As Introduced

134th General Assembly

Regular Session

H. B. No. 11

2021-2022

Representatives Sheehy, Hicks-Hudson

Cosponsors: Representatives Crawley, Lepore-Hagan, Lightbody, Miller, J., Russo, Seitz, Smith, K., Sobecki, Sweeney, Weinstein, West

A BILL

То	enact section 109.96 of the Revised Code to	1
	require the Attorney General to create a law	2
	enforcement officer database for hiring	3
	eligibility.	4

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

Section 1. That section 109.96 of the Revised Code be	5
enacted to read as follows:	6
Sec. 109.96. (A) As used in this section:	7
(1) "Law enforcement agency" means the employer of a law	8
enforcement officer.	9
(2) "Law enforcement officer" means a sheriff, deputy	10
sheriff, marshal, deputy marshal, member of the organized police	11
department of a municipal corporation, police officer of a	12
township or joint police district, or township constable, who is	13
employed by a political subdivision of this state; a member of a	14
police force employed by a regional transit authority under	15
division (Y) of section 306.35 of the Revised Code; a police	16
officer employed by a qualified nonprofit police department	17

pursuant to section 1702.80 of the Revised Code; a state	18
university law enforcement officer appointed under section	19
3345.04 of the Revised Code; a member of a police force employed	20
by a metropolitan housing authority under division (D) of	21
section 3735.31 of the Revised Code; a special police officer	22
employed by a port authority under section 4582.04 or 4582.28 of	23
the Revised Code; a police officer employed by a proprietary	24
police department or security department of a hospital operated	25
by a public hospital agency or nonprofit hospital agency	26
pursuant to section 4973.17 of the Revised Code; a veterans'	27
home police officer appointed under section 5907.02 of the	28
Revised Code; a state highway patrol trooper; or an officer,	29
agent, or employee of the state or any of its agencies,	30
instrumentalities, or political subdivisions, upon whom, by	31
statute, a duty to conserve the peace or to enforce all or	32
certain laws is imposed and the authority to arrest violators is	33
conferred, within limits of that statutory duty and authority.	34
(B) Notwithstanding section 4117.10 of the Revised Code,	35
•	36
this section prevails over an agreement between a public	
employer and an exclusive representative entered into after the	37
effective date of this section.	38
(C) The attorney general shall establish, administer, and	39
operate a database of information regarding law enforcement	40
officers who have been terminated from employment, resigned in	41
lieu of termination, resigned during a departmental	42
investigation, or resigned before a disciplinary hearing. The	43
attorney general shall obtain the information from the reports	44
provided by law enforcement agencies under division (D) of this	45
section and shall include the information in the database. The	46
attorney general shall maintain the database separate and apart	47
from other records maintained by the attorney general. The	48

attorney general shall have this database operational on or	
before January 1, 2022.	
(D) Each law enforcement agency shall furnish to the	51
attorney general, in a format required by the attorney general,	52
a report of the name and date of birth of any law enforcement	53
officer who was terminated from employment, resigned in lieu of	54
termination, resigned during a departmental investigation, or	55
resigned before a disciplinary hearing; the reason for	56
termination; and the name and telephone number of the law	57
enforcement agency that furnished the information. The law	58
enforcement agency shall furnish that information within thirty	59
days after the law enforcement officer was terminated, resigned	60
in lieu of termination, resigned during a departmental	61
investigation, or resigned before a disciplinary hearing.	62
(E) The attorney general shall allow law enforcement	63
agencies to access the database free of charge. A law	64
enforcement agency or the employee who hires law enforcement	65
officers for the agency shall review information contained in	66
the database before hiring a law enforcement officer and shall	67
use the information for the sole purpose of determining	68
eligibility of the law enforcement officer for employment with	69
the law enforcement agency.	70
che law enforcement agency.	7 0
(F) The attorney general shall establish policies and	71
procedures for the creation, administration, and operation of	72
the database, and for the use and dissemination of information	73
from the database. The attorney general shall update the	74
database by the first day of each month to reflect information	75
reported to the attorney general under division (D) of this	76
section.	77
(G) Information in the database is a public record	78

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available for inspection under section 149.43 of the Revised	79
Code.	80
(H)(1) No person shall knowingly use information contained	81
in or received from the database for purposes not authorized by	82
this section.	83
(2) No person shall knowingly use information contained in	84
or received from the database with the intent to harass or	85
intimidate another person.	86
(3) Whoever violates division (H)(1) of this section is	87
guilty of a misdemeanor of the fourth degree. Whoever violates	88
division (H)(2) of this section is guilty of a misdemeanor of	89
the first degree.	90
(I) Any law enforcement agency and law enforcement	91
officers who comply with this section shall be immune from any	92
civil or criminal liability for carrying out the duties of this	93
section.	94