

As Introduced

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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**

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