

As Introduced

CORRECTED VERSION

131st General Assembly

Regular Session

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S. B. No. 256

Senators Williams

Cosponsor: Senator Tavares

A BILL

To amend sections 109.73, 109.77, 109.79, 109.80, 1
and 5503.05 and to enact sections 109.748 and 2
2933.84 of the Revised Code to require the Ohio 3
Peace Officer Training Commission to develop a 4
course to train peace officers in performing 5
their duties without biased policing or status- 6
based profiling and require that peace officer 7
basic training programs include the new training 8
program; to prohibit law enforcement officers 9
and officials from engaging in biased policing 10
or status-based profiling with respect to 11
motorists, bicyclists, and pedestrians; to 12
generally require law enforcement agencies to 13
maintain a policy designed to eliminate biased 14
policing and status-based profiling and to cease 15
existing practices that permit, perpetuate, or 16
encourage biased policing or status-based 17
profiling; to require each law enforcement 18
agency to develop and provide annually to its 19
officers and to officers who engage in biased 20
policing or status-based profiling an 21
educational training program on how to perform 22

law enforcement duties without engaging in 23
biased policing or status-based profiling; to 24
require a law enforcement agency to collect and 25
report to the Attorney General specified 26
information when an officer causes the stop, 27
delay, or questioning of a motor vehicle or 28
bicycle operator or pedestrian, or institutes a 29
search, inventory, or inspection of a motor 30
vehicle, bicycle, or pedestrian; to require the 31
Attorney General to determine and report 32
disparities in stopping and searching that cause 33
a disproportionately adverse effect on 34
particular minority groups; to require any law 35
enforcement agency that the Attorney General 36
determines engages in biased policing or status- 37
based profiling to take immediate remedial 38
action; to provide a civil cause of action for 39
an individual who is a victim of biased policing 40
or status-based profiling; and to permit the 41
Attorney General to seek injunctive relief 42
against a law enforcement agency served by an 43
officer who commits biased policing or status- 44
based profiling. 45

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

Section 1. That sections 109.73, 109.77, 109.79, 109.80, 46
and 5503.05 be amended and sections 109.748 and 2933.84 of the 47
Revised Code be enacted to read as follows: 48

Sec. 109.73. (A) The Ohio peace officer training 49

commission shall recommend rules to the attorney general with 50
respect to all of the following: 51

(1) The approval, or revocation of approval, of peace 52
officer training schools administered by the state, counties, 53
municipal corporations, public school districts, technical 54
college districts, and the department of natural resources; 55

(2) Minimum courses of study, attendance requirements, and 56
equipment and facilities to be required at approved state, 57
county, municipal, and department of natural resources peace 58
officer training schools; 59

(3) Minimum qualifications for instructors at approved 60
state, county, municipal, and department of natural resources 61
peace officer training schools; 62

(4) The requirements of minimum basic training that peace 63
officers appointed to probationary terms shall complete before 64
being eligible for permanent appointment, which requirements 65
shall include training in the handling of the offense of 66
domestic violence, other types of domestic violence-related 67
offenses and incidents, and protection orders and consent 68
agreements issued or approved under section 2919.26 or 3113.31 69
of the Revised Code; crisis intervention training; ~~and~~ training 70
in the handling of missing children and child abuse and neglect 71
cases; ~~and~~ training in handling violations of section 2905.32 of 72
the Revised Code; training in performing law enforcement duties 73
and handling law enforcement matters without engaging in biased 74
policing or status-based profiling; and the time within which 75
such basic training shall be completed following appointment to 76
a probationary term; 77

(5) The requirements of minimum basic training that peace 78

officers not appointed for probationary terms but appointed on 79
other than a permanent basis shall complete in order to be 80
eligible for continued employment or permanent appointment, 81
which requirements shall include training in the handling of the 82
offense of domestic violence, other types of domestic violence- 83
related offenses and incidents, and protection orders and 84
consent agreements issued or approved under section 2919.26 or 85
3113.31 of the Revised Code~~;~~; crisis intervention training~~;~~; 86
training in the handling of missing children and child abuse and 87
neglect cases~~;~~; training in handling violations of section 88
2905.32 of the Revised Code~~;~~; training in performing law 89
enforcement duties and handling law enforcement matters without 90
engaging in biased policing or status-based profiling; and the 91
time within which such basic training shall be completed 92
following appointment on other than a permanent basis; 93

(6) Categories or classifications of advanced in-service 94
training programs for peace officers, including programs in the 95
handling of the offense of domestic violence, other types of 96
domestic violence-related offenses and incidents, and protection 97
orders and consent agreements issued or approved under section 98
2919.26 or 3113.31 of the Revised Code~~;~~; in crisis intervention~~;~~; 99
~~and;~~; in the handling of missing children and child abuse and 100
neglect cases~~;~~; in handling violations of section 2905.32 101
of the Revised Code~~;~~; training in performing law enforcement 102
duties and handling law enforcement matters without engaging in 103
biased policing or status-based profiling; and minimum courses 104
of study and attendance requirements with respect to such 105
categories or classifications; 106

(7) Permitting persons, who are employed as members of a 107
campus police department appointed under section 1713.50 of the 108
Revised Code; who are employed as police officers by a qualified 109

nonprofit corporation police department pursuant to section 110
1702.80 of the Revised Code; who are appointed and commissioned 111
as bank, savings and loan association, savings bank, credit 112
union, or association of banks, savings and loan associations, 113
savings banks, or credit unions police officers, as railroad 114
police officers, or as hospital police officers pursuant to 115
sections 4973.17 to 4973.22 of the Revised Code; or who are 116
appointed and commissioned as amusement park police officers 117
pursuant to section 4973.17 of the Revised Code, to attend 118
approved peace officer training schools, including the Ohio 119
peace officer training academy, and to receive certificates of 120
satisfactory completion of basic training programs, if the 121
private college or university that established the campus police 122
department; qualified nonprofit corporation police department; 123
bank, savings and loan association, savings bank, credit union, 124
or association of banks, savings and loan associations, savings 125
banks, or credit unions; railroad company; hospital; or 126
amusement park sponsoring the police officers pays the entire 127
cost of the training and certification and if trainee vacancies 128
are available; 129

(8) Permitting undercover drug agents to attend approved 130
peace officer training schools, other than the Ohio peace 131
officer training academy, and to receive certificates of 132
satisfactory completion of basic training programs, if, for each 133
undercover drug agent, the county, township, or municipal 134
corporation that employs that undercover drug agent pays the 135
entire cost of the training and certification; 136

(9) (a) The requirements for basic training programs for 137
bailiffs and deputy bailiffs of courts of record of this state 138
and for criminal investigators employed by the state public 139
defender that those persons shall complete before they may carry 140

a firearm while on duty;	141
(b) The requirements for any training received by a	142
bailiff or deputy bailiff of a court of record of this state or	143
by a criminal investigator employed by the state public defender	144
prior to June 6, 1986, that is to be considered equivalent to	145
the training described in division (A) (9) (a) of this section.	146
(10) Establishing minimum qualifications and requirements	147
for certification for dogs utilized by law enforcement agencies;	148
(11) Establishing minimum requirements for certification	149
of persons who are employed as correction officers in a full-	150
service jail, five-day facility, or eight-hour holding facility	151
or who provide correction services in such a jail or facility;	152
(12) Establishing requirements for the training of agents	153
of a county humane society under section 1717.06 of the Revised	154
Code, including, without limitation, a requirement that the	155
agents receive instruction on traditional animal husbandry	156
methods and training techniques, including customary owner-	157
performed practices.	158
(B) The commission shall appoint an executive director,	159
with the approval of the attorney general, who shall hold office	160
during the pleasure of the commission. The executive director	161
shall perform such duties assigned by the commission. The	162
executive director shall receive a salary fixed pursuant to	163
Chapter 124. of the Revised Code and reimbursement for expenses	164
within the amounts available by appropriation. The executive	165
director may appoint officers, employees, agents, and	166
consultants as the executive director considers necessary,	167
prescribe their duties, and provide for reimbursement of their	168
expenses within the amounts available for reimbursement by	169

appropriation and with the approval of the commission.	170
(C) The commission may do all of the following:	171
(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;	172 173 174 175
(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;	176 177 178
(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code;	179 180 181 182
(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission;	183 184 185
(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing;	186 187 188 189
(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code.	190 191 192
(D) In establishing the requirements, under division (A) (12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails	193 194 195 196 197

to provide instruction on traditional animal husbandry methods 198
and training techniques, including customary owner-performed 199
practices, shall qualify to train a humane agent for appointment 200
under section 1717.06 of the Revised Code. 201

Sec. 109.748. The attorney general shall do all of the 202
following: 203

(A) Adopt, in accordance with Chapter 119. or pursuant to 204
section 109.74 of the Revised Code, rules governing the training 205
of peace officers in performing law enforcement duties and 206
handling law enforcement matters without engaging in biased 207
policing or status-based profiling, including biased policing 208
and status-based profiling of the type described in divisions 209
(B) and (C) of section 2933.84 of the Revised Code. The rules 210
shall specify the amount of that training necessary for the 211
satisfactory completion of basic training programs at approved 212
peace officer training schools other than the Ohio peace officer 213
training academy. The rules shall require that the training 214
include, but not be limited to, materials that provide an 215
understanding of the historical and cultural systems that 216
perpetuate biased policing and status-based profiling, 217
assistance in identifying biased policing and status-based 218
profiling practices, and self-evaluation strategies for officers 219
to preempt biased policing or status-based profiling prior to 220
stopping an individual. 221

(B) Adopt reasonable rules under Chapter 119. of the 222
Revised Code prescribing the format and timing of the submission 223
by law enforcement agencies under division (G) (1) of section 224
2933.84 of the Revised Code of information gathered under 225
divisions (E) and (F) of that section. 226

(C) In accordance with division (G) of section 2933.84 of 227

the Revised Code, analyze all data submitted to the attorney 228
general pursuant to that division, publish the data and the 229
analysis of the data in a report, and distribute copies of the 230
report. 231

Sec. 109.77. (A) As used in this section: 232

(1) "Felony" has the same meaning as in section 109.511 of 233
the Revised Code. 234

(2) "Companion animal" has the same meaning as in section 235
959.131 of the Revised Code. 236

(B) (1) Notwithstanding any general, special, or local law 237
or charter to the contrary, and except as otherwise provided in 238
this section, no person shall receive an original appointment on 239
a permanent basis as any of the following unless the person 240
previously has been awarded a certificate by the executive 241
director of the Ohio peace officer training commission attesting 242
to the person's satisfactory completion of an approved state, 243
county, municipal, or department of natural resources peace 244
officer basic training program: 245

(a) A peace officer of any county, township, municipal 246
corporation, regional transit authority, or metropolitan housing 247
authority; 248

(b) A natural resources law enforcement staff officer, 249
park officer, forest officer, preserve officer, wildlife 250
officer, or state watercraft officer of the department of 251
natural resources; 252

(c) An employee of a park district under section 511.232 253
or 1545.13 of the Revised Code; 254

(d) An employee of a conservancy district who is 255

designated pursuant to section 6101.75 of the Revised Code;	256
(e) A state university law enforcement officer;	257
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	258 259 260 261
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	262 263 264
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	265 266
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	267 268 269 270 271 272 273 274 275 276
(j) A gaming agent employed under section 3772.03 of the Revised Code.	277 278
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily	279 280 281 282 283 284

completes a state, county, municipal, or department of natural	285
resources peace officer basic training program for temporary or	286
probationary officers and is awarded a certificate by the	287
director attesting to the satisfactory completion of the	288
program:	289
(a) A peace officer of any county, township, municipal	290
corporation, regional transit authority, or metropolitan housing	291
authority;	292
(b) A natural resources law enforcement staff officer,	293
park officer, forest officer, preserve officer, wildlife	294
officer, or state watercraft officer of the department of	295
natural resources;	296
(c) An employee of a park district under section 511.232	297
or 1545.13 of the Revised Code;	298
(d) An employee of a conservancy district who is	299
designated pursuant to section 6101.75 of the Revised Code;	300
(e) A special police officer employed by the department of	301
mental health and addiction services pursuant to section 5119.08	302
of the Revised Code or the department of developmental	303
disabilities pursuant to section 5123.13 of the Revised Code;	304
(f) An enforcement agent of the department of public	305
safety whom the director of public safety designates under	306
section 5502.14 of the Revised Code;	307
(g) A special police officer employed by a port authority	308
under section 4582.04 or 4582.28 of the Revised Code;	309
(h) A special police officer employed by a municipal	310
corporation at a municipal airport, or other municipal air	311
navigation facility, that has scheduled operations, as defined	312

in section 119.3 of Title 14 of the Code of Federal Regulations, 313
14 C.F.R. 119.3, as amended, and that is required to be under a 314
security program and is governed by aviation security rules of 315
the transportation security administration of the United States 316
department of transportation as provided in Parts 1542. and 317
1544. of Title 49 of the Code of Federal Regulations, as 318
amended. 319

(3) For purposes of division (B) of this section, a state, 320
county, municipal, or department of natural resources peace 321
officer basic training program, regardless of whether the 322
program is to be completed by peace officers appointed on a 323
permanent or temporary, probationary, or other nonpermanent 324
basis, shall include training in the handling of the offense of 325
domestic violence, other types of domestic violence-related 326
offenses and incidents, protection orders and consent agreements 327
issued or approved under section 2919.26 or 3113.31 of the 328
Revised Code~~;~~ crisis intervention training; training, in 329
accordance with the rules adopted under section 109.748 of the 330
Revised Code, in performing law enforcement duties and handling 331
law enforcement matters without engaging in biased policing or 332
status-based profiling; and training on companion animal 333
encounters and companion animal behavior. The requirement to 334
complete training in the handling of the offense of domestic 335
violence, other types of domestic violence-related offenses and 336
incidents, and protection orders and consent agreements issued 337
or approved under section 2919.26 or 3113.31 of the Revised Code 338
does not apply to any person serving as a peace officer on March 339
27, 1979, ~~and~~ the requirement to complete training in crisis 340
intervention does not apply to any person serving as a peace 341
officer on April 4, 1985, and the requirement to complete 342
training in performing law enforcement duties and handling law 343

enforcement matters without engaging in biased policing or 344
status-based profiling does not apply to any person serving as a 345
peace officer on the effective date of this amendment. Any 346
person who is serving as a peace officer on April 4, 1985, who 347
terminates that employment after that date, and who subsequently 348
is hired as a peace officer by the same or another law 349
enforcement agency shall complete training in crisis 350
intervention as prescribed by rules adopted by the attorney 351
general pursuant to section 109.742 of the Revised Code. Any 352
person who is serving as a peace officer on the effective date 353
of this amendment who terminates that employment after that date 354
and who subsequently is hired as a peace officer by the same or 355
another law enforcement agency shall complete training in 356
performing law enforcement duties and handling law enforcement 357
matters without engaging in biased policing or status-based 358
profiling, as prescribed by rules adopted by the attorney 359
general pursuant to section 109.748 of the Revised Code. No 360
peace officer shall have employment as a peace officer 361
terminated and then be reinstated with intent to circumvent this 362
section. 363

(4) Division (B) of this section does not apply to any 364
person serving on a permanent basis on March 28, 1985, as a park 365
officer, forest officer, preserve officer, wildlife officer, or 366
state watercraft officer of the department of natural resources 367
or as an employee of a park district under section 511.232 or 368
1545.13 of the Revised Code, to any person serving on a 369
permanent basis on March 6, 1986, as an employee of a 370
conservancy district designated pursuant to section 6101.75 of 371
the Revised Code, to any person serving on a permanent basis on 372
January 10, 1991, as a preserve officer of the department of 373
natural resources, to any person employed on a permanent basis 374

on July 2, 1992, as a special police officer by the department 375
of mental health and addiction services pursuant to section 376
5119.08 of the Revised Code or by the department of 377
developmental disabilities pursuant to section 5123.13 of the 378
Revised Code, to any person serving on a permanent basis on May 379
17, 2000, as a special police officer employed by a port 380
authority under section 4582.04 or 4582.28 of the Revised Code, 381
to any person serving on a permanent basis on March 19, 2003, as 382
a special police officer employed by a municipal corporation at 383
a municipal airport or other municipal air navigation facility 384
described in division (A) (19) of section 109.71 of the Revised 385
Code, to any person serving on a permanent basis on June 19, 386
1978, as a state university law enforcement officer pursuant to 387
section 3345.04 of the Revised Code and who, immediately prior 388
to June 19, 1978, was serving as a special police officer 389
designated under authority of that section, or to any person 390
serving on a permanent basis on September 20, 1984, as a liquor 391
control investigator, known after June 30, 1999, as an 392
enforcement agent of the department of public safety, engaged in 393
the enforcement of Chapters 4301. and 4303. of the Revised Code. 394

(5) Division (B) of this section does not apply to any 395
person who is appointed as a regional transit authority police 396
officer pursuant to division (Y) of section 306.35 of the 397
Revised Code if, on or before July 1, 1996, the person has 398
completed satisfactorily an approved state, county, municipal, 399
or department of natural resources peace officer basic training 400
program and has been awarded a certificate by the executive 401
director of the Ohio peace officer training commission attesting 402
to the person's satisfactory completion of such an approved 403
program and if, on July 1, 1996, the person is performing peace 404
officer functions for a regional transit authority. 405

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal

investigator; 436

(3) Prior to June 6, 1986, was authorized to carry a 437
firearm by the court that employed the bailiff or deputy bailiff 438
or, in the case of a criminal investigator, by the state public 439
defender and has received training in the use of firearms that 440
the Ohio peace officer training commission determines is 441
equivalent to the training that otherwise is required by 442
division (D) of this section. 443

(E) (1) Before a person seeking a certificate completes an 444
approved peace officer basic training program, the executive 445
director of the Ohio peace officer training commission shall 446
request the person to disclose, and the person shall disclose, 447
any previous criminal conviction of or plea of guilty of that 448
person to a felony. 449

(2) Before a person seeking a certificate completes an 450
approved peace officer basic training program, the executive 451
director shall request a criminal history records check on the 452
person. The executive director shall submit the person's 453
fingerprints to the bureau of criminal identification and 454
investigation, which shall submit the fingerprints to the 455
federal bureau of investigation for a national criminal history 456
records check. 457

Upon receipt of the executive director's request, the 458
bureau of criminal identification and investigation and the 459
federal bureau of investigation shall conduct a criminal history 460
records check on the person and, upon completion of the check, 461
shall provide a copy of the criminal history records check to 462
the executive director. The executive director shall not award 463
any certificate prescribed in this section unless the executive 464
director has received a copy of the criminal history records 465

check on the person to whom the certificate is to be awarded. 466

(3) The executive director of the commission shall not 467
award a certificate prescribed in this section to a person who 468
has been convicted of or has pleaded guilty to a felony or who 469
fails to disclose any previous criminal conviction of or plea of 470
guilty to a felony as required under division (E) (1) of this 471
section. 472

(4) The executive director of the commission shall revoke 473
the certificate awarded to a person as prescribed in this 474
section, and that person shall forfeit all of the benefits 475
derived from being certified as a peace officer under this 476
section, if the person, before completion of an approved peace 477
officer basic training program, failed to disclose any previous 478
criminal conviction of or plea of guilty to a felony as required 479
under division (E) (1) of this section. 480

(F) (1) Regardless of whether the person has been awarded 481
the certificate or has been classified as a peace officer prior 482
to, on, or after October 16, 1996, the executive director of the 483
Ohio peace officer training commission shall revoke any 484
certificate that has been awarded to a person as prescribed in 485
this section if the person does either of the following: 486

(a) Pleads guilty to a felony committed on or after 487
January 1, 1997; 488

(b) Pleads guilty to a misdemeanor committed on or after 489
January 1, 1997, pursuant to a negotiated plea agreement as 490
provided in division (D) of section 2929.43 of the Revised Code 491
in which the person agrees to surrender the certificate awarded 492
to the person under this section. 493

(2) The executive director of the commission shall suspend 494

any certificate that has been awarded to a person as prescribed 495
in this section if the person is convicted, after trial, of a 496
felony committed on or after January 1, 1997. The executive 497
director shall suspend the certificate pursuant to division (F) 498
(2) of this section pending the outcome of an appeal by the 499
person from that conviction to the highest court to which the 500
appeal is taken or until the expiration of the period in which 501
an appeal is required to be filed. If the person files an appeal 502
that results in that person's acquittal of the felony or 503
conviction of a misdemeanor, or in the dismissal of the felony 504
charge against that person, the executive director shall 505
reinstate the certificate awarded to the person under this 506
section. If the person files an appeal from that person's 507
conviction of the felony and the conviction is upheld by the 508
highest court to which the appeal is taken or if the person does 509
not file a timely appeal, the executive director shall revoke 510
the certificate awarded to the person under this section. 511

(G) (1) If a person is awarded a certificate under this 512
section and the certificate is revoked pursuant to division (E) 513
(4) or (F) of this section, the person shall not be eligible to 514
receive, at any time, a certificate attesting to the person's 515
satisfactory completion of a peace officer basic training 516
program. 517

(2) The revocation or suspension of a certificate under 518
division (E) (4) or (F) of this section shall be in accordance 519
with Chapter 119. of the Revised Code. 520

(H) (1) A person who was employed as a peace officer of a 521
county, township, or municipal corporation of the state on 522
January 1, 1966, and who has completed at least sixteen years of 523
full-time active service as such a peace officer, or equivalent 524

service as determined by the executive director of the Ohio 525
peace officer training commission, may receive an original 526
appointment on a permanent basis and serve as a peace officer of 527
a county, township, or municipal corporation, or as a state 528
university law enforcement officer, without complying with the 529
requirements of division (B) of this section. 530

(2) Any person who held an appointment as a state highway 531
trooper on January 1, 1966, may receive an original appointment 532
on a permanent basis and serve as a peace officer of a county, 533
township, or municipal corporation, or as a state university law 534
enforcement officer, without complying with the requirements of 535
division (B) of this section. 536

(I) No person who is appointed as a peace officer of a 537
county, township, or municipal corporation on or after April 9, 538
1985, shall serve as a peace officer of that county, township, 539
or municipal corporation unless the person has received training 540
in the handling of missing children and child abuse and neglect 541
cases from an approved state, county, township, or municipal 542
police officer basic training program or receives the training 543
within the time prescribed by rules adopted by the attorney 544
general pursuant to section 109.741 of the Revised Code. 545

(J) No part of any approved state, county, or municipal 546
basic training program for bailiffs and deputy bailiffs of 547
courts of record and no part of any approved state, county, or 548
municipal basic training program for criminal investigators 549
employed by the state public defender shall be used as credit 550
toward the completion by a peace officer of any part of the 551
approved state, county, or municipal peace officer basic 552
training program that the peace officer is required by this 553
section to complete satisfactorily. 554

(K) This section does not apply to any member of the 555
police department of a municipal corporation in an adjoining 556
state serving in this state under a contract pursuant to section 557
737.04 of the Revised Code. 558

Sec. 109.79. (A) The Ohio peace officer training 559
commission shall establish and conduct a training school for law 560
enforcement officers of any political subdivision of the state 561
or of the state public defender's office. The school shall be 562
known as the Ohio peace officer training academy. No bailiff or 563
deputy bailiff of a court of record of this state and no 564
criminal investigator employed by the state public defender 565
shall be permitted to attend the academy for training unless the 566
employing court of the bailiff or deputy bailiff or the state 567
public defender, whichever is applicable, has authorized the 568
bailiff, deputy bailiff, or investigator to attend the academy. 569

The Ohio peace officer training commission shall develop 570
the training program, which shall include courses in both the 571
civil and criminal functions of law enforcement officers, a 572
course in crisis intervention with six or more hours of 573
training, training in the handling of missing children and child 574
abuse and neglect cases, training in performing law enforcement 575
duties and handling law enforcement matters without engaging in 576
biased policing or status-based profiling, and training on 577
companion animal encounters and companion animal behavior, and 578
shall establish rules governing qualifications for admission to 579
the academy. The training in performing law enforcement duties 580
and handling law enforcement matters without engaging in biased 581
policing or status-based profiling shall be consistent with the 582
training specified in the rules adopted under section 109.748 of 583
the Revised Code. The commission may require competitive 584
examinations to determine fitness of prospective trainees, so 585

long as the examinations or other criteria for admission to the 586
academy are consistent with the provisions of Chapter 124. of 587
the Revised Code. 588

The Ohio peace officer training commission shall determine 589
tuition costs sufficient in the aggregate to pay the costs of 590
operating the academy. The costs of acquiring and equipping the 591
academy shall be paid from appropriations made by the general 592
assembly to the Ohio peace officer training commission for that 593
purpose, from gifts or grants received for that purpose, or from 594
fees for goods related to the academy. 595

The Ohio peace officer training commission shall create a 596
gaming-related curriculum for gaming agents. The Ohio peace 597
officer training commission shall use money distributed to the 598
Ohio peace officer training academy from the Ohio law 599
enforcement training fund to first support the academy's 600
training programs for gaming agents and gaming-related 601
curriculum. The Ohio peace officer training commission may 602
utilize existing training programs in other states that 603
specialize in training gaming agents. 604

The law enforcement officers, during the period of their 605
training, shall receive compensation as determined by the 606
political subdivision that sponsors them or, if the officer is a 607
criminal investigator employed by the state public defender, as 608
determined by the state public defender. The political 609
subdivision may pay the tuition costs of the law enforcement 610
officers they sponsor and the state public defender may pay the 611
tuition costs of criminal investigators of that office who 612
attend the academy. 613

If trainee vacancies exist, the academy may train and 614
issue certificates of satisfactory completion to peace officers 615

who are employed by a campus police department pursuant to 616
section 1713.50 of the Revised Code, by a qualified nonprofit 617
corporation police department pursuant to section 1702.80 of the 618
Revised Code, or by a railroad company, who are amusement park 619
police officers appointed and commissioned by a judge of the 620
appropriate municipal court or county court pursuant to section 621
4973.17 of the Revised Code, or who are bank, savings and loan 622
association, savings bank, credit union, or association of 623
banks, savings and loan associations, savings banks, or credit 624
unions, or hospital police officers appointed and commissioned 625
by the secretary of state pursuant to sections 4973.17 to 626
4973.22 of the Revised Code, provided that no such officer shall 627
be trained at the academy unless the officer meets the 628
qualifications established for admission to the academy and the 629
qualified nonprofit corporation police department; bank, savings 630
and loan association, savings bank, credit union, or association 631
of banks, savings and loan associations, savings banks, or 632
credit unions; railroad company; hospital; or amusement park or 633
the private college or university that established the campus 634
police department prepays the entire cost of the training. A 635
qualified nonprofit corporation police department; bank, savings 636
and loan association, savings bank, credit union, or association 637
of banks, savings and loan associations, savings banks, or 638
credit unions; railroad company; hospital; or amusement park or 639
a private college or university that has established a campus 640
police department is not entitled to reimbursement from the 641
state for any amount paid for the cost of training the bank, 642
savings and loan association, savings bank, credit union, or 643
association of banks, savings and loan associations, savings 644
banks, or credit unions peace officers; the railroad company's 645
peace officers; or the peace officers of the qualified nonprofit 646
corporation police department, campus police department, 647

hospital, or amusement park. 648

The academy shall permit investigators employed by the 649
state medical board to take selected courses that the board 650
determines are consistent with its responsibilities for initial 651
and continuing training of investigators as required under 652
sections 4730.26 and 4731.05 of the Revised Code. The board 653
shall pay the entire cost of training that investigators receive 654
at the academy. 655

(B) As used in this section: 656

(1) "Law enforcement officers" include any undercover drug 657
agent, any bailiff or deputy bailiff of a court of record, and 658
any criminal investigator who is employed by the state public 659
defender. 660

(2) "Undercover drug agent" means any person who: 661

(a) Is employed by a county, township, or municipal 662
corporation for the purposes set forth in division (B) (2) (b) of 663
this section but who is not an employee of a county sheriff's 664
department, of a township constable, or of the police department 665
of a municipal corporation or township; 666

(b) In the course of the person's employment by a county, 667
township, or municipal corporation, investigates and gathers 668
information pertaining to persons who are suspected of violating 669
Chapter 2925. or 3719. of the Revised Code, and generally does 670
not wear a uniform in the performance of the person's duties. 671

(3) "Crisis intervention training" has the same meaning as 672
in section 109.71 of the Revised Code. 673

(4) "Missing children" has the same meaning as in section 674
2901.30 of the Revised Code. 675

(5) "Companion animal" has the same meaning as in section 676
959.131 of the Revised Code. 677

Sec. 109.80. (A) The Ohio peace officer training 678
commission shall develop and conduct a basic training course 679
lasting at least three weeks for appointed and newly elected 680
sheriffs appointed or elected on or after January 1, 1988, and 681
shall establish criteria for what constitutes successful 682
completion of the course. The basic training course shall 683
include instruction in contemporary law enforcement, criminal 684
investigations, the judicial process, civil rules, corrections, 685
and other topics relevant to the duties and operations of the 686
office of sheriff. The basic training course also shall include 687
training in performing law enforcement duties and handling law 688
enforcement matters without engaging in biased policing or 689
status-based profiling, and the training shall be consistent 690
with the training specified in the rules adopted under section 691
109.748 of the Revised Code. The commission shall offer the 692
course every four years within six months after the general 693
election of sheriffs in each county and at other times when it 694
is needed to permit sheriffs to attend within six months after 695
appointment or election. The course shall be conducted by the 696
Ohio peace officer training academy. The council commission 697
shall provide that not less than two weeks of the course 698
conducted within six months after the general election of 699
sheriffs in each county shall be conducted prior to the first 700
Monday in January next after that general election. 701

(B) The attorney general shall appoint a continuing 702
education committee, consisting of not fewer than five nor more 703
than seven members, including but not limited to, members of the 704
Ohio peace officer training commission and sheriffs. The 705
commission and the committee jointly shall determine the type of 706

continuing education required for sheriffs to complete the 707
requirements of division (E) of section 311.01 of the Revised 708
Code, shall include as a required part of that continuing 709
education training in performing law enforcement duties and 710
handling law enforcement matters without engaging in biased 711
policing or status-based profiling, and shall establish criteria 712
for what constitutes successful completion of the requirement. 713
The training in performing law enforcement duties and handling 714
law enforcement matters without engaging in biased policing or 715
status-based profiling shall be consistent with the training 716
specified in the rules adopted under section 109.748 of the 717
Revised Code. The committee shall approve the courses that 718
sheriffs may attend to complete the continuing education 719
requirement and shall publish an approved list of those courses. 720
The commission shall maintain a list of approved training 721
schools that sheriffs may attend to complete the continuing 722
education requirement. Upon request, the committee may approve 723
courses other than those courses conducted as part of a 724
certified law enforcement manager program. 725

(C) Upon presentation of evidence by a sheriff that 726
because of medical disability or for other good cause ~~that~~ the 727
sheriff is unable to complete the basic or continuing education 728
requirement, the commission may waive the requirement until the 729
disability or cause terminates. 730

(D) As used in this section, "newly elected sheriff" means 731
a person who did not hold the office of sheriff of a county on 732
the date the person was elected sheriff of that county. 733

Sec. 2933.84. (A) As used in this section: 734

(1) "Gender identity" means the gender-related identity, 735
appearance, or mannerisms or other gender-related 736

characteristics of an individual, with or without regard to the 737
individual's designated gender at birth. 738

(2) "Minority group" means any of the following: 739

(a) African Americans, including, but not limited to, 740
persons of African descent; 741

(b) Latinos, including, but not limited to, persons of 742
Hispanic descent; 743

(c) Persons of Arab or Middle Eastern descent or 744
appearance; 745

(d) Asians, including, but not limited to, persons of 746
Mongoloid descent; 747

(e) Native Americans; 748

(f) Pacific Islanders; 749

(g) Any persons not described in division (A) (2) (a), (b), 750
(c), (d), (e), or (f) of this section who are members of a 751
socially or economically disadvantaged group, whose disadvantage 752
arises from discrimination on the basis of race, religion, sex, 753
disability, military status, national origin, ancestry, or other 754
similar cause. 755

(3) Except as otherwise provided in this division, "minor 756
traffic violation" means any violation of a prohibition set 757
forth in Title XLV of the Revised Code or of an ordinance of a 758
municipal corporation that is substantially equivalent to any 759
prohibition set forth in Title XLV of the Revised Code. "Minor 760
traffic violation" does not include any violation that is a 761
moving violation as defined in section 2743.70 of the Revised 762
Code. 763

(4) "Sexual orientation" means actual or perceived 764
heterosexuality, homosexuality, or bisexuality. 765

(5) "Traffic stop" means a law enforcement officer's stop 766
of a motor vehicle, bicycle, or pedestrian for any minor traffic 767
violation. 768

(B) No law enforcement officer shall do any of the 769
following: 770

(1) Engage in a practice of targeting or stopping an 771
individual who is a motorist, bicyclist, or pedestrian on the 772
basis, in whole or in part, of the ethnic, minority group, 773
religious affiliation, sexual orientation, or gender identity 774
status of the individual by means of detention, interdiction, or 775
other disparate treatment, unless that status is used in 776
combination with one or more other identifying factors seeking 777
to apprehend a specific suspect whose ethnic, minority group, 778
religious affiliation, sexual orientation, or gender identity 779
status as perceived by the officer is part of the description of 780
the suspect and that description is timely and reliable; 781

(2) Use any violation of any state or local traffic law as 782
a pretense for stopping a motor vehicle, bicycle, or pedestrian 783
for any reason, unless the reason for the stop is the occurrence 784
of an offense that the officer can explicitly articulate; 785

(3) Request an operator of a motor vehicle or bicycle that 786
is stopped solely for a minor traffic violation, or a pedestrian 787
who is stopped solely for a minor traffic violation, to consent 788
to a search by the officer of the motor vehicle or bicycle or of 789
the pedestrian; 790

(4) After a traffic stop of a motor vehicle, bicycle, or 791
pedestrian, detain the motor vehicle, its operator, or its 792

passengers, the bicycle or its operator, or the pedestrian to 793
provide time for arrival of a canine unit or any other animal 794
used in an inspection or sniffing of a motor vehicle, bicycle, 795
or person, or otherwise extend the traffic stop beyond the time 796
reasonably necessary to address the traffic violation that is 797
the basis of the stop, unless there exists probable cause to 798
believe that the operator of the vehicle or bicycle, one or more 799
passengers of the vehicle, or the pedestrian has been involved 800
in criminal activity. 801

(C) No official of a law enforcement agency shall engage 802
in, or authorize or allow the law enforcement officers the 803
agency employs or is served by to engage in a practice of 804
targeting or stopping an individual who is a motorist, 805
bicyclist, or pedestrian on the basis, in whole or in part, of 806
the ethnic, minority group, religious affiliation, sexual 807
orientation, or gender identity status of the individual by 808
means of detention, interdiction, or other disparate treatment, 809
unless that status is used in combination with one or more other 810
identifying factors seeking to apprehend a specific suspect 811
whose ethnic, minority group, religious affiliation, sexual 812
orientation, or gender identity status as perceived by the 813
officer is part of the description of the suspect and that 814
description is timely and reliable. 815

(D) Each law enforcement agency in this state that employs 816
or is served by any law enforcement officer shall do all of the 817
following: 818

(1) Develop and maintain a policy that is designed to 819
eliminate biased policing or status-based profiling by the 820
agency and its law enforcement officers, including biased 821
policing and status-based profiling of the type described in 822

divisions (B) and (C) of this section, and to cease existing 823
practices by the agency and its officers that permit, 824
perpetuate, or encourage biased policing and status-based 825
profiling; 826

(2) Develop an educational training program that is 827
designed to train its law enforcement officers and officials how 828
to perform law enforcement duties and handle law enforcement 829
matters without engaging in biased policing or status-based 830
profiling, including biased policing and status-based profiling 831
of the type described in divisions (B) and (C) of this section. 832
The educational training program shall include training 833
materials that provide an understanding of the historical and 834
cultural systems that perpetuate biased policing and status- 835
based profiling, assistance in identifying biased policing and 836
status-based profiling practices, and self-evaluation strategies 837
for officers to preempt biased policing or status-based 838
profiling prior to stopping an individual; 839

(3) Annually provide training under the program developed 840
pursuant to division (D) (2) of this section to each law 841
enforcement officer who is employed by or serves the agency and 842
to each official of the agency; 843

(4) In addition to the training required by division (D) 844
(3) of this section, provide training under the program 845
developed pursuant to division (D) (2) of this section to each 846
law enforcement officer who is employed by or serves the agency 847
and violates division (B) of this section and to each official 848
of the agency who violates division (C) of this section, within 849
a reasonable period of time after the violation. 850

(E) (1) Whenever a law enforcement officer causes the stop, 851
delay, or questioning of the operator of a motor vehicle, the 852

operator of a bicycle, or a pedestrian, the law enforcement 853
agency that employs or is served by the law enforcement officer 854
shall obtain from the law enforcement officer and record all of 855
the following data: 856

(a) Regarding a motor vehicle or bicycle, a description of 857
the motor vehicle or bicycle, including its manufacturer and 858
model; 859

(b) Regarding a motor vehicle, the identifying numerals, 860
letters, or numerals and letters that appear on the motor 861
vehicle's license plate; 862

(c) The race, ethnicity, approximate age, and gender of 863
the operator and all passengers of the motor vehicle, the 864
operator of the bicycle, or the pedestrian; 865

(d) The location of the stop, delay, or questioning, 866
including the street and address number; 867

(e) The approximate duration of the stop, delay, or 868
questioning; 869

(f) The basis for the stop, delay, or questioning, 870
including any local, state, or federal offense alleged to have 871
been committed by the operator or any passenger of the motor 872
vehicle, the operator of the bicycle, or the pedestrian; 873

(g) The date on which and exact time at which the stop, 874
delay, or questioning occurred. 875

(2) The identification of the characteristics described in 876
divisions (E) (1) (a) to (g) of this section shall be based on the 877
observation and perception of the law enforcement officer 878
conducting the stop, delay, or questioning. No operator of or 879
passenger in the involved motor vehicle, no operator of the 880

involved bicycle, and no involved pedestrian, whichever is 881
applicable, shall be asked to provide the information regarding 882
those characteristics. 883

(F) Whenever a law enforcement officer conducts a search 884
or inventory of a motor vehicle or bicycle, or otherwise causes 885
a motor vehicle, bicycle, or pedestrian to be inspected or 886
sniffed by a canine unit or any other animal for the detection 887
of illegal drugs or contraband, the law enforcement agency that 888
employs or is served by the law enforcement officer shall obtain 889
from the law enforcement officer and record all of the following 890
data: 891

(1) The legal basis and rationale for the stop, search, 892
inventory, or sniffing of the motor vehicle, bicycle, or 893
pedestrian; 894

(2) The nature of any contraband that was discovered in 895
the course of the search, inventory, or sniffing; 896

(3) The exact oral or written warning or instructions 897
given to the operator of or passenger in the motor vehicle, the 898
operator of the bicycle, or the pedestrian prior to the search, 899
inventory, or sniffing; 900

(4) The charge or charges, if any, that were filed against 901
the operator of or passenger in the motor vehicle, the operator 902
of the bicycle, or the pedestrian as a result of the search, 903
inventory, or sniffing; 904

(5) The reason as to why the search, inventory, or 905
sniffing was instituted. 906

(G) (1) Each law enforcement agency that collects data 907
under division (E) or (F) of this section shall annually submit 908
the data collected to the attorney general. The agency shall 909

submit the data not later than the first day of February of the 910
calendar year following the year for which the data is 911
collected, in accordance with the rules adopted by the attorney 912
general under division (B) of section 109.748 of the Revised 913
Code. Upon receipt of the data, the attorney general shall 914
analyze the data in accordance with general statistical 915
standards to determine whether disparities exist in the stopping 916
and searching of motor vehicles, bicycles, or pedestrians that 917
cause a disproportionately adverse effect on a particular 918
minority group or groups or any other group of persons linked by 919
ethnic, religious affiliation, sexual orientation, or gender 920
identity status. Not later than the first day of April of the 921
calendar year in which the attorney general receives the data 922
under this division, the attorney general shall publish the data 923
and the analysis conducted under this division in a report that 924
the attorney general prepares annually and shall distribute 925
copies of the report in accordance with division (G) (3) of this 926
section. 927

(2) The attorney general shall distribute copies of 928
reports published under division (G) (1) of this section to the 929
general assembly, the governor, and law enforcement agencies. 930
The reports are public records under section 149.43 of the 931
Revised Code and shall be made readily available to the public. 932

(3) The attorney general shall exclude from the reports 933
described in division (G) (1) of this section all information 934
that would personally identify any motor vehicle operator or 935
passenger, any bicycle operator, or any pedestrian who is the 936
subject of any stop, search, inventory, or sniffing described in 937
this section or any law enforcement officer who conducts any 938
stop, search, inventory, or sniffing described in this section. 939
The attorney general and local law enforcement agencies shall 940

maintain the information so excluded for a reasonable period of 941
time. 942

Information of the nature described in this division that 943
is excluded from the report described in division (G) (1) of this 944
section is not a public record for purposes of section 149.43 of 945
the Revised Code, and the attorney general or law enforcement 946
agency shall redact all information of that nature from any 947
records released by the attorney general or law enforcement 948
agency. The attorney general or a law enforcement agency may 949
disclose information of that nature for purposes of a civil 950
proceeding brought under division (I) or (J) of this section and 951
may release information of that nature to relevant parties of a 952
motion seeking to exclude from admission as evidence any 953
information obtained through a potentially unconstitutional or 954
unlawful search. 955

(H) If the attorney general determines in the analysis 956
conducted under division (G) of this section that the 957
statistical data collected and analyzed under this section shows 958
any pattern of disparate traffic and law enforcement practices 959
by a law enforcement agency or its officers or officials, that 960
has a disproportionately adverse effect on a particular minority 961
group or groups or any other group of persons linked by 962
ethnicity, religious affiliation, sexual orientation, or gender 963
identity status, the law enforcement agency shall take immediate 964
remedial actions to eradicate the practices by the agency or its 965
officers or officials. 966

(I) An individual who is a victim of a violation of 967
division (B) or (C) of this section has a cause of action 968
against the law enforcement agency that employs or is served by 969
the law enforcement officer or official who committed the 970

violation. The individual may file a civil action asserting the 971
cause under section 2307.60 of the Revised Code. In the action, 972
the individual may seek appropriate and equitable relief in a 973
court of record in this state having jurisdiction. The court 974
shall award reasonable attorneys' fees, including expert fees as 975
part of the attorneys' fee, to the prevailing party as costs. 976

(J) The attorney general may institute civil proceedings 977
for injunctive relief against a law enforcement agency that 978
employs or is served by a law enforcement officer or official 979
who violates division (B) or (C) of this section to compel the 980
termination of the violation and prevent future violations. The 981
attorney general may bring the proceedings in any court of 982
competent jurisdiction. If the attorney general proves in the 983
proceedings that a law enforcement officer or official that the 984
agency employs or is served by has committed or is committing 985
the violation, the court shall order the agency to discontinue 986
all biased policing and status-based profiling, to discontinue 987
all practices that permit, perpetuate, or encourage biased 988
policing or status-based profiling, and to submit to the 989
attorney general a corrective action plan for discontinuing all 990
biased policing or status-based profiling and all such 991
practices. The court shall order the agency to submit the 992
corrective action plan to the attorney general by a specified 993
date that is agreed upon by the agency and the attorney general 994
and approved by the court. 995

Sec. 5503.05. The superintendent of the state highway 996
patrol, with the approval of the director of public safety, may 997
conduct training schools for prospective state highway patrol 998
troopers. The training provided at the training schools shall 999
include, but not be limited to, training in performing law 1000
enforcement duties and handling law enforcement matters without 1001

engaging in biased policing or status-based profiling. Training 1002
on the subject of biased policing and status-based profiling 1003
shall be consistent with the training specified in the rules 1004
adopted under section 109.748 of the Revised Code. The 1005
prospective troopers, during the period of their training and as 1006
members of the state patrol school, shall be paid a reasonable 1007
salary out of highway funds. The superintendent may furnish the 1008
necessary supplies and equipment for the use of the prospective 1009
troopers during the training period. 1010

The superintendent may establish rules governing the 1011
qualifications for admission to training schools for prospective 1012
troopers and provide for competitive examinations to determine 1013
the fitness of the students and prospective troopers, not 1014
inconsistent with the rules of the director of administrative 1015
services. 1016

Section 2. That existing sections 109.73, 109.77, 109.79, 1017
109.80, and 5503.05 of the Revised Code are hereby repealed. 1018

Section 3. Section 109.80 of the Revised Code is presented 1019
in this act as a composite of the section as amended by both 1020
Sub. H.B. 351 and Sub. H.B. 670 of the 121st General Assembly. 1021
The General Assembly, applying the principle stated in division 1022
(B) of section 1.52 of the Revised Code that amendments are to 1023
be harmonized if reasonably capable of simultaneous operation, 1024
finds that the composite is the resulting version of the section 1025
in effect prior to the effective date of the section as 1026
presented in this act. 1027