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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 634
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Sobecki

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SUMMARY

- Prohibits counties, townships, and municipal corporations from requiring reimbursement for costs associated with assisting a victim of rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense.

DETAILED ANALYSIS

Reimbursement for law enforcement assistance

The bill prohibits counties, townships, and municipal corporations – and their law enforcement agencies – from requiring reimbursement for the cost of any assistance that a law enforcement officer provides to a victim of rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense. Also, reimbursement cannot be required of any owner of property where such a victim resides. For purposes of the bill, reimbursement includes partial or full reimbursement.¹

COMMENT

The bill may be vulnerable to a challenge under the Home Rule Amendment to the Ohio Constitution, which allows a municipal corporation to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations as are not in conflict with general law.² If challenged, a court may examine whether the bill's prohibition can apply to municipal corporations on the basis of local self-government (perhaps reimbursement relates to the internal affairs of the municipal

¹ R.C. 9.131.

² Ohio Constitution, Article XVIII, Section 3.

corporation – financing their law enforcement department).³ Or, a court may examine whether the bill is an unconstitutional effort to preempt municipal regulation. Municipal corporations have authority to supplement state police regulations so long as the municipal regulation does not conflict with the state regulation.⁴ The Ohio Supreme Court previously has struck down a preemption effort.⁵

The same comment applies to counties that have adopted a charter (currently, Summit and Cuyahoga).⁶

HISTORY

Action	Date
Introduced	04-26-22

³ *Northern Ohio Patrolmen's Benevolent Ass'n v. Parma*, 61 Ohio St.2d 375 (1980).

⁴ *Mendenhall v. City of Akron*, 117 Ohio St.3d 33 (2008).

⁵ *City of Cleveland v. State*, 138 Ohio St.3d 232 (2014).

⁶ Ohio Const. art. X, sec. 3.

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