



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 318

132nd General Assembly
(As Introduced)

Reps. Patterson and LaTourette, Boggs, Lepore-Hagan, Carfagna, Slaby, Rogers, Scherer, K. Smith, Miller, Sheehy

BILL SUMMARY

- Prescribes training requirements for school resource officers (peace officers with specialized training).
 - Permits a school resource officer to provide services related to a school district's or school's comprehensive emergency management plan.
 - Permits a school resource officer to make arrests, conduct searches and seizures, carry a firearm, and exercise other police powers in accordance with the standards and requirements applicable to all Ohio peace officers.
 - Requires a school resource officer to arrest and detain, until a warrant can be obtained, a person found violating a state law, municipal ordinance, or township resolution.
 - Prohibits a school resource officer from asking a school employee to conduct a search for law enforcement purposes or initiating or participating in a physically invasive search without serious and immediate threat.
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CONTENT AND OPERATION

School resource officers

The bill essentially codifies the qualifications, training requirements, responsibilities, and police powers of school resource officers. In practice, school resource officers are peace officers whose duties are to preserve the peace, protect persons and property, and enforce the state criminal laws and municipal ordinances on school premises. They are typically employed as police officers of the municipal

corporation, township, or other political subdivision within which jurisdiction they exercise their police authority. Generally, they work under a contract between the school district, community school, or chartered nonpublic school and the political subdivision as authorized under current law. One provision of law limits the officer's duties to assisting guidance counselors and teachers in working with students concerning the use of alcohol or drugs of abuse. Another provision, on the other hand, permits county sheriffs to contract with districts and schools for more comprehensive services.¹

Training requirements

While current law authorizes contracting for the services of school resource officers, it does not specify their qualifications, training, or duties. The bill provides such specifications. Under the bill, an individual who wishes to work as a school resource officer for the first time, on or after the bill's effective date, must complete a peace officer training program approved by the Ohio Peace Officer Training Commission (see "**Background**" below).²

It also requires such an individual to complete at least 40 hours of school resource officer training through either the National or Ohio Association for School Resource Officers or another certified training program that includes instruction regarding skills, tactics, and strategies necessary to address the specific nature of all of the following:

- (1) School campuses;
- (2) School building security needs and characteristics;
- (3) The nuances of law enforcement functions conducted inside a school environment, including understanding student psychological and physiological characteristics, de-escalation techniques, and behavior management strategies;
- (4) The mechanics of being a positive role model for youth;
- (5) Providing assistance on topics such as classroom management tools to provide law-related education to students and methods for managing the behaviors sometimes associated with educating children with special needs;
- (6) The mechanics of Ohio's laws regarding compulsory attendance; and

¹ R.C. 311.29 and 3313.95, neither in the bill.

² R.C. 3313.951(A)(1).



(7) Identifying the trends in drug use, eliminating the instance of drug use, and encouraging a drug-free environment in schools.³

Duties and responsibilities

By virtue of agreement

A school resource officer qualified under the bill may provide assistance with adoption, implementation, and amendment of comprehensive school emergency management plans. Under continuing law, each public and chartered nonpublic school must have an emergency management plan for addressing and responding to serious threats to school safety and familiarizing persons to all building and surrounding property. Plans must be adopted, disseminated, and kept in conformance with the requirements set forth in statute, including the requirement to involve community law enforcement and safety officials, parents, teachers, and nonteaching employees.⁴ Under the bill, a school resource officer also must consult with local law enforcement and first responders during the development of an emergency management plan.⁵

The bill also permits a school resource officer to carry out any responsibilities outlined in the officer's employment engagement, contract, or memorandum of understanding with a school or district, such as providing a safe learning environment, providing resources to school staff, fostering positive relationships, or developing problem resolution strategies.⁶

By virtue of police power

The bill permits a school resource officer, in accordance with the standards and requirements applicable to all Ohio peace officers to make arrests, conduct search and seizure of persons or property with probable cause, carry a firearm, and exercise other necessary police powers. Accordingly, the bill requires a school resource officer to arrest and detain, until a warrant can be obtained, a person found violating a state law, municipal ordinance, or township resolution.⁷

³ R.C. 3313.951(A)(2).

⁴ R.C. 3313.536, not in the bill.

⁵ R.C. 3313.951(B)(1)(a) and (2).

⁶ R.C. 3313.951(B)(1)(b).

⁷ R.C. 2935.03(A)(5) and 3313.951(C)(1).



Jurisdiction

Unless narrowed by an employment engagement, contract, or memorandum of understanding, a school resource officer has jurisdiction in every school building within the school district or school where the officer is employed or engaged. The bill specifies that this grant of jurisdiction does not restrict the jurisdiction that an officer may possess due to employment with a law enforcement agency.⁸

Prohibited activities

The bill prohibits a school resource officer from: (1) asking a school employee to conduct a search for law enforcement purposes, and (2) initiating or participating in a physically invasive search of a student unless there is a serious and immediate threat.⁹

Background – Ohio peace officer training

The Ohio Peace Officer Training Commission oversees training requirements and curriculum for peace officers, private security, local corrections, jail personnel, K-9 units, and humane agents, in addition to firearms programs for public defender investigators, bailiffs, probation officers, and parole officers. The commission also oversees certification standards of peace officers.¹⁰

The term "peace officer" includes over two dozen types of law enforcement officials, such as deputy sheriffs, deputy marshals, municipal police officers, regional transit authority police, metropolitan housing authority police, state university police, and certain agents of state agencies.¹¹

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 08-09-17 |

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⁸ R.C. 3313.951(D).

⁹ R.C. 3313.951(C)(2).

¹⁰ See the website of the Ohio Attorney General at <http://www.ohioattorneygeneral.gov/Law-Enforcement/Ohio-Peace-Officer-Training-Academy/Ohio-Peace-Officer-Training-Commission>.

¹¹ R.C. 2935.01, not in the bill.

