OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis   Cody Weisbrodt

H.B. 656
132nd General Assembly
(As Introduced)

Reps.   Sheehy, West, Miller

BILL SUMMARY

- By January 1, 2019, requires the Attorney General to establish, administer, and operate a database of information regarding law enforcement officers who have been fired or resigned instead of being fired, which is to be separate from other records the Attorney General maintains.

- Exempts the information in the database and the reports provided from law enforcement agencies to the Attorney General from the Public Records Law.

- Requires a law enforcement agency to report to the Attorney General within 30 days of an officer's firing or resignation instead of firing the officer's name, date of birth, residence address, reason for firing, and contact information for the agency.

- Requires a law enforcement agency to report to the Attorney General by March 1, 2019, all law enforcement officers fired by the agency or who resigned instead of being fired on or after January 1, 2014.

- Requires a law enforcement agency or employee responsible for hiring a law enforcement officer to review the database before hiring an officer solely to determine the officer's eligibility for employment with the agency.

- Prohibits a person from knowingly using the information in the database or received from it for a purpose not authorized under the bill and states that a violation is punishable as a fourth degree misdemeanor.

- Prohibits a person from knowingly using the information in the database or received from it to harass a person and states that a violation of this prohibition is punishable as a first degree misdemeanor.

CONTENT AND OPERATION

Attorney General to establish and operate database

The bill requires the Attorney General to establish, administer, and operate a database of information on law enforcement officers who have been fired or who have resigned instead of being fired. The database must be separate from other records maintained by the Attorney General.[1] The Attorney General must allow law enforcement agencies or employees who hire law enforcement officers for agencies to free access to the database.[2] Additionally, the bill requires the Attorney General to establish policies and procedures to govern the database's operation and maintenance.[3] The bill requires the Attorney General to have the database operational on or before January 1, 2019, and to update the database on the first day of each month with the information provided in reports submitted by law enforcement agencies. Information in the database and reports provided to the Attorney General by law enforcement agencies under the bill are not public records for the purposes of the Public Records Law.[4]

Law enforcement officer defined

The bill defines "law enforcement officer" as a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation, police officer of a township or joint police district, or township constable, who is employed by a political subdivision of this state; a member of a police force employed by a regional transit authority; a police officer employed by a qualified nonprofit police department; a state university law enforcement officer; a member of a police force employed by a metropolitan housing authority; a special police officer employed by a port authority; a police officer employed by a proprietary police department or security department of a hospital operated by a public hospital agency or nonprofit hospital agency; a veterans' home police officer; a state highway patrol trooper; or 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 law enforcement agency is defined as an agency that employs a law enforcement officer.[5]

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[1] R.C. 109.68(B).

[2] R.C. 109.68(D).

[3] R.C. 109.68(E).

[4] R.C. 109.68(F); R.C. 149.43, not in the bill.

[5] R.C. 109.68(A).

Law enforcement agency reports

Under the bill, a law enforcement agency must send a report to the Attorney General, in a format the Attorney General determines, including the name, date of birth, and residence address of any law enforcement officer fired by the agency, or who resigned instead of being fired, the reason the agency fired the officer, and the name and telephone number of the agency supplying the information.[6] This report must be sent to the Attorney General within 30 days of the officer's firing or resignation. A law enforcement agency also is required to submit a report before March 1, 2019, to the Attorney General containing the above information for any law enforcement officer fired by the agency or who resigned instead of being fired on or after January 1, 2014.[7]

Future hiring

A law enforcement agency, or an employee who hires law enforcement officers for the agency, is required under the bill to review information in the Attorney General's database before hiring an officer to determine the officer's eligibility for employment. The agency or employee must not use the information in the database for any other purpose.[8]

Prohibitions

The bill prohibits any person from knowingly using information contained in the database or received from it for a purpose not authorized by the bill. A violation is a fourth degree misdemeanor. The bill also prohibits any person from knowingly using the information in the database or received from it with the intent to harass or intimidate another person. A violation is a first degree misdemeanor under the bill.[9]

HISTORY

ACTION	DATE
Introduced	05-15-18

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[6] R.C. 109.68(C).

[7] Section 2 of the bill.

[8] R.C. 109.68(D).

[9] R.C. 109.68(G).