

As Passed by the Senate

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S. B. No. 114

Senator Patton

Cosponsors: Senators Manning, Antonio, Blackshear, Brenner, Cirino, Craig, Cutrona, DeMora, Gavarone, Hicks-Hudson, Huffman, Ingram, Johnson, Lang, O'Brien, Reineke, Roegner, Romanchuk, Schaffer, Smith, Timken, Weinstein, Wilkin, Wilson

A BILL

To enact section 109.70 of the Revised Code to
prohibit law enforcement agencies from using
quotas for arrests and citations.

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

Section 1. That section 109.70 of the Revised Code be
enacted to read as follows:

Sec. 109.70. (A) As used in this section:

(1) "Law enforcement official or agency" means any of the
following that has jurisdiction over the applicable local or
state police officer listed in division (A) (2) (a), (b), (c),
(d), (e), (f), or (g) of this section that corresponds with the
respective division (A) (1) (a), (b), (c), (d), (e), (f), or (g)
of this section:

(a) A county sheriff;

(b) A village marshal;

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| <u>(c) The organized police department of a municipal</u> | 15 |
| <u>corporation;</u> | 16 |
| <u>(d) The organized police department of a township;</u> | 17 |
| <u>(e) A board of township trustees that appoints a township</u> | 18 |
| <u>constable;</u> | 19 |
| <u>(f) The board of a township police district or of a joint</u> | 20 |
| <u>police district;</u> | 21 |
| <u>(g) The state highway patrol.</u> | 22 |
| <u>(2) "Local or state police officer" means any of the</u> | 23 |
| <u>following who is under the jurisdiction of the applicable law</u> | 24 |
| <u>enforcement official or agency listed in division (A) (1) (a),</u> | 25 |
| <u>(b), (c), (d), (e), (f), or (g) of this section that corresponds</u> | 26 |
| <u>with the respective division (A) (2) (a), (b), (c), (d), (e), (f),</u> | 27 |
| <u>or (g) of this section:</u> | 28 |
| <u>(a) A county deputy sheriff;</u> | 29 |
| <u>(b) A village deputy marshal;</u> | 30 |
| <u>(c) A member of the organized police department of a</u> | 31 |
| <u>municipal corporation;</u> | 32 |
| <u>(d) A member of the organized police department of a</u> | 33 |
| <u>township;</u> | 34 |
| <u>(e) A police constable appointed by a board of township</u> | 35 |
| <u>trustees;</u> | 36 |
| <u>(f) A member of the police force of a township police</u> | 37 |
| <u>district or of a joint police district;</u> | 38 |
| <u>(g) A highway patrol trooper of the state highway patrol.</u> | 39 |
| <u>(3) "Quota" means a mandate of a finite number of arrests</u> | 40 |

made or citations issued for any offense that a local or state 41
police officer must meet in a specified time period. 42

(B) No law enforcement official or agency shall do any of 43
the following: 44

(1) Establish or maintain, formally or informally, a plan 45
utilizing a quota as the basis by which to evaluate, promote, 46
compensate, transfer, or discipline a local or state police 47
officer over whom the law enforcement official or agency has 48
jurisdiction; 49

(2) Require a local or state police officer described in 50
division (B)(1) of this section, or suggest to the police 51
officer, that the police officer is required or expected to meet 52
a quota; 53

(3) Offer a financial reward or other benefit to a local 54
or state police officer described in division (B)(1) of this 55
section that is determined by or based on the quota of that 56
police officer. 57

(C) This section does not prohibit a law enforcement 58
official or agency from doing any of the following: 59

(1) Collecting, analyzing, and applying any information 60
concerning the number of arrests made and citations issued in 61
order to ensure that a particular local or state police officer 62
or group of local or state police officers does not violate an 63
applicable legal obligation of the officer or officers; 64

(2) Assessing the proportion of the arrests made, and 65
citations issued, by a local or state police officer or group of 66
local or state police officers. 67

(D) (1) The attorney general shall establish a form that 68

any local or state police officer may access on the web site of 69
the attorney general for the purpose of reporting the use of 70
quotas in violation of division (B) (1), (2), or (3) of this 71
section by the law enforcement official or agency that has 72
jurisdiction over the local or state police officer. Upon 73
receiving a report, including a report submitted by an 74
unidentified complainant, under this division, the attorney 75
general shall investigate the alleged use of quotas in violation 76
of any of those divisions by the law enforcement official or 77
agency that is the subject of the report and whether any of the 78
circumstances described in division (C) of this section apply. 79
The investigation shall be conducted within one year after 80
receiving the report. 81

(2) The attorney general shall determine the procedure for 82
the investigation conducted under division (D) (1) of this 83
section on a case-by-case basis and shall provide the law 84
enforcement official or agency that is the subject of the 85
investigation an opportunity to be heard. If after the 86
investigation the attorney general finds that the law 87
enforcement official or agency uses quotas in violation of 88
division (B) (1), (2), or (3) of this section, the attorney 89
general shall order the law enforcement official or agency to 90
cease and desist from using quotas in violation of any of those 91
divisions. 92