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Bill Analysis

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SUMMARY

- Exempts “qualifying military veterans” from the basic training otherwise required for initial appointment or hiring in a specified law enforcement capacity.
- Defines a “qualifying military veteran” as a person to whom each of the following applies:
 - The person served in the armed forces of the United States and has a report of separation from active military service, Form DD-214 or DD-215, or an equivalent document;
 - The person’s discharge from the armed forces was an honorable discharge; and
 - The person’s “military service designation” (the person’s military occupation specialty (MOS), Navy enlisted classification (NEC), or Air Force specialty code (AFSC) that applied while the person served in the U.S. Armed Forces) indicates that the person’s service was in special operations.
- Modifies numerous provisions that pertain to persons serving in specified law enforcement capacities after satisfying the current training required for service in that capacity, so that the provisions also will apply to persons serving in the capacities under authority of the bill’s provisions providing an exception to the training requirement.

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DETAILED ANALYSIS

The bill exempts “qualifying military veterans” from the basic training otherwise required for initial appointment or hiring in a specified law enforcement capacity.

Qualifying military veteran

The bill defines a “qualifying military veteran” as a person to whom each of the following applies:¹

1. The person served in the armed forces of the United States and has a report of separation from active military service, Form DD-214 or DD-215, or an equivalent document;
2. The person’s discharge from the armed forces was an honorable discharge; and

¹ R.C. 109.71(I) and (J); also R.C. 109.803, 109.804, 311.01, 2929.43, 5503.01, and 5503.05.

3. The person's "military service designation" indicates that the person's service was in special operations. As used in this provision, "military service designation" means a person's military occupation specialty (MOS), Navy enlisted classification (NEC), or Air Force specialty code (AFSC) that applied while the person served in the U.S. Armed Forces.

Peace officer basic training

Original appointment or service in a specified category of peace officer

Current law

Current law identifies ten categories of peace officers (see below) and specifies that, notwithstanding any law or charter to the contrary, and subject to specified exceptions (see below), no person may receive an original appointment on a permanent basis as a peace officer in any of the categories unless either the person previously has been awarded a certificate by the Executive Director of the Ohio Peace Officer Training Commission (OPOTC) attesting to the person's satisfactory completion of an approved peace officer basic training program.

Current law also identifies eight categories of peace officers (see below) and specifies that a person appointed on a temporary basis or for a probationary term or on other than a permanent basis in any of the categories must forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the Attorney General (the AG), satisfactorily completes an approved peace officer basic training program applicable for temporary or probationary officers and is awarded a certificate by the OPOTC's Executive Director attesting to the satisfactory completion of the program.

Current law identifies types of training (e.g., training in handling domestic violence offenses and incidents, protection orders, crisis intervention, companion animal encounters and behavior, handling of missing children and child abuse and neglect cases, etc.) that must be included in the training programs. Exceptions to the OPOTC training requirement and identified types of training are provided for certain officers already serving on a specified date.

The categories of peace officers with respect to which these provisions apply are: (1) a county, township, municipal corporation, regional transit authority, or metropolitan housing authority peace officer, (2) a Department of Natural Resources natural resources law enforcement staff officer, forest-fire investigator, wildlife officer, or natural resources officer, (3) an employee of a park district under R.C. 511.232 or 1545.13, (4) an employee of a conservancy district designated under R.C. 6101.75, (5) a state university law enforcement officer (the temporary basis/probationary term provision described above does not apply to this category), (6) a Department of Mental Health and Addiction Services or Department of Developmental Disabilities special police officer employed under R.C. 5119.08 or 5123.13, (7) a Department of Public Safety enforcement agent designated under R.C. 5502.14, (8) a port authority special police officer employed under R.C. 4582.04 or 4582.28, (9) a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, in specified circumstances, or (10) a gaming agent employed under

R.C. 3772.03 (the temporary basis/probationary term provision described above does not apply to this category).²

Operation of the bill

The bill adds as an alternative to the OPOTC training requirement described above that the person qualifies for such an appointment under the qualifying military veteran exception it adds, described below in **“Exceptions to OPOTC training requirement,”** and specifies that the requirement for the identified types of training does not apply with respect to a person serving as a peace officer who is a qualifying military veteran eligible for the position under any of those exceptions.³

Related to this expansion, in provisions that currently require in specified cases the issuance of a certificate issued by the OPOTC’s Executive Director attesting to a person’s satisfactory completion of specified training as a criterion for qualifying as a “peace officer” under the OPOTC Law’s definition of that term, the bill adds as an alternative to the OPOTC training requirement that the person is a qualifying military veteran eligible for the position under the exception it adds, described below in **“Exceptions to OPOTC training requirement.”** The categories of law enforcement personnel to which these provisions apply are: state university law enforcement officers; State Highway Patrol (OSHP) special police officers; port authority special police officers; special police officers employed by a municipal corporation at a municipal airport or other municipal air navigation facility, in specified circumstances; police officers employed by a bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, when appointed and commissioned by the Secretary of State; and State Fire Marshal law enforcement officers.⁴

Original appointment or service as a veterans’ home police officer

Current law specifies that no person may receive an original appointment on a permanent basis as a veterans’ home police officer unless the person previously has been awarded a certificate by the OPOTC’s Executive Director attesting to the person’s satisfactory completion of an approved police officer basic training program, and that every person appointed on a temporary basis or for a probationary term or on other than a permanent basis as such an officer must forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

The bill adds as an alternative to the OPOTC training requirement described above that the person qualifies for such an appointment under the qualifying military veteran exception it adds, described below in **“Exceptions to OPOTC training requirement,”** and

² R.C. 109.77(B)(1) to (5) and (I).

³ R.C. 109.77(B)(1) to (3) and (I).

⁴ R.C. 109.71(A)(12), (17) to (19), (21), and (23).

specifies that the requirement for the identified types of training does not apply with respect to a person serving as a peace officer who is a qualifying military veteran eligible for the position under any of those exceptions.⁵

Exceptions to OPOTC training requirement

Exceptions

The bill enacts an exception to the OPOTC training requirements described above. Under the bill, in the circumstances described in this paragraph, any qualifying military veteran may receive an original appointment to any position specified in any of the provisions described above, and any qualifying military veteran may continue serving in any of those positions after having been appointed on a temporary basis or for a probationary term or on other than a permanent basis to any such position, without having to receive the OPOTC certificate and training described in the provision or described in a “specific appointment-governing statute” that applies with respect to the position. In order for a qualifying military veteran to serve in a position under authority of this provision without having to receive the described certificate and training, the person must provide to the agency or entity that the person will serve in the position evidence that the person is a qualifying military veteran, including evidence that the person satisfies all of the criteria specified in paragraphs (1), (2), and (3) under the definition of “qualifying military veteran.”⁶

As used in this provision and the provisions described below with respect to the bill’s exception: (1) “specific appointment-governing statute” means an R.C. section other than R.C. 109.77 that provides for the appointment or employment of a specific category of peace officer covered by the provisions described above, including R.C. 109.571, 306.352, 311.04, 505.49, 509.01, 511.232, 737.052, 737.162, 1501.013, 1501.25, 1531.132, 1545.13, 1702.80, 1713.50, 3345.04, 3735.311, 3772.03, 4582.04, 4582.28, 4973.171, 5119.08, 5123.13, 5502.14, 5743.45, 5907.021, and (2) “appointing authority” means any agency or entity that appoints a person to any position specified in the provisions described above under “**Original appointment or service in a specified category of peace officer.**”

Current law, unchanged by the bill, provides exceptions to the OPOTC training requirement for persons who have prior service as a peace officer or as a State Highway Patrol trooper and who satisfy other specified criteria.⁷

⁵ R.C. 109.77(C).

⁶ R.C. 109.77(H)(3)(a).

⁷ R.C. 109.77(H)(1) and (2).

Effect of appointment under bill's exception

If a qualifying military veteran is appointed to or serving in any position specified in any of the provisions described above, under authority of the bill's exception described above to the OPOTC training requirement, both of the following apply:⁸

1. For purposes of any R.C. section that refers to a certificate awarded by the OPOTC's Executive Director attesting to the person's satisfactory completion of an approved peace officer basic training program, the qualifying military veteran is considered to have been issued such a certificate, except to the extent that by its context the reference clearly is not intended to include a qualifying military veteran appointed to or serving in such a position.
2. All continuing training requirements and firearms requalification requirements, and all restrictions on continued service of persons serving in such a position, apply to the qualifying military veteran.

Required criminal records check and background check

Current law specifies that: (1) before a person seeking a certificate completes an approved peace officer basic training program, the OPOTC's Executive Director must request the person to disclose, and the person must disclose, any previous criminal conviction of or plea of guilty of that person to a felony, and the Executive Director must request a criminal history records check on the person through the Bureau of Criminal Identification and Investigation (BCII), (2) the Executive Director may not award any certificate unless a copy of the criminal history records check on the person to whom the certificate is to be awarded has been received, and (3) the Executive Director may not award a certificate to a person who has been convicted of a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under the provision described above in (1).

The bill expands these provisions to also apply with respect to persons who will be appointed or serve in a position under the bill's exception to OPOTC training described above in "**Exceptions to OPOTC training requirement.**" Under the bill: (1) before a qualifying military veteran seeking employment as a peace officer under authority of the exception is hired or commences service in that capacity, the appointing authority must ask the person to disclose, and the person must disclose, any previous criminal conviction of or plea of guilty of that person to a felony and the appointing authority must request a criminal records check through BCII on the person, (2) the appointing authority with respect to a qualifying military veteran seeking employment as a peace officer under authority of the exception may not hire or appoint the person to the position unless the "Executive Director" has received a copy of the criminal history records check on the person, and (3) the appointing authority with respect to a qualifying military veteran seeking employment as a peace officer under authority of the exception may not hire or appoint the person to the position if the person has been convicted

⁸ R.C. 109.77(H)(3)(b).

of a felony or fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under the provision described above in (1).⁹

Subsequent conviction – effect on certificate or employment

Current law

Current law specifies that the OPOTC's Executive Director must: (1) revoke any certificate that has been awarded to a person upon completion of an approved peace officer basic training program if the person pleads guilty to a felony committed on or after January 1, 1997, or pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement in which the person agrees to surrender the certificate (see "**Peace officer guilty plea and conviction procedures**," below), and (2) suspend any such certificate that has been awarded to a person if the person is convicted, after trial, of a felony committed on or after January 1, 1997. A suspension or revocation must be in accordance with the Administrative Procedure Law.

A suspension under the provision is in effect pending the outcome of an appeal by the person from the conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If upon appeal the person is acquitted of the felony or misdemeanor, or the felony charge is dismissed, the Executive Director must reinstate the certificate. If upon appeal the felony conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the Executive Director must revoke the certificate. If a person's certificate is revoked under the provision, the person is not eligible to receive, at any time, a certificate attesting to the person's satisfactory completion of a peace officer basic training program.¹⁰

Operation of the bill

The bill expands these provisions to also apply with respect to persons who will be appointed or serve in a position under the bill's exception to OPOTC training described above in "**Exceptions to OPOTC training requirement**." Under the bill, if a qualifying military veteran has been employed or appointed as a peace officer under authority of the exception:¹¹

1. The appointing authority must terminate the person's employment in that capacity if the person pleads guilty to a felony committed on or after January 1, 1997, or pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement in which the person agrees to be terminated from the employment (see "**Peace officer guilty plea and conviction procedures**," below). If a qualifying military veteran's employment is terminated under the provision, the person is disqualified from future employment, at any time in the future, as a peace

⁹ R.C. 109.77(E)(1) to (3).

¹⁰ R.C. 109.77(F) and (G).

¹¹ R.C. 109.77(F) and (G).

officer and from being issued, at any time in the future, a certificate attesting to the person's satisfactory completion of a peace officer basic training program.

2. The appointing authority must suspend the person's employment if the person is convicted, after trial, of a felony committed on or after January 1, 1997. A suspension is in effect pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If upon appeal the person is acquitted of the felony or misdemeanor, or the felony charge is dismissed, the appointing authority must end the person's suspension from employment. If upon appeal the felony conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the appointing authority must terminate the person's employment.
3. If the peace officer position in which the qualifying military veteran is employed or appointed is a position covered by any "specific appointment-governing statute," and if the specific appointment-governing statute includes any provisions that address a termination or suspension for specified conduct or events, the termination or suspension described above must be accomplished in accordance with the provision of the specific appointment-governing statute that addresses such a termination or suspension.
4. A suspension or termination of a qualifying military veteran's employment under the provisions must be in accordance with the Administrative Procedure Law.

Rules regarding specified types of peace officer training

Current law requires the AG to adopt rules governing specified types of training to be provided to peace officers and the amount of the training. The specified types of training are: (1) training in the handling of missing children, missing persons, and child abuse and neglect cases, (2) training in the handling of the offense of "domestic violence," other types of domestic violence-related offenses and incidents, and protection orders and consent agreements, and (3) training on companion animal encounters and companion animal behavior.

The bill specifies that the sections containing the provisions do not apply with respect to any peace officer who is a qualifying military veteran eligible for the position under authority of the bill's exception to OPOTC training described above in "**Exceptions to OPOTC training requirement.**"¹²

Qualifications and training for sheriffs

Current law

Current law specifies criteria that a person must satisfy to be eligible to be a candidate for, or to be elected or appointed to the office of, sheriff. One of the criteria is that the person either holds a current valid peace officer training certificate issued by the OPOTC or a certificate

¹² R.C. 109.741, 109.744, and 109.747.

of training under the law governing the OSHP, or been employed full-time by a law enforcement agency performing duties related to the enforcement of statutes, ordinances, or codes for a minimum of 13 consecutive pay periods within the four-year period prior to the qualification date.

Regarding the training mentioned above, current law requires the OPOTC to develop and conduct a basic training course of a specified duration for appointed and newly elected sheriffs (persons who did not hold the office of sheriff on the date they were elected sheriff of the county) appointed or elected on or after January 1, 1988, and establish criteria for what constitutes successful completion of the course, specifies types of training that must be included in the course, and specifies that the course is to be conducted by the Ohio Peace Officer Training Academy.¹³

Operation of the bill

The bill modifies the provisions of current law described above in two ways:¹⁴

1. It expands the current training/experience criterion that a person must satisfy to be eligible to be a candidate for, or to be elected or appointed to the office of, sheriff to add as an alternative that the person is a qualifying military veteran eligible for the position under authority of the bill's exception to OPOTC training described above in **"Exceptions to OPOTC training requirement."**
2. It specifies that the basic training provisions do not apply with respect to any appointed or newly elected sheriff who is a qualifying military veteran and who provides to the OPOTC evidence that the person is a qualifying military veteran, including evidence that the person satisfies all of the criteria specified in paragraphs (1), (2), and (3) under the definition of "qualifying military veteran." If a qualifying military veteran is appointed to or serving as a sheriff under authority of this provision, all continuing training requirements and firearms requalification requirements, and all restrictions on continued service of persons serving as a sheriff, including the restrictions from and disqualification for such service identified in a specified provision (see **"Peace officer guilty plea and conviction procedures,"** below), apply to the qualifying military veteran.

Training for municipal and township police chiefs

Current law requires the OPOTC to develop and conduct a basic training course of a specified duration for newly appointed municipal or township chiefs of police (persons who did not hold the office of chief of police on the date they were appointed chief of police) appointed or elected on or after January 1, 2018, determine course topics, and establish criteria for what constitutes successful completion of the course, and specifies that the course is to be conducted by the Ohio Peace Officer Training Academy. The law provides procedures under

¹³ R.C. 109.80(A) and 311.01(A) to (D).

¹⁴ R.C. 109.80(A) and 311.01(A) to (D).

which a newly appointed police chief may be given an equivalency exemption from some of the training and may obtain an exemption for a medical disability or other good cause.

The bill specifies that the basic training provisions do not apply to any newly appointed police chief who is a qualifying military veteran and who provides to the OPOTC evidence that the person is a qualifying military veteran, including evidence that the person satisfies all of the criteria specified in paragraphs (1), (2), and (3) under the definition of “qualifying military veteran.” If a qualifying military veteran is appointed to or serving as a newly appointed police chief under authority of this provision, all continuing training requirements and firearms requalification requirements, and all restrictions on continued service of persons serving as a police chief, including the restrictions from and disqualification for such service identified in a specified provision (see “**Peace officer guilty plea and conviction procedures**,” below) apply to the qualifying military veteran.¹⁵

State Highway Patrol training

Appointment and training

Under current law, the OSHP Superintendent, with the approval of the Director of Public Safety, may conduct training schools for prospective troopers of the Patrol. The Superintendent may establish rules governing the qualifications for admission to training schools for prospective troopers and provide for competitive examinations to determine the fitness of the students and prospective troopers, not inconsistent with the rules of the Director of Administrative Services. The Superintendent may appoint troopers and radio operators, as needed, subject to specified minimum numbers and other criteria.¹⁶

Exception to OSHP training requirement

The bill specifies that: (1) a person who is a qualifying military veteran may be appointed and serve as an OSHP trooper without having completed any training otherwise required for a person who is not a qualifying military veteran to be appointed or serve as a trooper, under the provisions described above, and (2) a person who is a qualifying military veteran may not be required to receive any such training in order to be appointed or serve as a trooper, in the circumstances specified in this paragraph. In order for a qualifying military veteran to be appointed and serve as a trooper without having to receive the training, the person must provide to the OSHP Superintendent that the person is a qualifying military veteran, including evidence that the person satisfies all of the criteria specified in paragraphs (1), (2), and (3) under the definition of “qualifying military veteran.” If a qualifying military veteran is appointed or serving as a trooper under authority of this provision, all continuing training requirements and firearms requalification requirements, and all restrictions on continued service of persons serving as a trooper, including the restrictions from and disqualification for such service

¹⁵ R.C. 109.804.

¹⁶ R.C. 5503.01 and 5503.05.

identified in a specified provision (see **“Peace officer guilty plea and conviction procedures,”** below) apply to the qualifying military veteran.¹⁷

Continuing education requirements

Peace officers in general and troopers

Current law requires the AG, with the advice of the OPOTC, to adopt minimum standards for continuing professional training for peace officers and OSHP troopers and the administration of the programs. Current law mandates that, subject to the exceptions described in this paragraph, every “appointing authority” (any agency or entity that appoints a peace officer or OSHP trooper) must require each of its appointed peace officers and troopers to complete up to 24 hours of continuing professional training each calendar year, as directed by the OPOTC. The number of hours directed by the OPOTC, up to 24 hours, is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the number of hours the commission directs as the minimum. The OPOTC sets the required minimum number of hours based upon available state funding for reimbursement. If no funding for the reimbursement is available, no continuing professional training is required. The law contains a mechanism for the OPOTC’s Executive Director to grant extensions of the time within which a peace officer or trooper must complete the training.

The bill specifies that the continuing education provisions described above apply with respect to all peace officers and troopers specified in the preceding paragraph, including those who are a qualifying military veteran appointed to or serving in the specified position under authority of the bill’s exception to OPOTC training described above in **“Exceptions to OPOTC training requirement”** or the bill’s exception to OSHP training described above in **“Exception to OSHP training requirement.”**¹⁸

Sheriffs

Current law requires that a continuing education committee appointed by the AG must determine the type of continuing education to be required for sheriffs and criteria for completing the training. The law provides procedures under which a sheriff may obtain an exemption for a medical disability or other good cause. Current law requires that, in each calendar year, each sheriff must attend and successfully complete at least 16 hours of continuing education approved by the committee. A sheriff who receives a waiver of the continuing education requirement from the OPOTC because of medical disability or for other good cause must complete the requirement at the earliest time after the disability or cause terminates.

The bill specifies that the continuing education provisions described above apply with respect to all sheriffs, including those who are a qualifying military veteran appointed to or

¹⁷ R.C. 5503.01 and 5503.05.

¹⁸ R.C. 109.803.

serving as a sheriff under authority of the bill's provisions described above in **"Qualifications and training for sheriffs."**¹⁹

Annual firearms requalification program

Current law requires that, each year, any person who is serving in a specified law enforcement capacity (see below) and is authorized to carry firearms in the course of the person's official duties must complete successfully a firearms requalification program approved by the OPOTC's Executive Director in accordance with rules adopted by the AG. No person required to annually complete the program may carry a firearm during the course of official duties if the person does not comply with the requirement.

The law enforcement capacities with respect to which the requirement applies are: (1) peace officers, sheriffs, chiefs of police of a municipality or township, the OSHP Superintendent and troopers, and chiefs of police of a university or college police department, (2) parole or probation officers who carry a firearm in the course of official duties, (3) corrections officers of a multicounty correctional center, or of a municipal-county or multicounty-municipal correctional center, who carry a firearm in the course of official duties, (4) the House of Representatives Sergeant at Arms if the Sergeant at Arms has arrest authority and assistant House of Representatives Sergeants at Arms, (5) the Senate Sergeant at Arms and assistant Senate Sergeants at Arms, (6) tactical medical professionals, and (7) Department of Youth Services employees authorized to carry a firearm while on duty.

The bill specifies that the annual firearms requalification provisions described above apply with respect to all persons serving in any of the specified law enforcement capacities, including those who are a qualifying military veteran appointed to or serving in the specified position under authority of any of the bill's provisions described above that provide exceptions to training otherwise required for service in the particular capacity.²⁰

Peace officer guilty plea and conviction procedures

Current law

Under current law:²¹

1. Prior to accepting a plea of guilty to a charge of a felony, the court must determine whether the defendant is a peace officer. If the court determines that the defendant is a peace officer, it must advise the defendant that conviction of the felony to which the defendant is pleading guilty will result, under Ohio law, in the termination of the defendant's employment as a peace officer and in decertification as a peace officer. The court may not accept a guilty plea of a defendant who is a peace officer unless it determines that the defendant voluntarily and intelligently entered that plea after being

¹⁹ R.C. 109.80(B) and (C) and 311.01(E).

²⁰ R.C. 109.801.

²¹ R.C. 2929.43.

given the advisement (and other requirements of law are satisfied). After accepting under this provision a guilty plea to a felony, the court provides to the clerk of the court a written notice containing specified information regarding the plea and the defendant and the clerk transmits to the defendant's employer and to the OPOTC a report that includes the information contained in the notice and copies of the court entries in the action.

2. Upon conviction of a defendant of a felony, the trial judge must determine whether the defendant is a peace officer. If the judge determines that the defendant is a peace officer or the defendant states on the record that the defendant is a peace officer, the judge provides to the clerk of the court a written notice containing specified information regarding the plea and the defendant and the clerk transmits to the defendant's employer and to the OPOTC a report that includes the information contained in the notice and copies of the court entries in the action.
3. Upon the conclusion of the final appeal of a defendant who is a peace officer and who has been convicted of a felony, upon expiration of the time period within which that defendant may appeal the conviction if no appeal is taken, or otherwise upon the final disposition of the criminal action against that defendant, the trial judge provides to the clerk of the court a written notice of the final disposition of the action containing specified information, and the clerk transmits to the defendant's employer and to the OPOTC a report that includes the information contained in the notice and copies of the court entries in the action.
4. If pursuant to a negotiated plea agreement between a prosecuting attorney and a defendant who is a peace officer and who is charged with a felony, in which the defendant agrees to enter a guilty plea to a misdemeanor and to surrender the OPOTC basic training certificate awarded to the defendant, the trial judge issues an order to the defendant to surrender that certificate, the judge provides to the clerk of the court a written notice containing specified information, and the clerk transmits to the defendant's employer and to the OPOTC a report that includes the information contained in the notice and copies of the court entries in the action.

Operation of the bill

The bill specifies that all of the existing provisions described above under "**Current law**" apply with respect to all peace officers, including those who are a qualifying military veteran appointed to or serving in the position as a peace officer under authority of any of the bill's provisions described above that provide exceptions to training otherwise required for service in the particular peace officer position.²²

²² R.C. 2929.43(A)(2).

The bill retains all of the existing provisions described above under “**Current law**,” with the following modifications:²³

1. It does not substantively change the provisions described above in (2) or (3).
2. In the provision described above in (1), it modifies the advisement that the court must provide to a defendant charged with a felony who the court determines is a peace officer so that the court must advise the defendant that conviction of the felony to which the defendant is pleading guilty will result, under Ohio law, in the termination of the defendant’s employment as a peace officer and also in one of the following: (a) if serving in the position as a qualifying military veteran under authority of any of the bill’s provisions described above that provide exceptions to training otherwise required for service in the peace officer position, in the defendant’s disqualification from serving at any time in the future in such a capacity, or (b) if serving in the position other than under that authority, in decertification as a peace officer.
3. It modifies the provision described above in (4) to specify that if pursuant to a negotiated plea agreement between a prosecuting attorney and a defendant who is a peace officer and who is charged with a felony, in which the defendant agrees to enter a guilty plea to a misdemeanor and to be disqualified from serving at any time in the future as a peace officer if the defendant is serving in the position as a qualifying military veteran under authority of any of the bill’s provisions described above that provide exceptions to training otherwise required for service in the particular peace officer position or surrender the OPOTC basic training certificate awarded to the defendant, whichever is applicable, the trial judge “issues an order to the defendant to surrender that certificate,” the judge must provide to the clerk of the court a written notice containing specified information, and the clerk must transmit the notice to the defendant’s employer and to the OPOTC a report that includes the information contained in the notice and the certified copies of the court entries in the action.

HISTORY

Action	Date
Introduced	02-08-22

ANSB0290IN-134/ts

²³ R.C. 2929.43(B) to (D).