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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Smith and Blackshear

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SUMMARY

- Requires law enforcement officers to wear and keep their law enforcement badges visible on their person at all times.
- Allows any person who encounters a law enforcement officer violating the law to submit a complaint to the Attorney General.
- Requires the Attorney General to investigate all complaints submitted and fine the law enforcement officer through their appointing authority.
- Provides that the bill's requirements prevail over any conflicting provision of a collective bargaining agreement entered into on or after the effective date of the bill.

DETAILED ANALYSIS

Visible badge and identification

The bill requires a law enforcement officer to wear a clearly visible badge and identification on the law enforcement officer's person whenever the law enforcement officer is on duty, including during an emergency declared by the governor or mayor.¹

The bill requires that identification be clear and identifiable with the law enforcement officer's appointing authority visible. The officer's name and badge number are not required, but may be included.² A law enforcement officer that is undercover, including an officer acting as an undercover drug agent, is exempt from the bill's identification requirement.³

¹ R.C. 2901.44(B).

² R.C. 2901.44(B).

³ R.C. 2901.44(C).

Submitting a complaint

The bill allows any person to submit a complaint to the Attorney General through an online portal, by mail, or telephone if the person directly or indirectly encounters a law enforcement officer failing to comply with the identification requirement. Instructions for submitting a complaint and a link to the online portal must be published on the Attorney General's website within 30 days of the effective date of the bill. The bill also requires that the Attorney General investigate all complaints submitted.⁴

Fines

If, after an investigation, the Attorney General determines that reasonable evidence exists that a law enforcement officer failed to comply with the identification requirements and the officer is not exempt from those requirements, the Attorney General must fine the officer's appointing authority \$1,000 for each instance of noncompliance. The bill requires the law enforcement officer's appointing authority to remit the fines to the Attorney General within 30 days after receiving notification of the Attorney General's determination. All fines will be deposited into the general revenue fund.⁵

Separate instances of noncompliance

The bill includes separate instances of noncompliance. When a law enforcement officer fails to comply with the identification requirements, each day or partial day of noncompliance is a separate instance of noncompliance. If more than one law enforcement officer fails to comply with the identification requirements, each officer's failure to comply is a separate instance of noncompliance even if the failures occurred on the same day.⁶

Collective bargaining agreements conflicting provisions

The bill's requirements prevail over any conflicting provision of a collective bargaining agreement entered into on or after the effective date of the bill (generally, unless an exception applies, a collective bargaining agreement prevails over a conflicting law).⁷

Definitions

The bill uses the following definitions:

"Appointing authority" means the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.⁸

⁴ R.C. 2901.44(D)(1).

⁵ R.C. 2901.44(D)(2).

⁶ R.C. 2901.44(D)(3).

⁷ R.C. 2901.44(E).

⁸ R.C. 124.01(D), not in the bill, and R.C. 2901.44(A)(1).

“Law enforcement officer” means any of the following:⁹

- A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority, or state highway patrol trooper;
- An 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 the limits of that statutory duty and authority;
- A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member’s appointment or commission;
- A person appointed by a mayor as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
- A member of the organized militia of this state, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
- A member of a police force employed by a regional transit authority.

“Undercover drug agent” means any person who:¹⁰

- Is employed by a county, township, or municipal corporation for the purposes set forth below but who is not an employee of a county sheriff’s department, of a township constable, or of the police department of a municipal corporation or township;
- In the course of the person’s employment by a county, township, or municipal corporation, investigates and gathers information pertaining to persons who are suspected of violating Ohio’s drug laws, and generally does not wear a uniform in the performance of the person’s duties.

Effective date of the bill

The bill takes effect April 1, 2022.¹¹

⁹ R.C. 2901.44(A)(2)(a), (b), (c), (d), (e), and (f).

¹⁰ R.C. 109.79(2)(a) and (b), not in the bill, and R.C. 2901.44(A)(3).

¹¹ Section 2.

HISTORY

Action	Date
Introduced	05-26-21
