

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

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

Sec. 4973.17. ~~(A)(1)(A)(1)(a)~~ Upon the application of any 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, the secretary of state may appoint and commission any persons that the bank; savings 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.

~~(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 association of banks, savings and loan associations, savings banks, or credit unions in this state;

(c) A company that had persons appointed and commissioned as police officers pursuant to division (A) of this section at that 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 for at least three years prior to the date that the company sold, divested, or otherwise dissolved the company's controlling interest in that 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) Upon the application of a company owning or using a railroad in this state and subject to section 4973.171 of the Revised Code, the secretary of state may appoint and commission any persons that the railroad company 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 the railroad company, its affiliates or subsidiaries, or elsewhere, when directly in the discharge of their duties. Police officers so appointed, within the time set by the Ohio peace officer training commission, shall successfully complete a commission approved training program and be certified by the commission. They shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state, or railroad company, as provided by law.

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

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

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

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

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

- (a) Be operated by a public hospital agency or nonprofit hospital agency;
- (b) Be a for-profit hospital that, before converting to 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 which the hospital is located or, if the hospital is located in the unincorporated area of a county, the sheriff of that county has granted approval to the hospital to permit persons appointed as police officers under division (D)(1) of this section to engage in those duties and activities. The approval required by this division is general in nature and is intended to cover in the aggregate all persons appointed as police officers for the hospital under division (D)(1) of this section; a separate approval is not required for each appointee on an individual basis.

(b) Subsequent to the grant of approval described in division (D)(2)(a) of this section, the hospital has entered into a written agreement with the chief of police of the municipal corporation in which the hospital is located or, if the hospital is located in the unincorporated area of a county, with the sheriff of that county, that sets forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the hospital under division (D)(1) of this section and law enforcement officers serving the agency represented by the chief of police or sheriff who signed the agreement in areas of their concurrent jurisdiction. The written agreement shall be signed by the appointing authority of the hospital and by the chief of police or sheriff. The standards and criteria may include, but are not limited to, provisions governing the reporting of

offenses discovered by hospital police officers to the agency represented by the chief of police or sheriff, provisions governing investigatory responsibilities relative to offenses committed on hospital property, and provisions governing the processing and confinement of persons arrested for offenses committed on hospital property. The agreement required by this division is intended to apply in the aggregate to all persons appointed as police officers for the hospital under this division; a separate agreement is not required for each appointee on an individual basis.

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

(3)(a) A person who is appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(2)(a) of this section and upon the person's and the hospital's compliance with the requirements of divisions (D)(2)(b) and (c) of this section, to act as a police officer for the hospital on the premises of the hospital and of its affiliates and subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the written agreement described in division (D)(2)(b) of this section, whichever is applicable, and anywhere else within the territory of that municipal corporation or within the unincorporated area of that county. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the hospital. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division (D)(2)(b) of this section.

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

(4) Police officers appointed under division (D)(1) of this section shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state or by the

hospital, as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Tort liability" means the liability of a party as determined by a court in a tort action as defined in section 2307.011 of the Revised Code.

(E)(1) Upon the application of any owner or operator of an amusement park that has an

average yearly attendance in excess of six hundred thousand guests and that employs and maintains its own proprietary police department or security department and subject to section 4973.171 of the Revised Code, any judge of the municipal court or county court that has territorial jurisdiction over the amusement park may appoint and commission any persons that the owner or operator designates, or as many of those persons as the judge considers proper, to act as police officers for the amusement park. If the amusement park is located in more than one county, any judge of the municipal court or county court of any of those counties may make the appointments and commissions as described in this division. No person who is appointed as a police officer under this division shall engage in any duties or activities as a police officer for the amusement park or any affiliate or subsidiary of the owner or operator of the amusement park unless all of the following apply:

(a) The appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this division have granted approval to the owner or operator of the amusement park to permit persons appointed as police officers under this division to engage in those duties and activities. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for the grant of approval under this division. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for the grant of approval under this division, and the approval must be jointly granted by all of those chiefs of police. The approval required by this division is general in nature and is intended to cover in the aggregate all persons appointed as police officers for the amusement park under this division. A separate approval is not required for each appointee on an individual basis.

(b) Subsequent to the grant of approval described in division (E)(1)(a) of this section, the owner or operator has entered into a written agreement with the appropriate chief or chiefs of police of the political subdivision or subdivisions in which the amusement park is located as specified in this division and has provided the sheriff of the county in which the political subdivision or subdivisions are located with a copy of the agreement. If the amusement park is located in a single municipal corporation or a single township, the chief of police of that municipal corporation or township is the appropriate chief of police for entering into the written agreement under this division. If the amusement park is located in two or more townships, two or more municipal corporations, or one or more townships and one or more municipal corporations, the chiefs of police of all of the affected townships and municipal corporations are the appropriate chiefs of police for entering into the written agreement under this division, and the written agreement must be jointly entered into by all of those chiefs of police. The written agreement between the owner or operator and the chief or chiefs of police shall address the scope of activities, the duration of the agreement, and mutual aid arrangements and shall set forth the standards and criteria to govern the interaction

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

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

(2)(a) A person who is appointed as a police officer under division (E)(1) of this section is entitled, upon the grant of approval described in section (E)(1)(a) of this section and upon the person's and the owner or operator's compliance with the requirements of division (E)(1)(b) and (c) of this section, to act as a police officer for the amusement park and its affiliates and subsidiaries that are within the territory of the political subdivision or subdivisions served by the chief of police, or respective chiefs of police, who signed the written agreement described in division (E)(1)(b) of this section, and upon any contiguous real property of the amusement park that is covered by the written agreement, whether within or adjacent to the political subdivision or subdivisions. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division (E)(1)(b) of this section.

(b) In addition to the authority granted under division (E)(2)(a) of this section, a person appointed as a police officer under division (E)(1) of this section is entitled, upon the grant of approval described in division (E)(1)(a) of this section and upon the person's and the owner or operator's compliance with the requirements of divisions (E)(1)(b) and (c) of this section, to act as a police officer elsewhere within the territory of a municipal corporation or township if the chief of police of that municipal corporation or township has granted approval for that activity to the owner

or operator served by the person as a police officer and if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the amusement park. The approval described in this division may be general in nature or may be limited in scope, duration, or applicability, as determined by the chief of police granting the approval.

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

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

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

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

(2) A law enforcement agency that receives a notice pursuant to section 341.011, 753.19, or 5120.14 of the Revised Code regarding a person who was convicted of or pleaded guilty to a felony offense or was indicted or otherwise charged with the commission of a felony offense may activate the escaped convict alert program for the surrounding area or region of the jail, workhouse, or correctional institution from which the person has escaped.

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

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

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

SECTION 2. That existing section 4973.17 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 23

136th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____