

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 11

Representatives Sheehy, Hicks-Hudson

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

A BILL

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

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

Section 1. That section 109.96 of the Revised Code be 5
enacted to read as follows: 6

Sec. 109.96. (A) As used in this section: 7

(1) "Law enforcement agency" means the employer of a law 8
enforcement officer. 9

(2) "Law enforcement officer" means a sheriff, deputy 10
sheriff, marshal, deputy marshal, member of the organized police 11
department of a municipal corporation, police officer of a 12
township or joint police district, or township constable, who is 13
employed by a political subdivision of this state; a member of a 14
police force employed by a regional transit authority under 15
division (Y) of section 306.35 of the Revised Code; a police 16
officer employed by a qualified nonprofit police department 17

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

(B) Notwithstanding section 4117.10 of the Revised Code, 35
this section prevails over an agreement between a public 36
employer and an exclusive representative entered into after the 37
effective date of this section. 38

(C) The attorney general shall establish, administer, and 39
operate a database of information regarding law enforcement 40
officers who have been terminated from employment, resigned in 41
lieu of termination, resigned during a departmental 42
investigation, or resigned before a disciplinary hearing. The 43
attorney general shall obtain the information from the reports 44
provided by law enforcement agencies under division (D) of this 45
section and shall include the information in the database. The 46
attorney general shall maintain the database separate and apart 47
from other records maintained by the attorney general. The 48

attorney general shall have this database operational on or 49
before January 1, 2022. 50

(D) Each law enforcement agency shall furnish to the 51
attorney general, in a format required by the attorney general, 52
a report of the name and date of birth of any law enforcement 53
officer who was terminated from employment, resigned in lieu of 54
termination, resigned during a departmental investigation, or 55
resigned before a disciplinary hearing; the reason for 56
termination; and the name and telephone number of the law 57
enforcement agency that furnished the information. The law 58
enforcement agency shall furnish that information within thirty 59
days after the law enforcement officer was terminated, resigned 60
in lieu of termination, resigned during a departmental 61
investigation, or resigned before a disciplinary hearing. 62

(E) The attorney general shall allow law enforcement 63
agencies to access the database free of charge. A law 64
enforcement agency or the employee who hires law enforcement 65
officers for the agency shall review information contained in 66
the database before hiring a law enforcement officer and shall 67
use the information for the sole purpose of determining 68
eligibility of the law enforcement officer for employment with 69
the law enforcement agency. 70

(F) The attorney general shall establish policies and 71
procedures for the creation, administration, and operation of 72
the database, and for the use and dissemination of information 73
from the database. The attorney general shall update the 74
database by the first day of each month to reflect information 75
reported to the attorney general under division (D) of this 76
section. 77

(G) Information in the database is a public record 78

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