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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

S.B. 114
136th General Assembly

Final Analysis

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Primary Sponsor: Rep. Patton

Effective date: *

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SUMMARY

- Prohibits a law enforcement official or agency from doing any of the following:
 - Establishing a plan that uses a quota (a mandate of a finite number of arrests made or citations issued that an officer must meet in a specified period) as the basis for evaluating, promoting, compensating, transferring, or disciplining an officer;
 - Requiring or suggesting that an officer must (or is expected to) meet a quota; or
 - Offering a benefit to an officer based on the officer's quota.
- Requires the Attorney General to establish a form for a police officer to use to report the use of quotas in violation of the above prohibitions, to investigate alleged violations, and to issue a cease and desist order if a violation is found.
- Allows a police officer to choose whether to submit the report anonymously or disclose his or her identity in the report.

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

DETAILED ANALYSIS

Prohibitions against using quotas

The act prohibits a law enforcement official or agency¹ (“agency”) from requiring its officers² to meet an arrest or citation quota. Under the act, a “quota” is a mandate of a finite number of arrests made or citations issued for any offense that an officer must meet in a specified period.

Specifically, the act prohibits an agency from doing any of the following:

- Establishing or maintaining, formally or informally, a plan that utilizes a quota as the basis by which to evaluate, promote, compensate, transfer, or discipline an officer over whom the agency has jurisdiction;
- Requiring or suggesting to an officer that the officer must or is expected to meet a quota; and
- Offering a financial reward or other benefit to an officer that is determined by or based on meeting a quota.³

For instance, an agency may not require, formally or informally, its officers to make ten arrests a month and issue 40 citations. However, the act does allow an agency to continue to do both of the following:

- Collect, analyze, and apply any information concerning the number of arrests made and citations issued in order to ensure that a particular officer does not violate the officer’s applicable legal obligation; and
- Assess the proportion of the arrests made, and citations issued, by an officer.⁴

Attorney General anonymous reports

The act requires the Attorney General to establish a form on its website that any officer may access to report the use of quotas in violation of the act. The officer may choose whether to submit the report anonymously or disclose his or her identity in the report. Once a report is received, the Attorney General must investigate the alleged use of quotas within one year after receiving the report.

¹ A “law enforcement official or agency” means a county sheriff, village marshal, the organized police department of a municipal corporation, the organized police department of a township, a board of township trustees that appoints a township constable, the board of a township police district or of a joint police district, or the Ohio State Highway Patrol. R.C. 109.70(A)(1).

² A local or state police officer means an officer who is under the jurisdiction of a law enforcement official or agency. R.C. 109.70(A)(2).

³ R.C. 109.70(B).

⁴ R.C. 109.70(C).

The Attorney General must determine the procedure for the investigation conducted on a case-by-case basis and provide the agency that is the subject of the investigation with an opportunity to be heard. If the Attorney General finds that the agency used quotas in violation of the act, the Attorney General must order the official or agency to cease and desist quota usage.⁵

Home rule

A municipal corporation may operate a law enforcement agency under its home rule authority granted by Article XVIII, Section 3 of the Ohio Constitution, which provides that a municipal corporation may:

1. Exercise all powers of local self-government (including the administration of internal affairs and revenue); and
2. Adopt and enforce local police, sanitary, and other similar regulations that do not conflict with general laws.

If a court finds that the act interferes with (1) above, the act would be unenforceable as applied to a municipal corporation.⁶ If the use of quotas is considered an exercise of local police power, it would be for a court to determine whether the act establishes a general law (under (2)) based on tests established by the Ohio Supreme Court. If it is not a general law, the act's provisions would not supersede any conflicting municipal ordinance or requirement.⁷

HISTORY

Action	Date
Introduced	02-25-25
Reported, S. Judiciary	04-17-25
Passed Senate (33-0)	04-30-25
Reported, H. Public Safety	06-11-25
Passed House (96-0)	06-18-25

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⁵ R.C. 109.70(D).

⁶ See *Beachwood v. Bd. of Elections of Cuyahoga Cty.*, 167 Ohio St. 369, 371, 148 N.E.2d 921 (1958); *State ex rel. Canada v. Phillips*, 168 Ohio St. 191, 151 N.E.2d 722 (1958); *State ex rel. Evans v. Moore*, 69 Ohio St.2d 88, 89-90, 431 N.E.2d 311 (1982); *City of Dublin v. State*, 118 Ohio Misc.2d 18, 2002-Ohio-2431, 769 N.E.2d 436, citing *Cincinnati Bell Tel. Co. v. Cincinnati*, 81 Ohio St.3d 599, 693 N.E.2d 212 (1988). A court could also find that the act is a matter of statewide concern; if so, the act's provisions would supersede a conflicting municipal ordinance.

⁷ *Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005, 766 N.E.2d 963.