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OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research
and Drafting

Legislative Budget
Office

S.B. 84*
135th General Assembly

Occupational Regulation Report

[Click here for S.B. 84's Bill Analysis / Fiscal Note](#)

Primary Sponsors: Sen. Ingram

Impacted Profession: Peace officers

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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.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

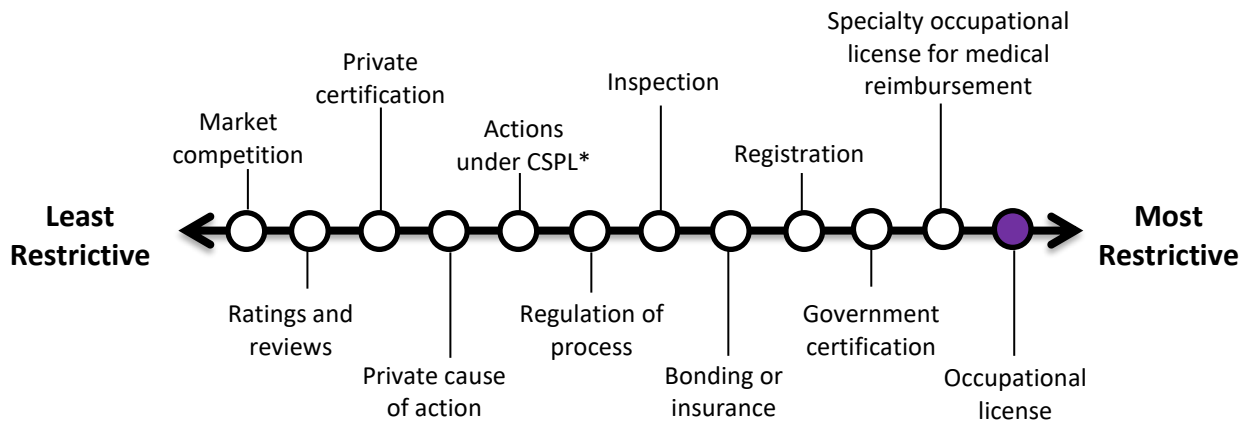
The state's general policy is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers 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."²

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 from least to most restrictive:

* This report addresses the "As Introduced" version of S.B. 84. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.



*CSPL – The Consumer Sales Practices Law

The bill modifies training requirements for new and existing peace officers by requiring them to complete emotional intelligence training. “Emotional intelligence” means the ability to identify and manage a person’s own emotions, as well as emotions of others.³ This change affects 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.⁴ 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.⁵

Necessity of regulations

The bill’s sponsor, Senator Catherine Ingram, testified that emotional intelligence training is needed to better equip peace officers when handling crisis situations. According to Senator Ingram, emotional intelligence training prepares peace officers to care for themselves and in turn allows for them to better and safely proceed during their time in the field. In addition, Senator Ingram noted that, although many individuals may believe they have significant emotional intelligence skills, everyone can improve them through training and reinforcement.⁶

³ R.C. 109.71, 109.7411, and 109.79.

⁴ R.C. 109.77, not in the bill.

⁵ R.C. 4798.01, not in the bill.

⁶ Senator Catherine Ingram, [Senate Bill 84 Sponsor Testimony](#), April 23, 2024, which is available on the General Assembly’s website, legislature.ohio.gov, by searching “S.B. 84” and navigating to the Committee Activity tab.

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.⁷

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 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.⁸

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.⁹ In addition, the Occupational Licenses for Out-of-State Applicants Law generally requires a licensing authority to issue licenses to applicants who hold analogous out-of-state occupational licenses.¹⁰

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.¹¹

⁷ R.C. 4798.02, not in the bill.

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

⁹ Ohio Administrative Code 109:2-1-12.

¹⁰ R.C. 4796.03, not in the bill.

¹¹ See [Police Officer Requirements by State](#), on the Go Law Enforcement website, golawenforcement.com, which may be accessed by selecting the "Police Officer Requirements" link under "Preparing."

Emotional intelligence training

Although the bill involves occupational licensure, it does not appear to increase significantly the restrictiveness of existing regulatory systems that apply to peace officers. According to the Attorney General's Office, to become a peace officer in Ohio, currently an individual must complete at least 740 training hours.¹² The bill modifies continuing law training requirements for peace officers by adding a new component to the training curriculum. It requires new and existing peace officers to complete emotional intelligence training. The amount of emotional intelligence training required under the bill would be specified in rules the Attorney General must adopt.¹³ The bill does not require an increase to the total number of training hours peace officers must complete. Rather, at least some of the training hours currently required must address emotional intelligence. Depending on the rules the Attorney General adopts, the new training component for programs outside of the Ohio Peace Officer Training Commission could be included in training hours currently required, or it could include an increase. Similarly with respect to the program developed by the Ohio Peace Officer Training Commission, the training component may be a part of existing hours or the hours could be increased. Any increase in hours may be negligible compared to existing requirements. Thus, the bill's emotional intelligence training requirement does not appear to significantly increase restrictiveness with respect to training requirements applicable to peace officers under continuing law.

IMPACT STATEMENT

Opportunities for employment

Under S.B. 84, employment opportunities for peace officers would not be affected since law enforcement officers are typically employed by the state and its political subdivisions. In addition, providing emotional intelligence training to peace officers could improve their health outcomes and retention rates.

Consumer choice and market competition

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

Cost to government

The bill would incur short-term costs for the Attorney General's Office and the Ohio Peace Officer Training Commission to organize and develop the relevant courses. These costs would depend on the extent of the training requirements, established by the Attorney General. However, the additional cost would be minimal if the emotional intelligence training is provided online. The Ohio Peace Officer Training Academy already offers online courses with no enrollment fee, which would facilitate the integration of this new training.

¹² [How to Become a Peace Officer in Ohio](#), which may be accessed by conducting a keyword "how to become a peace officer in Ohio publication" search on the Attorney General's website: ohioattorneygeneral.gov.

¹³ R.C. 109.7411 and 109.79.

COMPARISON TO OTHER STATES

Except for Washington, it appears no other state requires peace officers to complete emotional intelligence training as part of their licensure requirements. In Washington, all new peace officers must complete at least 200 hours of initial violence de-escalation and mental health training that includes, among other topics, understanding emotional intelligence and self-awareness. Every three years, peace officers must complete at least 40 hours of continuing de-escalation and mental health training that includes topics on understanding emotional intelligence and self-awareness.¹⁴

Although not required by law, in 2023 the U.S. Department of Justice awarded a grant to West Virginia to fund an emotional intelligence training program for its law enforcement officers. According to a news release from West Virginia’s Jobs and Hope Program, officers will receive the training over the next three years.¹⁵ It is not clear whether the training will continue beyond three years.

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¹⁴ Rev. Code Wash. 43.101.080 and Wash. Admin. Code. 139-11-020 and 139-11-060.

¹⁵ [Project EQ](#), which may be accessed by conducting a keyword “Project EQ” search on the U.S. Department of Justice Bureau of Justice Assistance website, bja.ojp.gov, and [WV Emotional Intelligence Training Program](#), which may be accessed by conducting a keyword “emotional” search under the West Virginia Jobs & Hope website’s “News” section, jobsandhope.wv.gov/news.