

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 712**

**Representatives Sheehy, Hicks-Hudson**

**Cosponsors: Representatives Blair, Boyd, Brent, Brown, Clites, Crawley, Denson, Galonski, Holmes, A., Howse, Kelly, Kent, Leland, Lepore-Hagan, Lightbody, Miller, J., Miranda, Russo, Seitz, Smith, K., Sobecki, Sweeney, Sykes, Weinstein, West, Lang**

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**A BILL**

To enact section 109.96 of the Revised Code to 1  
require the Attorney General to create a 2  
database of information regarding law 3  
enforcement officers who have been terminated or 4  
resigned under certain circumstances and to 5  
require law enforcement agencies to access the 6  
database to determine employment eligibility of 7  
those officers. 8

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

**Section 1.** That section 109.96 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 109.96.** (A) As used in this section: 11

(1) "Law enforcement agency" means the employer of a law 12  
enforcement officer. 13

(2) "Law enforcement officer" means a sheriff, deputy 14  
sheriff, marshal, deputy marshal, member of the organized police 15

department of a municipal corporation, police officer of a 16  
township or joint police district, or township constable, who is 17  
employed by a political subdivision of this state; a member of a 18  
police force employed by a regional transit authority under 19  
division (Y) of section 306.35 of the Revised Code; a police 20  
officer employed by a qualified nonprofit police department 21  
pursuant to section 1702.80 of the Revised Code; a state 22  
university law enforcement officer appointed under section 23  
3345.04 of the Revised Code; a member of a police force employed 24  
by a metropolitan housing authority under division (D) of 25  
section 3735.31 of the Revised Code; a special police officer 26  
employed by a port authority under section 4582.04 or 4582.28 of 27  
the Revised Code; a police officer employed by a proprietary 28  
police department or security department of a hospital operated 29  
by a public hospital agency or nonprofit hospital agency 30  
pursuant to section 4973.17 of the Revised Code; a veterans' 31  
home police officer appointed under section 5907.02 of the 32  
Revised Code; a state highway patrol trooper; or an officer, 33  
agent, or employee of the state or any of its agencies, 34  
instrumentalities, or political subdivisions, upon whom, by 35  
statute, a duty to conserve the peace or to enforce all or 36  
certain laws is imposed and the authority to arrest violators is 37  
conferred, within limits of that statutory duty and authority. 38

(B) Notwithstanding section 4117.10 of the Revised Code, 39  
this section prevails over an agreement between a public 40  
employer and an exclusive representative entered into after the 41  
effective date of this section. 42

(C) The attorney general shall establish, administer, and 43  
operate a database of information regarding law enforcement 44  
officers who have been terminated from employment, resigned in 45  
lieu of termination, resigned during a departmental 46

investigation, or resigned before a disciplinary hearing. The 47  
attorney general shall obtain the information from the reports 48  
provided by law enforcement agencies under division (D) of this 49  
section and shall include the information in the database. The 50  
attorney general shall maintain the database separate and apart 51  
from other records maintained by the attorney general. The 52  
attorney general shall have this database operational on or 53  
before January 1, 2021. 54

(D) Each law enforcement agency shall furnish to the 55  
attorney general, in a format required by the attorney general, 56  
a report of the name and date of birth of any law enforcement 57  
officer who was terminated from employment, resigned in lieu of 58  
termination, resigned during a departmental investigation, or 59  
resigned before a disciplinary hearing; the reason for 60  
termination; and the name and telephone number of the law 61  
enforcement agency that furnished the information. The law 62  
enforcement agency shall furnish that information within thirty 63  
days after the law enforcement officer was terminated, resigned 64  
in lieu of termination, resigned during a departmental 65  
investigation, or resigned before a disciplinary hearing. 66

(E) The attorney general shall allow law enforcement 67  
agencies to access the database free of charge. A law 68  
enforcement agency or the employee who hires law enforcement 69  
officers for the agency shall review information contained in 70  
the database before hiring a law enforcement officer and shall 71  
use the information for the sole purpose of determining 72  
eligibility of the law enforcement officer for employment with 73  
the law enforcement agency. 74

(F) The attorney general shall establish policies and 75  
procedures for the creation, administration, and operation of 76

the database, and for the use and dissemination of information 77  
from the database. The attorney general shall update the 78  
database by the first day of each month to reflect information 79  
reported to the attorney general under division (D) of this 80  
section. 81

(G) Information in the database is a public record 82  
available for inspection under section 149.43 of the Revised 83  
Code. 84

(H)(1) No person shall knowingly use information contained 85  
in or received from the database for purposes not authorized by 86  
this section. 87

(2) No person shall knowingly use information contained in 88  
or received from the database with the intent to harass or 89  
intimidate another person. 90

(3) Whoever violates division (H)(1) of this section is 91  
guilty of a misdemeanor of the fourth degree. Whoever violates 92  
division (H)(2) of this section is guilty of a misdemeanor of 93  
the first degree. 94

(I) Any law enforcement agency and law enforcement 95  
officers who comply with this section shall be immune from any 96  
civil or criminal liability for carrying out the duties of this 97  
section. 98