

AN ACT

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;
- (c) The organized police department of a municipal corporation;
- (d) The organized police department of a township;
- (e) A board of township trustees that appoints a township constable;
- (f) The board of a township police district or of a joint police district;
- (g) The state highway patrol.

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

- (a) A county deputy sheriff;
- (b) A village deputy marshal;
- (c) A member of the organized police department of a municipal corporation;
- (d) A member of the organized police department of a township;
- (e) A police constable appointed by a board of township trustees;
- (f) A member of the police force of a township police district or of a joint police district;
- (g) A highway patrol trooper of the state highway patrol.

(3) "Quota" means a mandate of a finite number of arrests made or citations issued for any offense that a local or state police officer must meet in a specified time period.

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

(1) Establish or maintain, formally or informally, a plan utilizing a quota as the basis by which to evaluate, promote, compensate, transfer, or discipline a local or state police officer over

whom the law enforcement official or agency has jurisdiction:

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

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

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

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

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

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

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

S. B. No. 114

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 _____