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Sub. H. B. No. 23

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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.

Senators Johnson, Brenner, Cirino, Craig, Gavarone, Koehler, Landis, Lang, O'Brien, Patton, Reineke, Reynolds, Roegner, Romanchuk, Schaffer, Timken, Weinstein, Wilkin, Wilson

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. $\frac{A}{A}$ $\frac{A}{A}$ $\frac{A}{A}$ $\frac{A}{A}$ $\frac{A}{A}$ 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; sayings	1.3

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

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

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

parent company of a bank, as provided by law.	45
$\frac{(2)}{(3)}$ Persons commissioned as police officers pursuant to	46
division (A) of this section prior to April 14, 2006, who have	47
not successfully completed a training program approved by the	48
Ohio peace officer training commission, and who have not been	49
certified by the commission, may be reappointed and re-	50
commissioned by the secretary of state only during the person's	51
continuous employment as a police officer by the institution for	52
which the person was employed on April 14, 2006, or by a	53
successor institution to the institution for which the person	54
was employed on April 14, 2006. The secretary of state shall	55
note on such appointments and commissions that the person is not	56
a peace officer as defined in section 109.71 of the Revised	57
Code.	58
$\frac{(3)}{(4)}$ For the exclusive purpose of assigning break in	59
service update training as prescribed in rule 109:2-1-12 (D) of	60
the Administrative Code, a police officer appointed under	61
division (A) of this section, who began performing police	62
officer duties on or before April 14, 2006, shall be credited as	63
holding a valid peace officer appointment retroactive to the	64
date on which the officer began performing these duties.	65
(5) As used in division (A) of this section, "prior parent	66
<pre>company of a bank" means all of the following:</pre>	67
(a) A company that previously had a controlling interest	68
in a bank; savings and loan association; savings bank; credit	69
union; or association of banks, savings and loan associations,	70
savings banks, or credit unions in this state;	71
(b) A company that has sold, divested, or otherwise	72
dissolved the company's controlling interest in that bank;	73

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

hospital agency;

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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

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

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

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

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.

(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 288 289 jurisdiction over the amusement park may appoint and commission any persons that the owner or operator designates, or as many of 290 291 those persons as the judge considers proper, to act as police 292 officers for the amusement park. If the amusement park is 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 299 300 apply:

(a) The appropriate chief or chiefs of police of the 301 political subdivision or subdivisions in which the amusement 302 303 park is located as specified in this division have granted 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 322 323 division (E)(1)(a) of this section, the owner or operator has 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

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 contiquous 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 394 395 (E)(2)(a) of this section, a person appointed as a police 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

authorize the use of the federal emergency alert system unless

Section 2. That existing section 4973.17 of the Revised

otherwise authorized by federal law.

Code is hereby repealed.

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