



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 204

131st General Assembly

(As Reported by H. Community and Family Advancement)

**Reps.** Derickson and Manning, Dever

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## BILL SUMMARY

- Prohibits the Ohio Peace Officer Training Commission from recommending and the Attorney General from adopting rules with respect to a limit on the number of hours of basic training required for peace officers and other specified positions.
- Generally requires all persons newly appointed to a peace officer position to have received a high school diploma or certificate of high school equivalence.

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## CONTENT AND OPERATION

### Peace officer training requirements

The bill revises the rule requirements governing peace officer training to exclude limits on training time.

Under continuing law, a person must be awarded a certificate by the Executive Director of the Ohio Peace Officer Training Commission (the OPOTC) attesting to the person's satisfactory completion of an approved peace officer basic training program before the person may receive an original appointment on a permanent basis to any of a list of traditional or other specified peace officer positions. A person appointed on a temporary basis or for a probationary term to any of those positions must forfeit the position unless the person previously has been awarded such a certificate or is awarded a certificate within a specified period of time.<sup>1</sup>

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<sup>1</sup> R.C. 109.77(B)(1) and (2).

## **Recommendation of rules by OPOTC**

The bill prohibits the OPOTC from recommending any rule or rules to the AG with respect to any limit on the number of basic training hours in any program or topic listed in the requirements of minimum basic training for peace officers and other types of specified officers.<sup>2</sup>

Under existing law, the OPOTC recommends to the Attorney General (AG) rules that pertain to peace officer training. Among the rules that must be recommended are rules with respect to minimum courses of study, attendance requirements, and equipment and facilities.<sup>3</sup> The rules the OPOTC must recommend include the following:

(1) Requirements of minimum basic training for peace officers, which must include training in: handling the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements; crisis intervention; handling missing children and child abuse and neglect cases; and handling human trafficking cases;

(2) Requirements for basic training programs for bailiffs and deputy bailiffs of Ohio courts and for State Public Defender criminal investigators that those persons must complete before they may carry a firearm while on duty;

(3) Minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;

(4) Minimum requirements for certification of persons employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;

(5) Requirements for training of county humane society agents, including a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.

## **Adoption of rules by the Attorney General**

The bill specifies that the AG may not adopt or promulgate any rule or regulation with respect to any limit on the number of basic training hours in any

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<sup>2</sup> R.C. 109.73(B).

<sup>3</sup> R.C. 109.73(A).



program or topic listed in the requirements of minimum basic training for peace officers and other types of specified officers (see **COMMENT**).<sup>4</sup>

Under existing law, the AG has discretion to adopt and promulgate any or all of the peace officer training rules and regulations recommended by the OPOTC.<sup>5</sup>

### **Peace officer high school education requirement**

The bill generally requires a person to have received a high school diploma or a "certificate of high school equivalence" before receiving an original appointment to any of a list of specified peace officer positions. However, any person appointed prior to the bill's effective date as a State Highway Patrol Trooper or to any of those specified peace officer positions may receive an appointment on or after that date to any of those positions without satisfying this education requirement.<sup>6</sup>

A "certificate of high school equivalence" means a statement issued by the State Board of Education or an equivalent agency of another state that the holder of the statement has achieved the equivalent of a high school education as measured by scores obtained on the tests of General Educational Development published by the American Council on Education.<sup>7</sup>

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### **COMMENT**

If the prohibition against adopting or promulgating rules with respect to any limit on the number of basic training hours is enacted, the AG's current rule-making authority, which contains no such limit, would be so circumscribed as of the bill's effective date, if it becomes law. However, an existing AG rule prohibits the peace officer basic training program from exceeding 650 hours of training.<sup>8</sup> A question may arise as to the continued efficacy of this training-hour limitation.

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<sup>4</sup> R.C. 109.74(B).

<sup>5</sup> R.C. 109.74(A).

<sup>6</sup> R.C. 109.77(B)(1) and (2) and (L).

<sup>7</sup> R.C. 109.77(L)(1), by reference to R.C. 4109.06, not in the bill.

<sup>8</sup> O.A.C. 109:2-1-16(C).



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## HISTORY

### ACTION

### DATE

Introduced

05-12-15

Reported, H. Community & Family Advancement

06-10-15

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