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# OHIO LEGISLATIVE SERVICE COMMISSION

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134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Sheehy and Hicks-Hudson

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### SUMMARY

- Requires the Attorney General to establish, administer, and operate a database of information regarding law enforcement officers who have been terminated from employment, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing.
- Requires the database to be operational on or before January 1, 2022.
- Requires a law enforcement agency to furnish a report to the Attorney General regarding a law enforcement officer who was terminated from employment, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing within 30 days of the termination or resignation.
- Requires the Attorney General to allow a law enforcement agency to access the database free of charge for the sole purpose of determining eligibility of the law enforcement officer for employment with the law enforcement agency.
- Specifies a law enforcement agency and law enforcement officer who complies with the bill's intent are immune from any civil or criminal liability for carrying out the bill's duties.
- Specifies the bill's provisions prevail over a collective bargaining agreement between a public employer and an exclusive representative that was entered into after the bill's effective date.
- Prohibits a person from knowingly using the information contained in or received from the database for a purpose not authorized under the bill or with the intent to harass or intimidate another person.

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## DETAILED ANALYSIS

### Database of information regarding terminated law enforcement

#### Operation and maintenance of database

The bill requires the Attorney General to establish, administer, and operate a database of information regarding law enforcement officers (see “**Definitions**,” below) who have been terminated from employment, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing; the database must be operational on or before January 1, 2022.

The Attorney General must establish policies and procedures for the creation, administration, and operation of the database, as well as for the use and dissemination of information from the database. The database must be maintained separate and apart from other records maintained by the Attorney General. Finally, the Attorney General must allow law enforcement agencies to access the database free of charge.<sup>1</sup>

#### Reports for the database

The bill requires each law enforcement agency (see “**Definitions**,” below) to furnish, in a format required by the Attorney General, a report of the following information for any law enforcement officer who was terminated from employment, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing:

- Name and date of birth;
- The reason for termination;
- The name and telephone number of the law enforcement agency furnishing the information.

The law enforcement agency must provide the report within 30 days after the law enforcement officer was terminated from employment, resigned in lieu of termination, resigned during a departmental investigation, or resigned before a disciplinary hearing. The Attorney General updates the database monthly with the information from the reports.<sup>2</sup>

#### Review

A law enforcement agency or employee who hires law enforcement officers for the agency must review the information contained in the database before hiring a law enforcement officer. The information must be used for the sole purpose of determining eligibility of the law enforcement officer for employment with a law enforcement agency.<sup>3</sup>

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<sup>1</sup> R.C. 109.96(C), (E), and (F).

<sup>2</sup> R.C. 109.96(D) and (F).

<sup>3</sup> R.C. 109.96(E).

## Public record

Information in the database is a public record under Ohio's Public Records Law and available for public inspection.<sup>4</sup>

## Prohibitions

The bill prohibits a person from knowingly using the information contained in or received from the database for a purpose not authorized under the bill. A person who violates that prohibition is guilty of a fourth degree misdemeanor, which is punishable by a fine of not more than \$250 and jail time of not more than 30 days.

Additionally, the bill prohibits a person from knowingly using the information contained in or received from the database with the intent to harass or intimidate another person. A person who violates that prohibition is guilty of a first degree misdemeanor, which is punishable by a fine of not more than \$1,000 and jail time of not more than 180 days.<sup>5</sup>

## Immunity

The bill specifies that any law enforcement agency and law enforcement officer who complies with the bill's intent is immune from any civil or criminal liability for carrying out the duties required under the bill.<sup>6</sup>

## Collective bargaining agreements

The bill specifies that its provisions prevail over a collective bargaining agreement between a public employer and an exclusive representative that was entered into after the bill's effective date.<sup>7</sup>

## Definitions

Under the bill:<sup>8</sup>

**"Law enforcement agency"** means the employer of a law enforcement officer.

**"Law enforcement officer"** means any of the following:

- Sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, police officer of a township or joint police district, or township constable, who is employed by a political subdivision;
- Member of a police force employed by a regional transit authority;

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<sup>4</sup> R.C. 109.96(G).

<sup>5</sup> R.C. 109.96(H); See also R.C. 2929.24(A)(1) and (A)(4) (jail terms for misdemeanors) and 2929.28(A)(2)(a)(i) and (A)(2)(a)(iv) (financial sanctions for misdemeanors), not in the bill.

<sup>6</sup> R.C. 109.96(I).

<sup>7</sup> R.C. 109.96(B); See also R.C. 4117.10, not in the bill.

<sup>8</sup> R.C. 109.96(A).

- Police officer employed by a qualified nonprofit police;
- State university law enforcement officer;
- Member of a police force employed by a metropolitan housing authority;
- Special police officer employed by a port authority;
- Police officer employed by a proprietary police department or security department of a hospital operated by a public hospital agency or nonprofit hospital agency;
- Veterans' home police officer;
- State highway patrol trooper; or
- Officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority.

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## HISTORY

Action	Date
Introduced	02-03-21

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