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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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H.B. 44
136th General Assembly

Final Analysis

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Primary Sponsors: Reps. J. Miller and K. Miller

Effective date:*

Kendal Harris, LSC Fellow

SUMMARY

- Allows a police department to fill a vacant position in the classified civil service without a competitive examination if the department presents evidence that competition is impracticable and the position can best be filled by a person holding a specialized certification, possessing peculiar and exceptional qualifications, or having completed the department's police cadet training program.
- Allows the municipal police chief to conduct training schools for prospective law enforcement officers that align with Ohio Peace Officer Training Academy standards and offer equivalent qualification, and places the prospective officers in the unclassified civil service.
- Requires the training course for chiefs of police to be conducted at locations determined by the Ohio Peace Officer Training Commission and in a manner prescribed by the Commission.
- Sets eight hours as the maximum exemption for a chief who submits evidence of previous training or qualification in the exempted topics.
- Specifies that a "newly appointed" chief is one who has never held the full-time position before.
- Allows the Commission to establish and conduct police officer training courses to be offered to law enforcement officers at or above the rank of sergeant.

* 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

Fill police position in classified civil service without exam

Under the act, the Director of Administrative Services may suspend the requirement to conduct a civil service examination to fill a vacant position in the classified civil service in a police department where competition is impracticable in that special case, unless the exception described below applies. To have the examination suspended, the appointing authority must submit satisfactory evidence to the Director that competition is impracticable and the position can best be filled by a person who:

- Holds a specialized certification;
- Possesses peculiar and exceptional qualifications; or
- Has completed a police cadet training program through the police department.

A suspension cannot be general in its application.¹

The Director's authority to suspend competitive examination requirements under the act does not apply to a vacancy in a position in the classified civil service in a police department that must be filled by promotion under continuing law. Continuing law prescribes the manner by which positions above the rank of patrol officer in a police department must be filled.²

The Ohio Constitution requires that appointments to the civil service of the state or a county or city be made "according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations." It also requires that laws be passed to enforce that requirement.³ Ohio law generally requires all applicants for a position in the classified civil service to pass an examination to be eligible for hire, with limited exceptions.⁴ A city must apply the Ohio civil service law unless its charter expressly allows it to exercise its power of local self-government in a way that contradicts the law.⁵

Training schools for prospective law enforcement officers

The act allows a municipal police chief to conduct training schools for prospective law enforcement officers. The training school programs must align with Ohio Peace Officer Training Academy standards and cadet qualifications. The prospective officers, during the training period and as members of the training school, may be paid a reasonable salary. The act places prospective officers participating in a training school program in the unclassified civil service. The

¹ R.C. 124.30(A)(3).

² R.C. 124.30(D), by reference to R.C. 124.44, not in the act.

³ Ohio Constitution, Article XV, Section 10.

⁴ R.C. 124.23, not in the act.

⁵ Ohio Const., art. XVIII, secs. 2, 3, and 7 and *State ex rel. Regetz. v. Cleveland Civ. Serv. Comm.*, 72 Ohio St.3d 167, 172 (1995). See also *Northern Ohio Patrolmen's Benevolent Assn. v. Parma*, 61 Ohio St.2d 375 (1980).

police chief may establish rules governing the qualifications for admission to training schools for prospective officers and provide for competitive examinations to determine the fitness of the students and prospective officers, not inconsistent with the Director's rules. The police chief also may furnish the necessary supplies and equipment for the prospective officers' use during the training.

On completing a training school program, a graduate may be hired directly by the department, provided the graduate also satisfies the requirements for original appointment as a peace officer under continuing law. These requirements include receiving a certificate from the Executive Director of the Ohio Peace Officer Training Commission attesting to the graduate's completion of an approved basic training program and completion of a background check.⁶

Training for chiefs of police

Continuing law requires the Ohio Peace Officer Training Commission to provide a chief of police training course for newly appointed chiefs. The course consists of at least 40 hours of instruction on topics determined by the Commission. The act modifies the course requirements in the following ways:

- Instead of requiring the course to be conducted at the Ohio Peace Officer Training Academy, the course must be conducted at locations determined by the Commission.
- The act specifies the course must be conducted in a manner prescribed by the Commission.
- Continuing law allows a new chief to request an exemption from a "portion" of the course by submitting the exemption request to the Commission. Former law required this request to be provided within ten days after the chief is appointed. The act makes the maximum exemption eight hours, limits the exemption to topics approved by the Executive Director, and requires the request to be provided to the Commission at least 14 days before the course starts.
- Lastly, the act specifies a "newly appointed" chief is one who has never held the full-time position before, rather than one who did not hold the office on the date the person was appointed.⁷

Training for the rank of sergeant and above

The act allows the Commission to establish and conduct police officer training courses, in addition to the Peace Officer Basic Training Academy, to be offered to a law enforcement officer at or above the rank of sergeant.⁸

⁶ R.C. 124.11(A) and 737.061, by reference to R.C. 109.77, not in the act.

⁷ R.C. 109.804.

⁸ R.C. 109.791.

HISTORY

Action	Date
Introduced	02-03-25
Reported, H. Public Safety	05-14-25
Passed House (95-1)	05-21-25
Reported, S. Armed Services, Veterans and Public Safety	06-25-2
Passed Senate (33-0)	10-22-25
