



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 421  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. T. Smith and Blair

Sarah A. Maki, Attorney

CORRECTED\*

### SUMMARY

- Grants a municipal corporation in which a hospital is located or, if the hospital is located in an unincorporated area of a county, a county immunity from civil or criminal liability in an action brought under Ohio law if all of the following apply:
  - The action arises out of the actions of a duly appointed hospital police officer.
  - The actions of the hospital police officer are directly in the discharge of the person's duties as a police officer for the hospital.
  - The actions of the hospital police officer occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation or the unincorporated area of the county or elsewhere within the territory of that municipal corporation or within the unincorporated area of that county.

### DETAILED ANALYSIS

#### Immunity for acts of hospital police officers

The bill grants a municipal corporation in which a hospital is located or, if the hospital is located in an unincorporated area of a county, a county immunity from civil or criminal liability in any action brought under Ohio law if all of the following apply:<sup>1</sup>

- The action arises out of the actions of a duly appointed hospital police officer (see "**Appointment of hospital police officers**," below).

---

\* This analysis updates the sponsor list.

<sup>1</sup> R.C. 4973.17(D)(4).

- The actions of the hospital police officer are directly in the discharge of the person's duties as a police officer for the hospital.
- The actions of the hospital police officer occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the agreement (see "**Written agreement with local law enforcement**," below), whichever is applicable, or anywhere else within the territory of that municipal corporation or within the unincorporated area of that county.

## **Background on hospital police officers**

### **Appointment of hospital police officers**

Under current law, upon the application of any hospital that is operated by a public hospital agency or a nonprofit hospital agency and that employs and maintains its own proprietary police department or security department, the Secretary of State may appoint and commission any persons that the hospital designates, or as many persons as the Secretary of State considers proper, to act as hospital police officers. The hospital police officers must hold office for three years, unless, for good cause shown, their commission is revoked by the Secretary of State or by the hospital.<sup>2</sup>

### **Requirements for hospital police officers to engage in duties**

Under current law, no person who is appointed as a hospital police officer can engage in any duties as a hospital police officer for the hospital or its affiliates and subsidiaries unless all of the following are true: (1) local law enforcement grants approval, (2) the hospital enters into a written agreement with local law enforcement, and (3) the hospital police officer completes training and receives certification from the Ohio Peace Officer Training Commission.<sup>3</sup>

#### **Approval from local law enforcement**

Current law provides that the chief of police of the municipal corporation in which the hospital is located or, if the hospital is located in the unincorporated area of a county, the sheriff of that county must grant approval to the hospital in order for hospital police officers to engage in those duties or activities.<sup>4</sup>

#### **Written agreement with local law enforcement**

Under current law, after the grant of approval described above, the hospital must enter into a written agreement with the chief of police of the municipal corporation in which the hospital is located or, if the hospital is located in an unincorporated area of a county, with the sheriff of that county, that sets forth standards and criteria governing the interaction and

---

<sup>2</sup> R.C. 4973.17(D)(1) and (3).

<sup>3</sup> R.C. 4973.17(D)(1).

<sup>4</sup> R.C. 4973.17(D)(1)(a).

cooperation between hospital police officers and local law enforcement officers. These standards and criteria may include provisions governing the following: (1) reporting of offenses discovered by hospital police officers to the local law enforcement agency, (2) investigatory responsibilities relative to offenses committed on hospital property, and (3) processing and confinement of persons arrested for offenses committed on hospital property. The written agreement must be signed by the appointing authority of the hospital and the chief of police or sheriff.<sup>5</sup>

### **Training and certification**

Current law requires a hospital police officer to successfully complete a training program approved by the Ohio Peace Officer Training Commission and to be certified by the Commission before engaging in duties as a police officer. A hospital police officer may complete the training program and receive certification regardless of whether the requirements described above had been met.<sup>6</sup>

### **Authority to act as hospital police officer**

Under current law, if a hospital police officer has been duly appointed and the requirements described above have been met, a hospital police officer is entitled to act as a police officer both on the premises of a hospital and its affiliates and subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the agreement (see **“Written agreement with local law enforcement,”** above), whichever is applicable, and elsewhere within the territory of a municipal corporation or within the unincorporated area of a county, if the person, when engaging in that activity, is directly in the discharge of the person’s duties as a hospital police officer for the hospital.<sup>7</sup>

### **Definitions**

As used in the bill:<sup>8</sup>

- “Public hospital agency” means any county, board of county hospital trustees, county hospital commission, municipal corporation, new community authority, joint township hospital district, state or municipal university or college operating or authorized to operate a hospital facility, or the state.
- “Nonprofit hospital agency” means a not-for-profit corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, that has authority to own or operate a hospital facility or provides or is to provide services to one or more other hospital agencies.

---

<sup>5</sup> R.C. 4973.17(D)(1)(b).

<sup>6</sup> R.C. 4973.17(D)(1)(c).

<sup>7</sup> R.C. 4973.17(D)(2).

<sup>8</sup> R.C. 4973.17(D)(5), by reference to R.C. 140.01(B) and (C), not in the bill.

---

## HISTORY

Action	Date
Introduced	11-26-19

---