Code.

~~(3)~~(4) For the exclusive purpose of assigning break in service update training as prescribed in rule 109:2-1-12 (D) of the Administrative Code, a police officer appointed under division (A) of this section, who began performing police officer duties on or before April 14, 2006, shall be credited as holding a valid peace officer appointment retroactive to the date on which the officer began performing these duties.

(5) As used in division (A) of this section, "prior parent company of a bank" means all of the following:

(a) A company that previously had a controlling interest in a bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions in this state;

(b) A company that has sold, divested, or otherwise dissolved the company's controlling interest in that bank;

savings and loan association; savings bank; credit union; or 74
association of banks, savings and loan associations, savings 75
banks, or credit unions in this state; 76

(c) A company that had persons appointed and commissioned 77
as police officers pursuant to division (A) of this section at 78
that bank; savings and loan association; savings bank; credit 79
union; or association of banks, savings and loan associations, 80
savings banks, or credit unions in this state for at least three 81
years prior to the date that the company sold, divested, or 82
otherwise dissolved the company's controlling interest in that 83
bank; savings and loan association; savings bank; credit union; 84
or association of banks, savings and loan associations, savings 85
banks, or credit unions in this state. 86

(B) Upon the application of a company owning or using a 87
railroad in this state and subject to section 4973.171 of the 88
Revised Code, the secretary of state may appoint and commission 89
any persons that the railroad company designates, or as many of 90
those persons as the secretary of state considers proper, to act 91
as police officers for and on the premises of the railroad 92
company, its affiliates or subsidiaries, or elsewhere, when 93
directly in the discharge of their duties. Police officers so 94
appointed, within the time set by the Ohio peace officer 95
training commission, shall successfully complete a commission 96
approved training program and be certified by the commission. 97
They shall hold office for three years, unless, for good cause 98
shown, their commission is revoked by the secretary of state, or 99
railroad company, as provided by law. 100

Any person holding a similar commission in another state 101
may be commissioned and may hold office in this state without 102
completing the approved training program required by this 103

division provided that the person has completed a substantially 104
equivalent training program in the other state. The Ohio peace 105
officer training commission shall determine whether a training 106
program in another state meets the requirements of this 107
division. 108

(C) Upon the application of any company under contract 109
with the United States atomic energy commission for the 110
construction or operation of a plant at a site owned by the 111
commission, the secretary of state may appoint and commission 112
persons the company designates, not to exceed one hundred fifty, 113
to act as police officers for the company at the plant or site 114
owned by the commission. Police officers so appointed shall be 115
citizens of this state and of good character. They shall hold 116
office for three years, unless, for good cause shown, their 117
commission is revoked by the secretary of state or by the 118
company, as provided by law. 119

(D) (1) Upon the application of any hospital that employs 120
and maintains its own proprietary police department or security 121
department and that satisfies division (D) (1) (a) or (b) of this 122
section and subject to section 4973.171 of the Revised Code, the 123
secretary of state may appoint and commission any persons that 124
the hospital designates, or as many of those persons as the 125
secretary of state considers proper, to act as police officers 126
for the hospital. 127

A hospital described in this division must satisfy either 128
of the following conditions: 129

(a) Be operated by a public hospital agency or nonprofit 130
hospital agency; 131

(b) Be a for-profit hospital that, before converting to 132

for-profit status, was operated by a nonprofit hospital agency 133
employing police officers appointed under this division. 134

(2) No person who is appointed as a police officer under 135
division (D)(1) of this section shall engage in any duties or 136
activities as a police officer for the hospital or any affiliate 137
or subsidiary of the hospital unless all of the following apply: 138

(a) The chief of police of the municipal corporation in 139
which the hospital is located or, if the hospital is located in 140
the unincorporated area of a county, the sheriff of that county 141
has granted approval to the hospital to permit persons appointed 142
as police officers under division (D)(1) of this section to 143
engage in those duties and activities. The approval required by 144
this division is general in nature and is intended to cover in 145
the aggregate all persons appointed as police officers for the 146
hospital under division (D)(1) of this section; a separate 147
approval is not required for each appointee on an individual 148
basis. 149

(b) Subsequent to the grant of approval described in 150
division (D)(2)(a) of this section, the hospital has entered 151
into a written agreement with the chief of police of the 152
municipal corporation in which the hospital is located or, if 153
the hospital is located in the unincorporated area of a county, 154
with the sheriff of that county, that sets forth the standards 155
and criteria to govern the interaction and cooperation between 156
persons appointed as police officers for the hospital under 157
division (D)(1) of this section and law enforcement officers 158
serving the agency represented by the chief of police or sheriff 159
who signed the agreement in areas of their concurrent 160
jurisdiction. The written agreement shall be signed by the 161
appointing authority of the hospital and by the chief of police 162

or sheriff. The standards and criteria may include, but are not 163
limited to, provisions governing the reporting of offenses 164
discovered by hospital police officers to the agency represented 165
by the chief of police or sheriff, provisions governing 166
investigatory responsibilities relative to offenses committed on 167
hospital property, and provisions governing the processing and 168
confinement of persons arrested for offenses committed on 169
hospital property. The agreement required by this division is 170
intended to apply in the aggregate to all persons appointed as 171
police officers for the hospital under this division; a separate 172
agreement is not required for each appointee on an individual 173
basis. 174

(c) The person has successfully completed a training 175
program approved by the Ohio peace officer training commission 176
and has been certified by the commission. A person appointed as 177
a police officer under division (D) (1) of this section may 178
attend a training program approved by the commission and be 179
certified by the commission regardless of whether the 180
appropriate chief of police or sheriff has granted the approval 181
described in division (D) (2) (a) of this section and regardless 182
of whether the hospital has entered into the written agreement 183
described in division (D) (2) (b) of this section with the 184
appropriate chief of police or sheriff. 185

(3) (a) A person who is appointed as a police officer under 186
division (D) (1) of this section is entitled, upon the grant of 187
approval described in division (D) (2) (a) of this section and 188
upon the person's and the hospital's compliance with the 189
requirements of divisions (D) (2) (b) and (c) of this section, to 190
act as a police officer for the hospital on the premises of the 191
hospital and of its affiliates and subsidiaries that are within 192
the territory of the municipal corporation served by the chief 193

of police or the unincorporated area of the county served by the 194
sheriff who signed the written agreement described in division 195
(D) (2) (b) of this section, whichever is applicable, and anywhere 196
else within the territory of that municipal corporation or 197
within the unincorporated area of that county. The authority to 198
act as a police officer as described in this division is granted 199
only if the person, when engaging in that activity, is directly 200
in the discharge of the person's duties as a police officer for 201
the hospital. The authority to act as a police officer as 202
described in this division shall be exercised in accordance with 203
the standards and criteria set forth in the written agreement 204
described in division (D) (2) (b) of this section. 205

(b) Additionally, a person appointed as a police officer 206
under division (D) (1) of this section is entitled, upon the 207
grant of approval described in division (D) (2) (a) of this 208
section and upon the person's and the hospital's compliance with 209
the requirements of divisions (D) (2) (b) and (c) of this section, 210
to act as a police officer elsewhere, within the territory of a 211
municipal corporation or within the unincorporated area of a 212
county, if the chief of police of that municipal corporation or 213
the sheriff of that county, respectively, has granted approval 214
for that activity to the hospital, police department, or 215
security department served by the person as a police officer and 216
if the person, when engaging in that activity, is directly in 217
the discharge of the person's duties as a police officer for the 218
hospital. The approval described in this division may be general 219
in nature or may be limited in scope, duration, or 220
applicability, as determined by the chief of police or sheriff 221
granting the approval. 222

(4) Police officers appointed under division (D) (1) of 223
this section shall hold office for three years, unless, for good 224

cause shown, their commission is revoked by the secretary of 225
state or by the hospital, as provided by law. 226

(5) Notwithstanding section 2744.02 of the Revised Code, 227
the municipal corporation in which the hospital is located or, 228
if the hospital is located in the unincorporated area of a 229
county, the county is immune from civil or criminal liability in 230
any action brought under the laws of this state if all of the 231
following apply: 232

(a) The action arises out of the actions of a police 233
officer appointed under division (D)(1) of this section. 234

(b) The actions of the police officer are directly in the 235
discharge of the person's duties as a police officer for the 236
hospital. 237

(c) The actions of the police officer occur on the 238
premises of the hospital or its affiliates or subsidiaries that 239
are within the territory of the municipal corporation served by 240
the chief of police or the unincorporated area of the county 241
served by the sheriff who signed the agreement described in 242
division (D)(2)(b) of this section, whichever is applicable, or 243
anywhere else within the territory of that municipal corporation 244
or within the unincorporated area of that county. 245

(6) A court's finding of tort liability of any public 246
hospital agency, nonprofit hospital agency, or for-profit 247
hospital for any actions of a police officer appointed for the 248
applicable hospital agency or for-profit hospital under division 249
(D)(1) of this section is not subject to apportionment of tort 250
liability under sections 2307.22 and 2307.23 of the Revised Code 251
with the municipal corporation or the county in which a written 252
agreement as described in division (D)(2)(b) of this section is 253

in effect. 254

(7) Nothing in division (D) (5) of this section shall be 255
construed as granting immunity from civil or criminal liability 256
for any actions occurring on the premises of any hospital 257
operated by a public hospital agency or nonprofit hospital 258
agency, on the premises of any for-profit hospital, or on the 259
premises of that hospital's affiliate or subsidiary to any of 260
the following: 261

(a) Any police officer appointed under division (D) (1) of 262
this section; 263

(b) Any hospital that applied for the appointment of any 264
police officer under division (D) (1) of this section, or any 265
affiliate or subsidiary of the hospital; 266

(c) Any other police or security officer who is employed 267
by, or whose services are utilized by, any hospital operated by 268
a public hospital agency or a nonprofit hospital agency, any 269
for-profit hospital, or any affiliate or subsidiary of the 270
hospital; 271

(d) Any entity that supplies the services of police or 272
security officers to any hospital operated by a public hospital 273
agency or a nonprofit hospital agency, any for-profit hospital, 274
or any affiliate or subsidiary of the hospital. 275

(8) As used in division (D) of this section: 276

(a) "Public hospital agency" and "nonprofit hospital 277
agency" have the same meanings as in section 140.01 of the 278
Revised Code. 279

(b) "Tort liability" means the liability of a party as 280
determined by a court in a tort action as defined in section 281

2307.011 of the Revised Code. 282

(E) (1) Upon the application of any owner or operator of an 283
amusement park that has an average yearly attendance in excess 284
of six hundred thousand guests and that employs and maintains 285
its own proprietary police department or security department and 286
subject to section 4973.171 of the Revised Code, any judge of 287
the municipal court or county court that has territorial 288
jurisdiction over the amusement park may appoint and commission 289
any persons that the owner or operator designates, or as many of 290
those persons as the judge considers proper, to act as police 291
officers for the amusement park. If the amusement park is 292
located in more than one county, any judge of the municipal 293
court or county court of any of those counties may make the 294
appointments and commissions as described in this division. No 295
person who is appointed as a police officer under this division 296
shall engage in any duties or activities as a police officer for 297
the amusement park or any affiliate or subsidiary of the owner 298
or operator of the amusement park unless all of the following 299
apply: 300

(a) The appropriate chief or chiefs of police of the 301
political subdivision or subdivisions in which the amusement 302
park is located as specified in this division have granted 303
approval to the owner or operator of the amusement park to 304
permit persons appointed as police officers under this division 305
to engage in those duties and activities. If the amusement park 306
is located in a single municipal corporation or a single 307
township, the chief of police of that municipal corporation or 308
township is the appropriate chief of police for the grant of 309
approval under this division. If the amusement park is located 310
in two or more townships, two or more municipal corporations, or 311
one or more townships and one or more municipal corporations, 312

the chiefs of police of all of the affected townships and 313
municipal corporations are the appropriate chiefs of police for 314
the grant of approval under this division, and the approval must 315
be jointly granted by all of those chiefs of police. The 316
approval required by this division is general in nature and is 317
intended to cover in the aggregate all persons appointed as 318
police officers for the amusement park under this division. A 319
separate approval is not required for each appointee on an 320
individual basis. 321

(b) Subsequent to the grant of approval described in 322
division (E)(1)(a) of this section, the owner or operator has 323
entered into a written agreement with the appropriate chief or 324
chiefs of police of the political subdivision or subdivisions in 325
which the amusement park is located as specified in this 326
division and has provided the sheriff of the county in which the 327
political subdivision or subdivisions are located with a copy of 328
the agreement. If the amusement park is located in a single 329
municipal corporation or a single township, the chief of police 330
of that municipal corporation or township is the appropriate 331
chief of police for entering into the written agreement under 332
this division. If the amusement park is located in two or more 333
townships, two or more municipal corporations, or one or more 334
townships and one or more municipal corporations, the chiefs of 335
police of all of the affected townships and municipal 336
corporations are the appropriate chiefs of police for entering 337
into the written agreement under this division, and the written 338
agreement must be jointly entered into by all of those chiefs of 339
police. The written agreement between the owner or operator and 340
the chief or chiefs of police shall address the scope of 341
activities, the duration of the agreement, and mutual aid 342
arrangements and shall set forth the standards and criteria to 343

govern the interaction and cooperation between persons appointed 344
as police officers for the amusement park under this division 345
and law enforcement officers serving the agency represented by 346
the chief of police who signed the agreement. The written 347
agreement shall be signed by the owner or operator and by the 348
chief or chiefs of police who enter into it. The standards and 349
criteria may include, but are not limited to, provisions 350
governing the reporting of offenses discovered by the amusement 351
park's police officers to the agency represented by the chief of 352
police of the municipal corporation or township in which the 353
offense occurred, provisions governing investigatory 354
responsibilities relative to offenses committed on amusement 355
park property, and provisions governing the processing and 356
confinement of persons arrested for offenses committed on 357
amusement park property. The agreement required by this division 358
is intended to apply in the aggregate to all persons appointed 359
as police officers for the amusement park under this division. A 360
separate agreement is not required for each appointee on an 361
individual basis. 362

(c) The person has successfully completed a training 363
program approved by the Ohio peace officer training commission 364
and has been certified by the commission. A person appointed as 365
a police officer under this division may attend a training 366
program approved by the commission and be certified by the 367
commission regardless of whether the appropriate chief of police 368
has granted the approval described in division (E) (1) (a) of this 369
section and regardless of whether the owner or operator of the 370
amusement park has entered into the written agreement described 371
in division (E) (1) (b) of this section with the appropriate chief 372
of police. 373

(2) (a) A person who is appointed as a police officer under 374

division (E) (1) of this section is entitled, upon the grant of 375
approval described in section (E) (1) (a) of this section and upon 376
the person's and the owner or operator's compliance with the 377
requirements of division (E) (1) (b) and (c) of this section, to 378
act as a police officer for the amusement park and its 379
affiliates and subsidiaries that are within the territory of the 380
political subdivision or subdivisions served by the chief of 381
police, or respective chiefs of police, who signed the written 382
agreement described in division (E) (1) (b) of this section, and 383
upon any contiguous real property of the amusement park that is 384
covered by the written agreement, whether within or adjacent to 385
the political subdivision or subdivisions. The authority to act 386
as a police officer as described in this division is granted 387
only if the person, when engaging in that activity, is directly 388
in the discharge of the person's duties as a police officer for 389
the amusement park. The authority to act as a police officer as 390
described in this division shall be exercised in accordance with 391
the standards and criteria set forth in the written agreement 392
described in division (E) (1) (b) of this section. 393

(b) In addition to the authority granted under division 394
(E) (2) (a) of this section, a person appointed as a police 395
officer under division (E) (1) of this section is entitled, upon 396
the grant of approval described in division (E) (1) (a) of this 397
section and upon the person's and the owner or operator's 398
compliance with the requirements of divisions (E) (1) (b) and (c) 399
of this section, to act as a police officer elsewhere within the 400
territory of a municipal corporation or township if the chief of 401
police of that municipal corporation or township has granted 402
approval for that activity to the owner or operator served by 403
the person as a police officer and if the person, when engaging 404
in that activity, is directly in the discharge of the person's 405

duties as a police officer for the amusement park. The approval 406
described in this division may be general in nature or may be 407
limited in scope, duration, or applicability, as determined by 408
the chief of police granting the approval. 409

(3) Police officers appointed under division (E) (1) of 410
this section shall hold office for five years, unless, for good 411
cause shown, their commission is revoked by the appointing judge 412
or the judge's successor or by the owner or operator, as 413
provided by law. 414

(F) A fee of fifteen dollars for each commission applied 415
for under this section shall be paid at the time the application 416
is made, and this amount shall be returned if for any reason a 417
commission is not issued. 418

Sec. 5502.54. (A) "Law enforcement agency" means an 419
organization or unit made up of law enforcement officers as 420
defined in section 2901.01 of the Revised Code. 421

(B) (1) The escaped convict alert program is created to aid 422
in the identification and location of any person who was 423
convicted of or pleaded guilty to a felony offense or was 424
indicted or otherwise charged with the commission of a felony 425
offense who has escaped from a jail, workhouse, or correctional 426
institution while incarcerated for or awaiting adjudication of 427
that felony offense. For purposes of this section, a jail, 428
workhouse, or correctional institution does not include a 429
community-based correctional facility or halfway house. 430

(2) A law enforcement agency that receives a notice 431
pursuant to section 341.011, 753.19, or 5120.14 of the Revised 432
Code regarding a person who was convicted of or pleaded guilty 433
to a felony offense or was indicted or otherwise charged with 434

the commission of a felony offense may activate the escaped 435
convict alert program for the surrounding area or region of the 436
jail, workhouse, or correctional institution from which the 437
person has escaped. 438

(C) Nothing in division (B) of this section prevents the 439
activation of a local or regional alert program that may impose 440
different criteria for the activation of a local or regional 441
alert. 442

(D) Any radio broadcast station, television broadcast 443
station, or cable system participating in the escaped convict 444
alert program or in any local or regional alert program, and any 445
director, officer, employee, or agent of any station or system 446
participating in either type of alert program, shall not be 447
liable to any person for damages for any loss allegedly caused 448
by or resulting from the station's or system's broadcast or 449
cablecast of, or failure to broadcast or cablecast, any 450
information pursuant to the escaped convict alert program or the 451
local or regional alert program. 452

(E) Nothing in this section shall be construed to 453
authorize the use of the federal emergency alert system unless 454
otherwise authorized by federal law. 455

Section 2. That existing section 4973.17 of the Revised 456
Code is hereby repealed. 457