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# OHIO LEGISLATIVE SERVICE COMMISSION

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**H.B. 167\***  
**135<sup>th</sup> General Assembly**

## Occupational Regulation Report

[Click here for H.B. 167's Bill Analysis / Fiscal Note](#)

**Primary Sponsors:** Reps. Miranda and Abrams

**Impacted Professions:** Peace officers (those at or above the rank of sergeant and new chiefs of police)

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.<sup>1</sup>

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## LEAST RESTRICTIVE REGULATION COMPARISON

### Ohio's general regulatory policy

The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."<sup>2</sup>

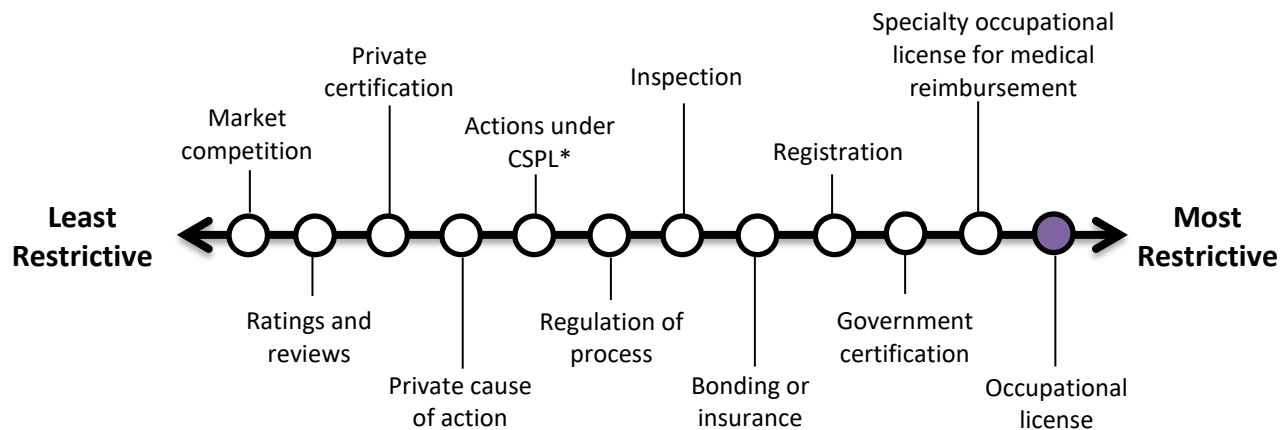
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\* This report addresses the "As Introduced" version of H.B. 167. It does not account for changes that may have been adopted after the bill's introduction.

<sup>1</sup> R.C. 103.26, not in the bill.

<sup>2</sup> R.C. 4798.01 and 4798.02, neither in the bill.

The degree of “restrictiveness” of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state’s policy by least to most restrictive:



\*CSPL – The Consumer Sales Practices Law

H.B. 167 modifies training requirements for new chiefs of police and allows advanced training for peace officers at or above the rank of sergeant.<sup>3</sup>

These changes affect peace officer licensure. Continuing law requires peace officers to have completed a training program and to hold a certificate issued by the Executive Director of the Ohio Peace Officer Training Commission.<sup>4</sup> The certificate functions as a license under the state policy because an individual must possess it to work as a peace officer, and it is a nontransferable authorization in law that is based on meeting personal qualifications, such as training, that are established by statute.<sup>5</sup>

## Necessity of regulations

Representative Jessica Miranda and Representative Cindy Abrams, the primary sponsors of the bill, jointly testified that H.B. 167 is a bipartisan effort to update the Ohio Revised Code concerning police training and the role of the Ohio Peace Officer Training Commission.

Representatives Miranda and Abrams stated that the bill modifies standardized training requirements that newly appointed police chiefs must satisfy. They said that the Commission determines this training, which covers a range of topics. They explained that, under current law, new police chiefs must take a 40-hour training course that is conducted by the Commission and is held in Columbus. They testified that the bill, rather than requiring the training to be held in Columbus, allows more localized training at regional training facilities for new police chiefs. They asserted that this change enables the new chiefs to network with other local chiefs whom they

<sup>3</sup> R.C. 109.791 and 109.84.

<sup>4</sup> R.C. 109.77, not in the bill.

<sup>5</sup> R.C. 4798.01, not in the bill.

will continue to work with and results in cost savings for departments due to eliminating travel expenses for lodging and meals in Columbus.

In addition, Representatives Miranda and Abrams stated that the bill allows the Commission to establish and have control over advanced training for officers at or above the rank of sergeant. They pointed out that as patrol officers answer service calls, a citizen sometimes asks to speak to an officer's supervisor. They indicated that the training allowed under the bill for sergeants and higher ranking officers will help those officers in their supervisory roles.

Representatives Miranda and Abrams testified that it is important to note that the bill's changes to training will still be monitored and supervised by the Commission. They said that the Commission will keep track of when the training will take place as well as the number of supervisors attending. Further, they stated that the Commission ultimately will approve each training session that is scheduled to occur outside of Columbus. They explained that this all is to ensure that police supervisors will receive the same benefits of training and networking that would accrue if the training was held in Columbus.<sup>6</sup>

## **Restrictiveness of regulations**

### **Licensure**

Licensure is the most restrictive of all regulatory options identified within the state's continuum of regulations. Accordingly, the state's policy prescribes a narrow range of situations in which required licensure is appropriate; specifically, when all of the following circumstances are present:

- The occupation involves providing a service regulated by both state and federal law;
- The licensing framework allows individuals licensed in other states and territories to practice in Ohio; and
- The licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.<sup>7</sup>

It appears that peace officer licensure meets the state policy's first criterion because peace officers provide a service that is regulated by both state and federal law. For example, the federal Violent Crime Control and Law Enforcement Act of 1994 allows the U.S. Department of Justice to review the practices of state or local law enforcement agencies that may be violating

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<sup>6</sup> See, [Joint sponsor testimony of Representative Jessica Miranda and Representative Cindy Abrams](#) which may be accessed on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov), by searching for "HB 167" and by conducting a keyword search under the "Committee Activity" tab.

<sup>7</sup> R.C. 4798.02, not in the bill.

people's federal rights. If there is reasonable cause to believe that a violation occurred, the U.S. Attorney General may sue to obtain appropriate relief and to eliminate the pattern or practice.<sup>8</sup>

Peace officer licensure also appears to meet the state policy's second criterion regarding reciprocity. Regarding basic training for licensure as a peace officer, continuing law exempts applicants who have five or more years of recent, analogous, full-time experience in another state from required training topics that are not specific to Ohio.<sup>9</sup> In addition, the state's recently enacted Occupational Licenses for Out-of-State Applicants Law, effective December 29, 2023, generally requires a licensing authority to issue licenses to applicants who hold analogous out-of-state occupational licenses.<sup>10</sup>

As for the state policy's third criterion, it does not appear that current peace officer licensure requirements satisfy it, and the bill does not remedy that. No uniform national law governs qualifications for licensure as a peace officer. Rather, licensure requirements vary by state.<sup>11</sup>

### **Chief of police training**

Continuing law requires new police chiefs to complete 40 hours of training conducted by the Ohio Peace Officer Training Commission. The bill requires the Commission to conduct the training at locations the Commission determines instead of at the Ohio Peace Officer Training Academy in Columbus as under current law.<sup>12</sup> It is unclear how this change affects restrictiveness because it depends on where the Commission decides to offer the training. If the Commission offers the training at multiple locations throughout Ohio, the bill may decrease restrictiveness by reducing the chiefs' related travel time and expenses.

Under current law, a new police chief may request an equivalency exemption from a *portion* of the 40 hours of required training. To do so, the chief must submit evidence of training or qualification in the subject area of the exempted portion. The bill instead allows a new police chief to request an equivalency exemption from *eight hours* of the required 40-hour training. Again, it is unclear how this change affects restrictiveness. It depends on what the Commission considers to be an exempted "portion" of training under current law and how that compares to the eight-hour maximum exemption established by the bill.

The bill adds that the exemption must involve topics that the Executive Director of the Commission has approved for an equivalency exemption. It appears that this may increase

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<sup>8</sup> 34 United States Code (U.S.C.) 12601. See also [Conduct of Law Enforcement Agencies](#), which may be accessed by conducting a keyword search under "conduct of law enforcement" search on the U.S. Department of Justice website, [justice.gov](https://www.justice.gov).

<sup>9</sup> Ohio Administrative Code (O.A.C.) 109:2-1-12.

<sup>10</sup> R.C. 4796.03, not in the bill.

<sup>11</sup> See [Police Officer Requirements by State](#), on the Go Law Enforcement website, [golawenforcement.com](https://www.golawenforcement.com), which may be accessed by a key word search under "Preparing."

<sup>12</sup> R.C. 109.804(A).

restrictiveness somewhat by limiting exemptions to certain topics rather than maintaining the Commission's discretion to grant an exemption completely on a case-by-case basis.

Under current law, a new police chief must submit a request for an equivalency exemption not more than ten calendar days following the chief's appointment. The bill changes this time period to not later than 14 days before the beginning of the training course.<sup>13</sup> Once more, it is somewhat unclear how this impacts restrictiveness because the time frame between appointment and the beginning of the training course is not specified. If the course starts more than 24 days after the chief's appointment, it appears that the bill would decrease restrictiveness by giving a new chief more time to request an exemption.

### **Sergeant and above training**

The bill authorizes the Ohio Peace Officer Training Commission to establish and conduct additional police officer training courses for law enforcement officers at or above the rank of sergeant.<sup>14</sup> However, the bill does not require those officers to complete such additional training if it is conducted. Thus, it appears that the training is optional and therefore would not affect restrictiveness.

For a complete explanation of the bill, please see the [LSC bill analysis \(PDF\)](#).

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## **IMPACT STATEMENT**

### **Opportunities for employment**

Employment in the occupations affected by the bill's modifications of training requirements is not determined in a market. Opportunities for employment will not be affected by the bill.

### **Consumer choice and market competition**

Consumer choice and market competition will not be affected by the bill.

### **Cost to government**

The costs to government are outlined in the [LBO fiscal note \(PDF\)](#).

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<sup>13</sup> R.C. 109.804(B).

<sup>14</sup> R.C. 109.791.

## COMPARISON TO OTHER STATES

Of the five states surrounding Ohio, only Indiana and Kentucky appear to require or offer training specifically for police chiefs. The table below summarizes those laws as well as Illinois and Georgia laws governing police chief training.

Police Chiefs		
State	State Training Specifically for Police Chiefs	Experience-Based Exemption From Training
Ohio (under the bill)	Yes; requires new police chiefs to complete 40 hours of training (including diversity training) determined and conducted by the Ohio Peace Officer Training Commission <i>(R.C. 109.804(A))</i>	Yes; allows a new police chief to request an equivalency exemption (on approved topics) from eight hours of the required 40-hour training by submitting evidence of training or qualification in the exempted topics <i>(R.C. 109.804(B))</i>
Indiana	Yes; requires new police chiefs to complete 40 hours of an executive training program conducted by the Law Enforcement Training Board on enumerated topics <sup>15</sup> <i>(Ind. Code 5-2-1-9(k) and 250 Ind. Admin. Code 2-5-4)</i>	No clear equivalent <i>(250 Ind. Admin. Code 2-5-1)</i>
Kentucky	Yes; mentions a 40-hour orientation course for new police chiefs conducted by the Department of Criminal Justice Training, but does not specify any requirements or details (does not appear to be mandatory) <i>(503 Ky. Admin. Regs. 5:090)</i>	No clear equivalent
Illinois	Yes; requires police chiefs and deputy police chiefs to annually complete 20 hours of training that is related to	No clear equivalent

<sup>15</sup> See also [Police Chief Executive Training](#), which may be accessed by a keyword search under “police chief” search on the Indiana Law Enforcement Academy website, [in.gov.ilea](http://in.gov.ilea).

Police Chiefs		
State	State Training Specifically for Police Chiefs	Experience-Based Exemption From Training
	specified topics and is approved by the Illinois Law Enforcement Training Standards Board (training may be conducted by an approved private association) <i>(50 Ill. Comp. Stat. Ann. 705/10.7)</i>	
Georgia	Yes; requires police chiefs to annually complete 20 hours of training provided or approved by the Georgia Association of Chiefs of Police and recognized by the Georgia Peace Officer Standards and Training Council <i>(Ga. Code Ann. 35-8-20)</i>	No clear equivalent

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## INFORMATION FROM SPONSOR

Representative Cindy Abrams, a primary sponsor of the bill, quoted the Ohio Attorney General's Office position on the bill as follows:

H.B. 167 does not impose any additional regulations or restrictions upon police chiefs, rather this makes it easier and more cost efficient for chiefs to fulfill the previously established training requirements and expectations set by the legislature but implemented by the Ohio Peace Officer Training Commission. Additionally, the newly established sergeant training is permissive in nature both in establishing such a program and for the program to be carried out on a department-by-department basis. Nothing in this bill is increasing regulation.