



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 421
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 421's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsors: Reps. T. Smith and Blair

Local Impact Statement Procedure Required: No

Jacquelyn Schroeder, Senior Budget Analyst, and other LBO staff

Highlights

- The bill may reduce the number of actions brought against certain municipal corporations due to the hospital police officer immunity provisions. It could also result in some savings for local courts if cases are dismissed more quickly or not brought forward at all.
- The bill may relieve school districts and other public schools that choose to authorize certain personnel to be armed in a school safety zone from basic peace officer training costs.

Detailed Analysis

Hospital-related provisions

The bill grants a municipal corporation in which a hospital is located or, if the hospital is located in an unincorporated area of a county, a county immunity from civil or criminal liability in any action brought under Ohio law if all of the following apply: (1) the action arises out of the actions of a duly appointed hospital police officer, (2) the actions of the hospital police officer are directly in the discharge of the person's duties as a police officer for the hospital, and (3) the actions of the hospital police officer occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the agreement, whichever is applicable, or anywhere else within the territory of that municipal corporation or within the unincorporated area of that county.

The bill specifies that nothing in the above-mentioned provisions is to be construed as granting immunity for actions occurring on a hospital's premises to any of the following: (1) a police officer appointed by the Secretary of State, (2) a hospital that applied for such

appointment of a police officer, (3) any other police or security officer providing services to the hospital, or (4) any entity that provides the services of police or security officers to a hospital.

The bill also provides that a court finding of tort liability of any public hospital agency or nonprofit hospital agency for actions of the hospital agency's police officer is not subject to apportionment with the municipal corporation or the county with which the hospital agency has a written agreement under current law's apportionment of tort liability provisions. This provision appears to eliminate costs that a municipal corporation or county otherwise may have incurred in certain circumstances under current law.

The bill may reduce the filing of actions alleging damages, or if filed, such actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. This could reduce administrative and legal costs for municipal corporations described above. In addition, this may also generate savings for the various involved courts resulting from a decrease in judicial dockets and the related workload of other court personnel.

Political subdivisions

The bill specifies that compensatory damages recoverable against a political subdivision for a peace officer's, fire fighter's, or emergency medical technician's operation of a motor vehicle must be reduced by the percentage of contributory fault attributable to the plaintiff or any other parties subject to continuing tort liability law. However, the bill also modifies the definition of emergency call. As a result of these changes, future liability cases brought against a political subdivision may be impacted if those cases meet the criteria of circumstances set forth in the bill.

Exemption from peace officer training

Current law generally prohibits persons from carrying firearms in a school safety zone. This prohibition does not apply to a person employed as a security officer or any other person with written authorization from a board of education or governing body of a school to go armed within a school safety zone. Current law also requires school employees serving in a law enforcement or security role in which the person goes armed while on duty to complete an approved basic peace officer training program unless the person has completed 20 years of active duty as a peace officer. In late March 2020, the Ohio 12th District Court of Appeals ruled the training requirement also applies to individuals other than a security officer who are authorized to go armed. The decision applies to schools under the Court's jurisdiction, which covers the following eight counties in southwest Ohio: Brown, Butler, Clermont, Clinton, Fayette, Madison, Preble, and Warren. The school district involved in the case, Madison Local School District, appealed the 12th District Court of Appeals' decision to the Ohio Supreme Court, which on August 26, 2020, granted a stay of the ruling until it issues a final decision.

In response to the 12th District Court of Appeals' decision, the bill exempts individuals authorized to go armed from basic peace officer training requirements so long as the authorized individual is not hired in the capacity of a special police officer or security officer. See LSC's [bill analysis](#) for a detailed discussion of the bill and the court case. As a result, school districts or other public schools that choose to authorize arming such personnel may not incur costs associated with paying for basic peace officer training for the designated employees, assuming the districts or schools would have paid for this training. Basic peace officer training program costs vary by

provider, with the total curriculum consisting of a minimum of 737 training hours.¹ Various tuition listings show amounts in the range of \$5,000 or more.² Under the bill, the degree of training will be left to the discretion of the district or school.

HB0421SP/zg

¹ Ohio Attorney General's Office. "How to Become a Peace Officer in Ohio." Available online at <https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio>.

² Not all peace officer training academies are available to nonlaw enforcement personnel (such as teachers or administrators that could be authorized to go armed). Some require recruits to be appointed by a law enforcement agency while others are open to anyone who meets the qualifications. Some of these latter options are provided by schools of various types, but may only be available through enrollment in an associate degree program, as in the case of Columbus State Community College.