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Veterans Affairs Committee**

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Sub. H. B. No. 421

Representatives Smith, T., Blair

**Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien,
Hambley, Galonski, Hillyer, Clites, Crossman, Ghanbari, Ingram, Miller, J., Rogers**

A BILL

To amend sections 2744.01, 2744.05, and 4973.17 of 1
the Revised Code to provide a municipal 2
corporation or county immunity from civil and 3
criminal liability in any action that arises 4
from a hospital police officer acting directly 5
in the discharge of the person's duties as a 6
police officer and that occurs on the premises 7
of the hospital or its affiliates or 8
subsidiaries or elsewhere in the municipal 9
corporation or county and to modify the 10
definition of "emergency call." 11

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

Section 1. That sections 2744.01, 2744.05, and 4973.17 of 12
the Revised Code be amended to read as follows: 13

Sec. 2744.01. As used in this chapter: 14

(A) "Emergency call" means a ~~call to duty, including, but~~ 15
~~not limited to, communications communication~~ from citizens 16

citizen, a police ~~dispatches~~dispatch, and ~~other peace officers,~~ 17
or personal ~~observations~~observation and knowledge by a peace 18
officers ~~of~~officer, only if that communication, dispatch, or 19
personal peace officer observation or knowledge involves or 20
concerns an inherently dangerous ~~situations~~situation that 21
~~demand~~demands an immediate response on the part of a peace 22
officer. 23

(B) "Employee" means an officer, agent, employee, or 24
servant, whether or not compensated or full-time or part-time, 25
who is authorized to act and is acting within the scope of the 26
officer's, agent's, employee's, or servant's employment for a 27
political subdivision. "Employee" does not include an 28
independent contractor and does not include any individual 29
engaged by a school district pursuant to section 3319.301 of the 30
Revised Code. "Employee" includes any elected or appointed 31
official of a political subdivision. "Employee" also includes a 32
person who has been convicted of or pleaded guilty to a criminal 33
offense and who has been sentenced to perform community service 34
work in a political subdivision whether pursuant to section 35
2951.02 of the Revised Code or otherwise, and a child who is 36
found to be a delinquent child and who is ordered by a juvenile 37
court pursuant to section 2152.19 or 2152.20 of the Revised Code 38
to perform community service or community work in a political 39
subdivision. 40

(C) (1) "Governmental function" means a function of a 41
political subdivision that is specified in division (C) (2) of 42
this section or that satisfies any of the following: 43

(a) A function that is imposed upon the state as an 44
obligation of sovereignty and that is performed by a political 45
subdivision voluntarily or pursuant to legislative requirement; 46

(b) A function that is for the common good of all citizens of the state;	47 48
(c) A function that promotes or preserves the public peace, health, safety, or welfare; that involves activities that are not engaged in or not customarily engaged in by nongovernmental persons; and that is not specified in division (G) (2) of this section as a proprietary function.	49 50 51 52 53
(2) A "governmental function" includes, but is not limited to, the following:	54 55
(a) The provision or nonprovision of police, fire, emergency medical, ambulance, and rescue services or protection;	56 57
(b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in section 3750.01 of the Revised Code; and to protect persons and property;	58 59 60 61 62
(c) The provision of a system of public education;	63
(d) The provision of a free public library system;	64
(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;	65 66 67
(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;	68 69
(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses;	70 71 72 73

(h) The design, construction, reconstruction, renovation,	74
repair, maintenance, and operation of jails, places of juvenile	75
detention, workhouses, or any other detention facility, as	76
defined in section 2921.01 of the Revised Code;	77
(i) The enforcement or nonperformance of any law;	78
(j) The regulation of traffic, and the erection or	79
nonerection of traffic signs, signals, or control devices;	80
(k) The collection and disposal of solid wastes, as	81
defined in section 3734.01 of the Revised Code, including, but	82
not limited to, the operation of solid waste disposal	83
facilities, as "facilities" is defined in that section, and the	84
collection and management of hazardous waste generated by	85
households. As used in division (C) (2) (k) of this section,	86
"hazardous waste generated by households" means solid waste	87
originally generated by individual households that is listed	88
specifically as hazardous waste in or exhibits one or more	89
characteristics of hazardous waste as defined by rules adopted	90
under section 3734.12 of the Revised Code, but that is excluded	91
from regulation as a hazardous waste by those rules.	92
(l) The provision or nonprovision, planning or design,	93
construction, or reconstruction of a public improvement,	94
including, but not limited to, a sewer system;	95
(m) The operation of a job and family services department	96
or agency, including, but not limited to, the provision of	97
assistance to aged and infirm persons and to persons who are	98
indigent;	99
(n) The operation of a health board, department, or	100
agency, including, but not limited to, any statutorily required	101
or permissive program for the provision of immunizations or	102

other inoculations to all or some members of the public, 103
provided that a "governmental function" does not include the 104
supply, manufacture, distribution, or development of any drug or 105
vaccine employed in any such immunization or inoculation program 106
by any supplier, manufacturer, distributor, or developer of the 107
drug or vaccine; 108

(o) The operation of mental health facilities, 109
developmental disabilities facilities, alcohol treatment and 110
control centers, and children's homes or agencies; 111

(p) The provision or nonprovision of inspection services 112
of all types, including, but not limited to, inspections in 113
connection with building, zoning, sanitation, fire, plumbing, 114
and electrical codes, and the taking of actions in connection 115
with those types of codes, including, but not limited to, the 116
approval of plans for the construction of buildings or 117
structures and the issuance or revocation of building permits or 118
stop work orders in connection with buildings or structures; 119

(q) Urban renewal projects and the elimination of slum 120
conditions, including the performance of any activity that a 121
county land reutilization corporation is authorized to perform 122
under Chapter 1724. or 5722. of the Revised Code; 123

(r) Flood control measures; 124

(s) The design, construction, reconstruction, renovation, 125
operation, care, repair, and maintenance of a township cemetery; 126

(t) The issuance of revenue obligations under section 127
140.06 of the Revised Code; 128

(u) The design, construction, reconstruction, renovation, 129
repair, maintenance, and operation of any school athletic 130
facility, school auditorium, or gymnasium or any recreational 131

area or facility, including, but not limited to, any of the	132
following:	133
(i) A park, playground, or playfield;	134
(ii) An indoor recreational facility;	135
(iii) A zoo or zoological park;	136
(iv) A bath, swimming pool, pond, water park, wading pool,	137
wave pool, water slide, or other type of aquatic facility;	138
(v) A golf course;	139
(vi) A bicycle motocross facility or other type of	140
recreational area or facility in which bicycling, skating, skate	141
boarding, or scooter riding is engaged;	142
(vii) A rope course or climbing walls;	143
(viii) An all-purpose vehicle facility in which all-	144
purpose vehicles, as defined in section 4519.01 of the Revised	145
Code, are contained, maintained, or operated for recreational	146
activities.	147
(v) The provision of public defender services by a county	148
or joint county public defender's office pursuant to Chapter	149
120. of the Revised Code;	150
(w) (i) At any time before regulations prescribed pursuant	151
to 49 U.S.C.A 20153 become effective, the designation,	152
establishment, design, construction, implementation, operation,	153
repair, or maintenance of a public road rail crossing in a zone	154
within a municipal corporation in which, by ordinance, the	155
legislative authority of the municipal corporation regulates the	156
sounding of locomotive horns, whistles, or bells;	157
(ii) On and after the effective date of regulations	158

prescribed pursuant to 49 U.S.C.A. 20153, the designation, 159
establishment, design, construction, implementation, operation, 160
repair, or maintenance of a public road rail crossing in such a 161
zone or of a supplementary safety measure, as defined in 49 162
U.S.C.A 20153, at or for a public road rail crossing, if and to 163
the extent that the public road rail crossing is excepted, 164
pursuant to subsection (c) of that section, from the requirement 165
of the regulations prescribed under subsection (b) of that 166
section. 167

(x) A function that the general assembly mandates a 168
political subdivision to perform. 169

(D) "Law" means any provision of the constitution, 170
statutes, or rules of the United States or of this state; 171
provisions of charters, ordinances, resolutions, and rules of 172
political subdivisions; and written policies adopted by boards 173
of education. When used in connection with the "common law," 174
this definition does not apply. 175

(E) "Motor vehicle" has the same meaning as in section 176
4511.01 of the Revised Code. 177

(F) "Political subdivision" or "subdivision" means a 178
municipal corporation, township, county, school district, or 179
other body corporate and politic responsible for governmental 180
activities in a geographic area smaller than that of the state. 181
"Political subdivision" includes, but is not limited to, a 182
county hospital commission appointed under section 339.14 of the 183
Revised Code, board of hospital commissioners appointed for a 184
municipal hospital under section 749.04 of the Revised Code, 185
board of hospital trustees appointed for a municipal hospital 186
under section 749.22 of the Revised Code, regional planning 187
commission created pursuant to section 713.21 of the Revised 188

Code, county planning commission created pursuant to section	189
713.22 of the Revised Code, joint planning council created	190
pursuant to section 713.231 of the Revised Code, interstate	191
regional planning commission created pursuant to section 713.30	192
of the Revised Code, port authority created pursuant to section	193
4582.02 or 4582.26 of the Revised Code or in existence on	194
December 16, 1964, regional council established by political	195
subdivisions pursuant to Chapter 167. of the Revised Code,	196
emergency planning district and joint emergency planning	197
district designated under section 3750.03 of the Revised Code,	198
joint emergency medical services district created pursuant to	199
section 307.052 of the Revised Code, fire and ambulance district	200
created pursuant to section 505.375 of the Revised Code, joint	201
interstate emergency planning district established by an	202
agreement entered into under that section, county solid waste	203
management district and joint solid waste management district	204
established under section 343.01 or 343.012 of the Revised Code,	205
community school established under Chapter 3314. of the Revised	206
Code, county land reutilization corporation organized under	207
Chapter 1724. of the Revised Code, the county or counties served	208
by a community-based correctional facility and program or	209
district community-based correctional facility and program	210
established and operated under sections 2301.51 to 2301.58 of	211
the Revised Code, a community-based correctional facility and	212
program or district community-based correctional facility and	213
program that is so established and operated, and the facility	214
governing board of a community-based correctional facility and	215
program or district community-based correctional facility and	216
program that is so established and operated.	217
(G) (1) "Proprietary function" means a function of a	218
political subdivision that is specified in division (G) (2) of	219

this section or that satisfies both of the following:	220
(a) The function is not one described in division (C) (1)	221
(a) or (b) of this section and is not one specified in division	222
(C) (2) of this section;	223
(b) The function is one that promotes or preserves the	224
public peace, health, safety, or welfare and that involves	225
activities that are customarily engaged in by nongovernmental	226
persons.	227
(2) A "proprietary function" includes, but is not limited	228
to, the following:	229
(a) The operation of a hospital by one or more political	230
subdivisions;	231
(b) The design, construction, reconstruction, renovation,	232
repair, maintenance, and operation of a public cemetery other	233
than a township cemetery;	234
(c) The establishment, maintenance, and operation of a	235
utility, including, but not limited to, a light, gas, power, or	236
heat plant, a railroad, a busline or other transit company, an	237
airport, and a municipal corporation water supply system;	238
(d) The maintenance, destruction, operation, and upkeep of	239
a sewer system;	240
(e) The operation and control of a public stadium,	241
auditorium, civic or social center, exhibition hall, arts and	242
crafts center, band or orchestra, or off-street parking	243
facility.	244
(H) "Public roads" means public roads, highways, streets,	245
avenues, alleys, and bridges within a political subdivision.	246
"Public roads" does not include berms, shoulders, rights-of-way,	247

or traffic control devices unless the traffic control devices 248
are mandated by the Ohio manual of uniform traffic control 249
devices. 250

(I) "State" means the state of Ohio, including, but not 251
limited to, the general assembly, the supreme court, the offices 252
of all elected state officers, and all departments, boards, 253
offices, commissions, agencies, colleges and universities, 254
institutions, and other instrumentalities of the state of Ohio. 255
"State" does not include political subdivisions. 256

Sec. 2744.05. Notwithstanding any other provisions of the 257
Revised Code or rules of a court to the contrary, in an action 258
against a political subdivision to recover damages for injury, 259
death, or loss to person or property caused by an act or 260
omission in connection with a governmental or proprietary 261
function: 262

(A) Punitive or exemplary damages shall not be awarded. 263

(B) (1) If a claimant receives or is entitled to receive 264
benefits for injuries or loss allegedly incurred from a policy 265
or policies of insurance or any other source, the benefits shall 266
be disclosed to the court, and the amount of the benefits shall 267
be deducted from any award against a political subdivision 268
recovered by that claimant. No insurer or other person is 269
entitled to bring an action under a subrogation provision in an 270
insurance or other contract against a political subdivision with 271
respect to those benefits. 272

The amount of the benefits shall be deducted from an award 273
against a political subdivision under division (B) (1) of this 274
section regardless of whether the claimant may be under an 275
obligation to pay back the benefits upon recovery, in whole or 276

in part, for the claim. A claimant whose benefits have been 277
deducted from an award under division (B)(1) of this section is 278
not considered fully compensated and shall not be required to 279
reimburse a subrogated claim for benefits deducted from an award 280
pursuant to division (B)(1) of this section. 281

(2) Nothing in division (B)(1) of this section shall be 282
construed to do either of the following: 283

(a) Limit the rights of a beneficiary under a life 284
insurance policy or the rights of sureties under fidelity or 285
surety bonds; 286

(b) Prohibit the department of medicaid from recovering 287
from the political subdivision, pursuant to section 5160.37 of 288
the Revised Code, the cost of medical assistance provided under 289
a medical assistance program. 290

(C)(1) There shall not be any limitation on compensatory 291
damages that represent the actual loss of the person who is 292
awarded the damages. However, except in wrongful death actions 293
brought pursuant to Chapter 2125. of the Revised Code, damages 294
that arise from the same cause of action, transaction or 295
occurrence, or series of transactions or occurrences and that do 296
not represent the actual loss of the person who is awarded the 297
damages shall not exceed two hundred fifty thousand dollars in 298
favor of any one person. The limitation on damages that do not 299
represent the actual loss of the person who is awarded the 300
damages provided in this division does not apply to court costs 301
that are awarded to a plaintiff, or to interest on a judgment 302
rendered in favor of a plaintiff, in an action against a 303
political subdivision. 304

(2) Any compensatory damages recoverable against a 305

political subdivision for a peace officer's, fire fighter's, or 306
emergency medical technician's operation of a motor vehicle 307
shall be reduced by the percentage of contributory fault 308
attributable to the plaintiff or any other parties, subject to 309
sections 2307.22, 2307.23, and 2315.32 to 2315.36 of the Revised 310
Code. 311

(3) As used in this division, "the actual loss of the 312
person who is awarded the damages" includes all of the 313
following: 314

(a) All wages, salaries, or other compensation lost by the 315
person injured as a result of the injury, including wages, 316
salaries, or other compensation lost as of the date of a 317
judgment and future expected lost earnings of the person 318
injured; 319

(b) All expenditures of the person injured or another 320
person on behalf of the person injured for medical care or 321
treatment, for rehabilitation services, or for other care, 322
treatment, services, products, or accommodations that were 323
necessary because of the injury; 324

(c) All expenditures to be incurred in the future, as 325
determined by the court, by the person injured or another person 326
on behalf of the person injured for medical care or treatment, 327
for rehabilitation services, or for other care, treatment, 328
services, products, or accommodations that will be necessary 329
because of the injury; 330

(d) All expenditures of a person whose property was 331
injured or destroyed or of another person on behalf of the 332
person whose property was injured or destroyed in order to 333
repair or replace the property that was injured or destroyed; 334

(e) All expenditures of the person injured or of the 335
person whose property was injured or destroyed or of another 336
person on behalf of the person injured or of the person whose 337
property was injured or destroyed in relation to the actual 338
preparation or presentation of the claim involved; 339

(f) Any other expenditures of the person injured or of the 340
person whose property was injured or destroyed or of another 341
person on behalf of the person injured or of the person whose 342
property was injured or destroyed that the court determines 343
represent an actual loss experienced because of the personal or 344
property injury or property loss. 345

"The actual loss of the person who is awarded the damages" 346
does not include any fees paid or owed to an attorney for any 347
services rendered in relation to a personal or property injury 348
or property loss, and does not include any damages awarded for 349
pain and suffering, for the loss of society, consortium, 350
companionship, care, assistance, attention, protection, advice, 351
guidance, counsel, instruction, training, or education of the 352
person injured, for mental anguish, or for any other intangible 353
loss. 354

Sec. 4973.17. (A) (1) Upon the application of any bank; 355
savings and loan association; savings bank; credit union; or 356
association of banks, savings and loan associations, savings 357
banks, or credit unions in this state, the secretary of state 358
may appoint and commission any persons that the bank; savings 359
and loan association; savings bank; credit union; or association 360
of banks, savings and loan associations, savings banks, or 361
credit unions designates, or as many of those persons as the 362
secretary of state considers proper, to act as police officers 363
for and on the premises of that bank; savings and loan 364

association; savings bank; credit union; or association of 365
banks, savings and loan associations, savings banks, or credit 366
unions; or elsewhere, when directly in the discharge of their 367
duties. Police officers so appointed shall be citizens of this 368
state and of good character. Police officers so appointed who 369
start to perform their duties on or after April 14, 2006, shall 370
successfully complete a training program approved by the Ohio 371
peace officer training commission described in section 109.71 of 372
the Revised Code and be certified by the commission within six 373
months after starting to perform their duties. Police officers 374
so appointed shall hold office for three years, unless, for good 375
cause shown, their commission is revoked by the secretary of 376
state, or by the bank; savings and loan association; savings 377
bank; credit union; or association of banks, savings and loan 378
associations, savings banks, or credit unions, as provided by 379
law. 380

(2) Persons commissioned as police officers pursuant to 381
division (A) of this section prior to April 14, 2006, who have 382
not successfully completed a training program approved by the 383
Ohio peace officer training commission, and who have not been 384
certified by the commission, may be reappointed and re- 385
commissioned by the secretary of state only during the person's 386
continuous employment as a police officer by the institution for 387
which the person was employed on April 14, 2006, or by a 388
successor institution to the institution for which the person 389
was employed on April 14, 2006. The secretary of state shall 390
note on such appointments and commissions that the person is not 391
a peace officer as defined in section 109.71 of the Revised 392
Code. 393

(3) For the exclusive purpose of assigning break in 394
service update training as prescribed in rule 109:2-1-12 (D) of 395

the Administrative Code, a police officer appointed under 396
division (A) of this section, who began performing police 397
officer duties on or before April 14, 2006, shall be credited as 398
holding a valid peace officer appointment retroactive to the 399
date on which the officer began performing these duties. 400

(B) Upon the application of a company owning or using a 401
railroad in this state and subject to section 4973.171 of the 402
Revised Code, the secretary of state may appoint and commission 403
any persons that the railroad company designates, or as many of 404
those persons as the secretary of state considers proper, to act 405
as police officers for and on the premises of the railroad 406
company, its affiliates or subsidiaries, or elsewhere, when 407
directly in the discharge of their duties. Police officers so 408
appointed, within the time set by the Ohio peace officer 409
training commission, shall successfully complete a commission 410
approved training program and be certified by the commission. 411
They shall hold office for three years, unless, for good cause 412
shown, their commission is revoked by the secretary of state, or 413
railroad company, as provided by law. 414

Any person holding a similar commission in another state 415
may be commissioned and may hold office in this state without 416
completing the approved training program required by this 417
division provided that the person has completed a substantially 418
equivalent training program in the other state. The Ohio peace 419
officer training commission shall determine whether a training 420
program in another state meets the requirements of this 421
division. 422

(C) Upon the application of any company under contract 423
with the United States atomic energy commission for the 424
construction or operation of a plant at a site owned by the 425

commission, the secretary of state may appoint and commission 426
persons the company designates, not to exceed one hundred fifty, 427
to act as police officers for the company at the plant or site 428
owned by the commission. Police officers so appointed shall be 429
citizens of this state and of good character. They shall hold 430
office for three years, unless, for good cause shown, their 431
commission is revoked by the secretary of state or by the 432
company, as provided by law. 433

(D) (1) Upon the application of any hospital that is 434
operated by a public hospital agency or a nonprofit hospital 435
agency and that employs and maintains its own proprietary police 436
department or security department and subject to section 437
4973.171 of the Revised Code, the secretary of state may appoint 438
and commission any persons that the hospital designates, or as 439
many of those persons as the secretary of state considers 440
proper, to act as police officers for the hospital. No person 441
who is appointed as a police officer under this division shall 442
engage in any duties or activities as a police officer for the 443
hospital or any affiliate or subsidiary of the hospital unless 444
all of the following apply: 445

(a) The chief of police of the municipal corporation in 446
which the hospital is located or, if the hospital is located in 447
the unincorporated area of a county, the sheriff of that county 448
has granted approval to the hospital to permit persons appointed 449
as police officers under this division to engage in those duties 450
and activities. The approval required by this division is 451
general in nature and is intended to cover in the aggregate all 452
persons appointed as police officers for the hospital under this 453
division; a separate approval is not required for each appointee 454
on an individual basis. 455

(b) Subsequent to the grant of approval described in 456
division (D)(1)(a) of this section, the hospital has entered 457
into a written agreement with the chief of police of the 458
municipal corporation in which the hospital is located or, if 459
the hospital is located in the unincorporated area of a county, 460
with the sheriff of that county, that sets forth the standards 461
and criteria to govern the interaction and cooperation between 462
persons appointed as police officers for the hospital under this 463
division and law enforcement officers serving the agency 464
represented by the chief of police or sheriff who signed the 465
agreement in areas of their concurrent jurisdiction. The written 466
agreement shall be signed by the appointing authority of the 467
hospital and by the chief of police or sheriff. The standards 468
and criteria may include, but are not limited to, provisions 469
governing the reporting of offenses discovered by hospital 470
police officers to the agency represented by the chief of police 471
or sheriff, provisions governing investigatory responsibilities 472
relative to offenses committed on hospital property, and 473
provisions governing the processing and confinement of persons 474
arrested for offenses committed on hospital property. The 475
agreement required by this division is intended to apply in the 476
aggregate to all persons appointed as police officers for the 477
hospital under this division; a separate agreement is not 478
required for each appointee on an individual basis. 479

(c) The person has successfully completed a training 480
program approved by the Ohio peace officer training commission 481
and has been certified by the commission. A person appointed as 482
a police officer under this division may attend a training 483
program approved by the commission and be certified by the 484
commission regardless of whether the appropriate chief of police 485
or sheriff has granted the approval described in division (D)(1) 486

(a) of this section and regardless of whether the hospital has 487
entered into the written agreement described in division (D) (1) 488
(b) of this section with the appropriate chief of police or 489
sheriff. 490

(2) (a) A person who is appointed as a police officer under 491
division (D) (1) of this section is entitled, upon the grant of 492
approval described in division (D) (1) (a) of this section and 493
upon the person's and the hospital's compliance with the 494
requirements of divisions (D) (1) (b) and (c) of this section, to 495
act as a police officer for the hospital on the premises of the 496
hospital and of its affiliates and subsidiaries that are within 497
the territory of the municipal corporation served by the chief 498
of police or the unincorporated area of the county served by the 499
sheriff who signed the written agreement described in division 500
(D) (1) (b) of this section, whichever is applicable, and anywhere 501
else within the territory of that municipal corporation or 502
within the unincorporated area of that county. The authority to 503
act as a police officer as described in this division is granted 504
only if the person, when engaging in that activity, is directly 505
in the discharge of the person's duties as a police officer for 506
the hospital. The authority to act as a police officer as 507
described in this division shall be exercised in accordance with 508
the standards and criteria set forth in the written agreement 509
described in division (D) (1) (b) of this section. 510

(b) Additionally, a person appointed as a police officer 511
under division (D) (1) of this section is entitled, upon the 512
grant of approval described in division (D) (1) (a) of this 513
section and upon the person's and the hospital's compliance with 514
the requirements of divisions (D) (1) (b) and (c) of this section, 515
to act as a police officer elsewhere, within the territory of a 516
municipal corporation or within the unincorporated area of a 517

county, if the chief of police of that municipal corporation or 518
the sheriff of that county, respectively, has granted approval 519
for that activity to the hospital, police department, or 520
security department served by the person as a police officer and 521
if the person, when engaging in that activity, is directly in 522
the discharge of the person's duties as a police officer for the 523
hospital. The approval described in this division may be general 524
in nature or may be limited in scope, duration, or 525
applicability, as determined by the chief of police or sheriff 526
granting the approval. 527

(3) Police officers appointed under division (D) (1) of 528
this section shall hold office for three years, unless, for good 529
cause shown, their commission is revoked by the secretary of 530
state or by the hospital, as provided by law. 531

(4) Notwithstanding section 2744.02 of the Revised Code, 532
the municipal corporation in which the hospital is located or, 533
if the hospital is located in the unincorporated area of a 534
county, the county is immune from civil or criminal liability in 535
any action brought under the laws of this state if all of the 536
following apply: 537

(a) The action arises out of the actions of a police 538
officer appointed under division (D) (1) of this section. 539

(b) The actions of the police officer are directly in the 540
discharge of the person's duties as a police officer for the 541
hospital. 542

(c) The actions of the police officer occur on the 543
premises of the hospital or its affiliates or subsidiaries that 544
are within the territory of the municipal corporation served by 545
the chief of police or the unincorporated area of the county 546

served by the sheriff who signed the agreement described in 547
division (D) (1) (b) of this section, whichever is applicable, or 548
anywhere else within the territory of that municipal corporation 549
or within the unincorporated area of that county. 550

(5) A court's finding of tort liability of any public 551
hospital agency or nonprofit hospital agency for any actions of 552
a police officer appointed for the applicable hospital agency 553
under division (D) (1) of this section is not subject to 554
apportionment of tort liability under sections 2307.22 and 555
2307.23 of the Revised Code with the municipal corporation or 556
the county in which a written agreement as described in division 557
(D) (1) (b) is in effect. 558

(6) Nothing in division (D) (4) of this section shall be 559
construed as granting immunity from civil or criminal liability 560
for any actions occurring on the premises of any hospital 561
operated by a public hospital agency or nonprofit hospital 562
agency or on the premises of that hospital's affiliate or 563
subsidiary to any of the following: 564

(a) Any police officer appointed under division (D) (1) of 565
this section; 566

(b) Any hospital operated by a public hospital agency or a 567
nonprofit hospital agency that applied for the appointment of 568
any police officer under division (D) (1) of this section, or any 569
affiliate or subsidiary of the hospital; 570

(c) Any other police or security officer who is employed 571
by, or whose services are utilized by, any hospital operated by 572
a public hospital agency or a nonprofit hospital agency, or any 573
affiliate or subsidiary of the hospital; 574

(d) Any entity that supplies the services of police or 575

security officers to any hospital operated by a public hospital 576
agency or a nonprofit hospital agency or any affiliate or 577
subsidiary of the hospital. 578

(7) As used in ~~divisions~~ division (D) ~~(1) to (3)~~ of this 579
section, "public: 580

(a) "Public hospital agency" and "nonprofit hospital 581
agency" have the same meanings as in section 140.01 of the 582
Revised Code. 583

(b) "Tort liability" means the liability of a party as 584
determined by a court in a tort action as defined in section 585
2307.011 of the Revised Code. 586

(E) (1) Upon the application of any owner or operator of an 587
amusement park that has an average yearly attendance in excess 588
of six hundred thousand guests and that employs and maintains 589
its own proprietary police department or security department and 590
subject to section 4973.171 of the Revised Code, any judge of 591
the municipal court or county court that has territorial 592
jurisdiction over the amusement park may appoint and commission 593
any persons that the owner or operator designates, or as many of 594
those persons as the judge considers proper, to act as police 595
officers for the amusement park. If the amusement park is 596
located in more than one county, any judge of the municipal 597
court or county court of any of those counties may make the 598
appointments and commissions as described in this division. No 599
person who is appointed as a police officer under this division 600
shall engage in any duties or activities as a police officer for 601
the amusement park or any affiliate or subsidiary of the owner 602
or operator of the amusement park unless all of the following 603
apply: 604

(a) The appropriate chief or chiefs of police of the 605
political subdivision or subdivisions in which the amusement 606
park is located as specified in this division have granted 607
approval to the owner or operator of the amusement park to 608
permit persons appointed as police officers under this division 609
to engage in those duties and activities. If the amusement park 610
is located in a single municipal corporation or a single 611
township, the chief of police of that municipal corporation or 612
township is the appropriate chief of police for the grant of 613
approval under this division. If the amusement park is located 614
in two or more townships, two or more municipal corporations, or 615
one or more townships and one or more municipal corporations, 616
the chiefs of police of all of the affected townships and 617
municipal corporations are the appropriate chiefs of police for 618
the grant of approval under this division, and the approval must 619
be jointly granted by all of those chiefs of police. The 620
approval required by this division is general in nature and is 621
intended to cover in the aggregate all persons appointed as 622
police officers for the amusement park under this division. A 623
separate approval is not required for each appointee on an 624
individual basis. 625

(b) Subsequent to the grant of approval described in 626
division (E) (1) (a) of this section, the owner or operator has 627
entered into a written agreement with the appropriate chief or 628
chiefs of police of the political subdivision or subdivisions in 629
which the amusement park is located as specified in this 630
division and has provided the sheriff of the county in which the 631
political subdivision or subdivisions are located with a copy of 632
the agreement. If the amusement park is located in a single 633
municipal corporation or a single township, the chief of police 634
of that municipal corporation or township is the appropriate 635

chief of police for entering into the written agreement under 636
this division. If the amusement park is located in two or more 637
townships, two or more municipal corporations, or one or more 638
townships and one or more municipal corporations, the chiefs of 639
police of all of the affected townships and municipal 640
corporations are the appropriate chiefs of police for entering 641
into the written agreement under this division, and the written 642
agreement must be jointly entered into by all of those chiefs of 643
police. The written agreement between the owner or operator and 644
the chief or chiefs of police shall address the scope of 645
activities, the duration of the agreement, and mutual aid 646
arrangements and shall set forth the standards and criteria to 647
govern the interaction and cooperation between persons appointed 648
as police officers for the amusement park under this division 649
and law enforcement officers serving the agency represented by 650
the chief of police who signed the agreement. The written 651
agreement shall be signed by the owner or operator and by the 652
chief or chiefs of police who enter into it. The standards and 653
criteria may include, but are not limited to, provisions 654
governing the reporting of offenses discovered by the amusement 655
park's police officers to the agency represented by the chief of 656
police of the municipal corporation or township in which the 657
offense occurred, provisions governing investigatory 658
responsibilities relative to offenses committed on amusement 659
park property, and provisions governing the processing and 660
confinement of persons arrested for offenses committed on 661
amusement park property. The agreement required by this division 662
is intended to apply in the aggregate to all persons appointed 663
as police officers for the amusement park under this division. A 664
separate agreement is not required for each appointee on an 665
individual basis. 666

(c) The person has successfully completed a training 667
program approved by the Ohio peace officer training commission 668
and has been certified by the commission. A person appointed as 669
a police officer under this division may attend a training 670
program approved by the commission and be certified by the 671
commission regardless of whether the appropriate chief of police 672
has granted the approval described in division (E) (1) (a) of this 673
section and regardless of whether the owner or operator of the 674
amusement park has entered into the written agreement described 675
in division (E) (1) (b) of this section with the appropriate chief 676
of police. 677

(2) (a) A person who is appointed as a police officer under 678
division (E) (1) of this section is entitled, upon the grant of 679
approval described in section (E) (1) (a) of this section and upon 680
the person's and the owner or operator's compliance with the 681
requirements of division (E) (1) (b) and (c) of this section, to 682
act as a police officer for the amusement park and its 683
affiliates and subsidiaries that are within the territory of the 684
political subdivision or subdivisions served by the chief of 685
police, or respective chiefs of police, who signed the written 686
agreement described in division (E) (1) (b) of this section, and 687
upon any contiguous real property of the amusement park that is 688
covered by the written agreement, whether within or adjacent to 689
the political subdivision or subdivisions. The authority to act 690
as a police officer as described in this division is granted 691
only if the person, when engaging in that activity, is directly 692
in the discharge of the person's duties as a police officer for 693
the amusement park. The authority to act as a police officer as 694
described in this division shall be exercised in accordance with 695
the standards and criteria set forth in the written agreement 696
described in division (E) (1) (b) of this section. 697

(b) In addition to the authority granted under division 698
(E) (2) (a) of this section, a person appointed as a police 699
officer under division (E) (1) of this section is entitled, upon 700
the grant of approval described in division (E) (1) (a) of this 701
section and upon the person's and the owner or operator's 702
compliance with the requirements of divisions (E) (1) (b) and (c) 703
of this section, to act as a police officer elsewhere within the 704
territory of a municipal corporation or township if the chief of 705
police of that municipal corporation or township has granted 706
approval for that activity to the owner or operator served by 707
the person as a police officer and if the person, when engaging 708
in that activity, is directly in the discharge of the person's 709
duties as a police officer for the amusement park. The approval 710
described in this division may be general in nature or may be 711
limited in scope, duration, or applicability, as determined by 712
the chief of police granting the approval. 713

(3) Police officers appointed under division (E) (1) of 714
this section shall hold office for five years, unless, for good 715
cause shown, their commission is revoked by the appointing judge 716
or the judge's successor or by the owner or operator, as 717
provided by law. 718

(F) A fee of fifteen dollars for each commission applied 719
for under this section shall be paid at the time the application 720
is made, and this amount shall be returned if for any reason a 721
commission is not issued. 722

Section 2. That existing sections 2744.01, 2744.05, and 723
4973.17 of the Revised Code are hereby repealed. 724