



**Proponent Testimony for House Bill 236
Senate Judiciary Committee
Staff Lieutenant Kevin D. Miller
Ohio State Highway Patrol**

Chairman Eklund, Vice Chairman Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, I would like to thank you for the opportunity to provide testimony today in support of House Bill 236. My name is Staff Lieutenant Kevin Miller. I am employed by the Ohio State Highway Patrol and have served with the Division for over 21 years. I am currently assigned to the Office of Security and Communications where I serve as the Patrol's legislative liaison among other operational responsibilities.

In the interest of time, I would like to concentrate my remarks on the amendment that seeks to add Ohio State Highway Patrol "special police officers" to the list of law enforcement officers for which increased penalties apply when they are victims of felonious assault, aggravated assault or assault.

Section 5503.09 of the Ohio Revised Code allows the Superintendent of the Highway Patrol to designate "special police officers" to enforce the laws of the state with respect to jurisdiction under their authority. These special police officers are currently assigned to state facilities in the Columbus metro area including: the Ohio Exposition Center, our Alum Creek facility, the Department of Public Safety's Shipley Building and most notably, the Ohio Statehouse.

These officers have completed training designated by the Ohio peace officer training commission, have taken an oath of office and are vested with the same powers of arrest as police officers under section 2935.03 of the Revised Code. Essentially, they have the same arrest authority and training requirements as all other police officers in the state. Unfortunately,

in the crafting of the aforementioned assault offenses, OSHP special police officers were inadvertently left out when it came to the penalty enhancements for those who choose to assault special police officers.

This issue was brought to light in February of 2016 when one of these police officers was assaulted at the Bureau of Motor Vehicle office at our Alum Creek facility. The suspect was charged with assault of a police officer; however, defense council successfully argued in the trial court that enhanced penalties did not apply. They stated "special police officers" were not included in the list of officers referenced in the code. The case was ultimately appealed to the Tenth Appellate District where the trial court's decision was overturned.

House Bill 236 and the associated amendment seek to codify the court's decision. This will provide the same protections to OSHP police officers as other law enforcement officers, including state troopers that serve side by side with them on a daily basis.

On behalf of the Colonel and our special police officers, I would like to thank the bill sponsors, Rep. Smith and Rep. Plummer for including our officers in this piece of legislation. Additionally, I would like to thank the chairman and members of the Judiciary Committee for the opportunity to provide testimony here today. We respectfully request favorable consideration of House Bill 236 and the associated amendment.

I would be more than happy to answer any questions the committee might have.