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H.B. 852*
136th General Assembly

Bill Analysis

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Version: As Reported by House Public Safety

Primary Sponsor: Rep. K. Miller

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SUMMARY

- Generally prohibits a city, township, or village from appointing an individual as a police chief or village marshal unless the individual holds a current peace officer basic training certificate.
- Allows a city, township, or village to appoint an individual who does not hold a certificate as an interim police chief or village marshal for a term of not longer than six months, during which the individual must enroll in a peace officer basic training program.
- Makes a city, township, or village that fails to fill a police chief or village marshal vacancy within 180 days or appoints an individual in violation of the bill's requirements ineligible for law enforcement grants from the Department of Public Safety and reimbursements from the Attorney General for continuing professional training.

DETAILED ANALYSIS

Peace officer basic training for police chiefs

The bill generally prohibits a city, township, or village from appointing an individual as a police chief or village marshal after the bill's effective date unless the individual holds a certificate awarded by the Executive Director of the Peace Officer Training Commission attesting to the individual's satisfactory completion of an approved peace officer basic training program.[1]

* This analysis was prepared before the report of the House Public Safety Committee appeared in the House Journal. Note that the legislative history may be incomplete.

[1] R.C. 505.496(A), 737.053(A), and 737.15(C), by reference to R.C. 109.77; R.C. 505.49 and 737.05, not in the bill.

A township that enters into a contract for police protection is not required to appoint a police chief and is not subject to the bill's requirements.[2]

A city, township, or village may appoint an individual who does not hold a peace officer basic certificate as an interim police chief or village marshal for a term of not longer than six months, and may extend the term for good cause. The individual must enroll in an approved peace officer basic training program during the individual's term. An interim police chief or village marshal is prohibited from performing the functions of a peace officer or carrying a weapon in connection with peace officer duties until the individual has been awarded a certificate attesting to the individual's satisfactory completion of the program. A city, township, or village may appoint an individual serving as an interim police chief or village marshal to that position permanently after the individual has been awarded a peace officer basic training certificate.

Under the bill, a city, township, or village that fails to fill a vacant police chief or village marshal position or vacant interim police chief or village marshal position within 180 days or appoints an individual in violation of the bill's requirements is ineligible for law enforcement grants from the Department of Public Safety and reimbursements from the Attorney General for continuing professional training.[3]

The bill prohibits an individual from receiving an original, permanent appointment as a police chief or village marshal unless the person holds a peace officer basic certificate. The prohibition does not apply to an individual serving as a police chief or village marshal on the bill's effective date, or an individual serving as an interim police chief or village marshal in accordance with the bill.[4]

It appears that a city or village may choose to establish different requirements under its municipal home rule authority. The Ohio Constitution's Home Rule Amendment grants a city or village the authority to exercise all powers of local self-government. As a general rule, the General Assembly cannot interfere with a city's or village's exercise of its local self-government authority. The Ohio Constitution further allows a city or village to adopt a charter to exercise its powers of local self-government.[5] The Ohio Supreme Court has held that a city or village that has adopted a charter may choose its own method for selecting a chief of police.[6] If the bill were challenged, a reviewing court would likely examine whether a city's or village's authority to establish its own requirements for a police chief prevails over the bill's requirements.

[2] R.C. 505.496(D), by reference to R.C. 505.49(E), not in the bill.

[3] R.C. 505.496, 737.053, and 737.15, by reference to R.C. 109.77; R.C. 109.803, not in the bill.

[4] R.C. 109.77, by reference to R.C. 505.49 and 737.05, not in the bill.

[5] Ohio Constitution, Article XVIII, Sections 3 and 7.

[6] *State ex rel. Lynch v. Cleveland*, 164 Ohio St. 437 (1956).

HISTORY

Action	Date
Introduced	05-12-26
Reported, H. Public Safety	---

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