

As Introduced

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H. B. No. 421

Representatives Smith, T., Blair

Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien

A BILL

To amend section 4973.17 of the Revised Code to
provide a municipal corporation or county
immunity from civil and criminal liability in
any action that arises from a hospital police
officer acting directly in the discharge of the
person's duties as a police officer and that
occurs on the premises of the hospital or its
affiliates or subsidiaries or elsewhere in the
municipal corporation or county.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4973.17 of the Revised Code be
amended to read as follows:

Sec. 4973.17. (A) (1) Upon the application of any bank;
savings and loan association; savings bank; credit union; or
association of banks, savings and loan associations, savings
banks, or credit unions in this state, the secretary of state
may appoint and commission any persons that the bank; savings
and loan association; savings bank; credit union; or association
of banks, savings and loan associations, savings banks, or

credit unions designates, or as many of those persons as the 19
secretary of state considers proper, to act as police officers 20
for and on the premises of that bank; savings and loan 21
association; savings bank; credit union; or association of 22
banks, savings and loan associations, savings banks, or credit 23
unions; or elsewhere, when directly in the discharge of their 24
duties. Police officers so appointed shall be citizens of this 25
state and of good character. Police officers so appointed who 26
start to perform their duties on or after April 14, 2006, shall 27
successfully complete a training program approved by the Ohio 28
peace officer training commission described in section 109.71 of 29
the Revised Code and be certified by the commission within six 30
months after starting to perform their duties. Police officers 31
so appointed shall hold office for three years, unless, for good 32
cause shown, their commission is revoked by the secretary of 33
state, or by the bank; savings and loan association; savings 34
bank; credit union; or association of banks, savings and loan 35
associations, savings banks, or credit unions, as provided by 36
law. 37

(2) Persons commissioned as police officers pursuant to 38
division (A) of this section prior to April 14, 2006, who have 39
not successfully completed a training program approved by the 40
Ohio peace officer training commission, and who have not been 41
certified by the commission, may be reappointed and re- 42
commissioned by the secretary of state only during the person's 43
continuous employment as a police officer by the institution for 44
which the person was employed on April 14, 2006, or by a 45
successor institution to the institution for which the person 46
was employed on April 14, 2006. The secretary of state shall 47
note on such appointments and commissions that the person is not 48
a peace officer as defined in section 109.71 of the Revised 49

Code. 50

(3) For the exclusive purpose of assigning break in 51
service update training as prescribed in rule 109:2-1-12 (D) of 52
the Administrative Code, a police officer appointed under 53
division (A) of this section, who began performing police 54
officer duties on or before April 14, 2006, shall be credited as 55
holding a valid peace officer appointment retroactive to the 56
date on which the officer began performing these duties. 57

(B) Upon the application of a company owning or using a 58
railroad in this state and subject to section 4973.171 of the 59
Revised Code, the secretary of state may appoint and commission 60
any persons that the railroad company designates, or as many of 61
those persons as the secretary of state considers proper, to act 62
as police officers for and on the premises of the railroad 63
company, its affiliates or subsidiaries, or elsewhere, when 64
directly in the discharge of their duties. Police officers so 65
appointed, within the time set by the Ohio peace officer 66
training commission, shall successfully complete a commission 67
approved training program and be certified by the commission. 68
They shall hold office for three years, unless, for good cause 69
shown, their commission is revoked by the secretary of state, or 70
railroad company, as provided by law. 71

Any person holding a similar commission in another state 72
may be commissioned and may hold office in this state without 73
completing the approved training program required by this 74
division provided that the person has completed a substantially 75
equivalent training program in the other state. The Ohio peace 76
officer training commission shall determine whether a training 77
program in another state meets the requirements of this 78
division. 79

(C) Upon the application of any company under contract 80
with the United States atomic energy commission for the 81
construction or operation of a plant at a site owned by the 82
commission, the secretary of state may appoint and commission 83
persons the company designates, not to exceed one hundred fifty, 84
to act as police officers for the company at the plant or site 85
owned by the commission. Police officers so appointed shall be 86
citizens of this state and of good character. They shall hold 87
office for three years, unless, for good cause shown, their 88
commission is revoked by the secretary of state or by the 89
company, as provided by law. 90

(D) (1) Upon the application of any hospital that is 91
operated by a public hospital agency or a nonprofit hospital 92
agency and that employs and maintains its own proprietary police 93
department or security department and subject to section 94
4973.171 of the Revised Code, the secretary of state may appoint 95
and commission any persons that the hospital designates, or as 96
many of those persons as the secretary of state considers 97
proper, to act as police officers for the hospital. No person 98
who is appointed as a police officer under this division shall 99
engage in any duties or activities as a police officer for the 100
hospital or any affiliate or subsidiary of the hospital unless 101
all of the following apply: 102

(a) The chief of police of the municipal corporation in 103
which the hospital is located or, if the hospital is located in 104
the unincorporated area of a county, the sheriff of that county 105
has granted approval to the hospital to permit persons appointed 106
as police officers under this division to engage in those duties 107
and activities. The approval required by this division is 108
general in nature and is intended to cover in the aggregate all 109
persons appointed as police officers for the hospital under this 110

division; a separate approval is not required for each appointee 111
on an individual basis. 112

(b) Subsequent to the grant of approval described in 113
division (D)(1)(a) of this section, the hospital has entered 114
into a written agreement with the chief of police of the 115
municipal corporation in which the hospital is located or, if 116
the hospital is located in the unincorporated area of a county, 117
with the sheriff of that county, that sets forth the standards 118
and criteria to govern the interaction and cooperation between 119
persons appointed as police officers for the hospital under this 120
division and law enforcement officers serving the agency 121
represented by the chief of police or sheriff who signed the 122
agreement in areas of their concurrent jurisdiction. The written 123
agreement shall be signed by the appointing authority of the 124
hospital and by the chief of police or sheriff. The standards 125
and criteria may include, but are not limited to, provisions 126
governing the reporting of offenses discovered by hospital 127
police officers to the agency represented by the chief of police 128
or sheriff, provisions governing investigatory responsibilities 129
relative to offenses committed on hospital property, and 130
provisions governing the processing and confinement of persons 131
arrested for offenses committed on hospital property. The 132
agreement required by this division is intended to apply in the 133
aggregate to all persons appointed as police officers for the 134
hospital under this division; a separate agreement is not 135
required for each appointee on an individual basis. 136

(c) The person has successfully completed a training 137
program approved by the Ohio peace officer training commission 138
and has been certified by the commission. A person appointed as 139
a police officer under this division may attend a training 140
program approved by the commission and be certified by the 141

commission regardless of whether the appropriate chief of police 142
or sheriff has granted the approval described in division (D)(1) 143
(a) of this section and regardless of whether the hospital has 144
entered into the written agreement described in division (D)(1) 145
(b) of this section with the appropriate chief of police or 146
sheriff. 147

(2)(a) A person who is appointed as a police officer under 148
division (D)(1) of this section is entitled, upon the grant of 149
approval described in division (D)(1)(a) of this section and 150
upon the person's and the hospital's compliance with the 151
requirements of divisions (D)(1)(b) and (c) of this section, to 152
act as a police officer for the hospital on the premises of the 153
hospital and of its affiliates and subsidiaries that are within 154
the territory of the municipal corporation served by the chief 155
of police or the unincorporated area of the county served by the 156
sheriff who signed the written agreement described in division 157
(D)(1)(b) of this section, whichever is applicable, and anywhere 158
else within the territory of that municipal corporation or 159
within the unincorporated area of that county. The authority to 160
act as a police officer as described in this division is granted 161
only if the person, when engaging in that activity, is directly 162
in the discharge of the person's duties as a police officer for 163
the hospital. The authority to act as a police officer as 164
described in this division shall be exercised in accordance with 165
the standards and criteria set forth in the written agreement 166
described in division (D)(1)(b) of this section. 167

(b) Additionally, a person appointed as a police officer 168
under division (D)(1) of this section is entitled, upon the 169
grant of approval described in division (D)(1)(a) of this 170
section and upon the person's and the hospital's compliance with 171
the requirements of divisions (D)(1)(b) and (c) of this section, 172

to act as a police officer elsewhere, within the territory of a 173
municipal corporation or within the unincorporated area of a 174
county, if the chief of police of that municipal corporation or 175
the sheriff of that county, respectively, has granted approval 176
for that activity to the hospital, police department, or 177
security department served by the person as a police officer and 178
if the person, when engaging in that activity, is directly in 179
the discharge of the person's duties as a police officer for the 180
hospital. The approval described in this division may be general 181
in nature or may be limited in scope, duration, or 182
applicability, as determined by the chief of police or sheriff 183
granting the approval. 184

(3) Police officers appointed under division (D) (1) of 185
this section shall hold office for three years, unless, for good 186
cause shown, their commission is revoked by the secretary of 187
state or by the hospital, as provided by law. 188

(4) The municipal corporation in which the hospital is 189
located or, if the hospital is located in the unincorporated 190
area of a county, the county is immune from civil or criminal 191
liability in any action brought under the laws of this state if 192
all of the following apply: 193

(a) The action arises out of the actions of a police 194
officer appointed under division (D) (1) of this section. 195

(b) The actions of the police officer are directly in the 196
discharge of the person's duties as a police officer for the 197
hospital. 198

(c) The actions of the police officer occur on the 199
premises of the hospital or its affiliates or subsidiaries that 200
are within the territory of the municipal corporation served by 201

the chief of police or the unincorporated area of the county 202
served by the sheriff who signed the agreement described in 203
division (D) (1) (b) of this section, whichever is applicable, or 204
anywhere else within the territory of that municipal corporation 205
or within the unincorporated area of that county. 206

(5) As used in ~~divisions~~ division (D) (1) to (3) of this 207
section, "public hospital agency" and "nonprofit hospital 208
agency" have the same meanings as in section 140.01 of the 209
Revised Code. 210

(E) (1) Upon the application of any owner or operator of an 211
amusement park that has an average yearly attendance in excess 212
of six hundred thousand guests and that employs and maintains 213
its own proprietary police department or security department and 214
subject to section 4973.171 of the Revised Code, any judge of 215
the municipal court or county court that has territorial 216
jurisdiction over the amusement park may appoint and commission 217
any persons that the owner or operator designates, or as many of 218
those persons as the judge considers proper, to act as police 219
officers for the amusement park. If the amusement park is 220
located in more than one county, any judge of the municipal 221
court or county court of any of those counties may make the 222
appointments and commissions as described in this division. No 223
person who is appointed as a police officer under this division 224
shall engage in any duties or activities as a police officer for 225
the amusement park or any affiliate or subsidiary of the owner 226
or operator of the amusement park unless all of the following 227
apply: 228

(a) The appropriate chief or chiefs of police of the 229
political subdivision or subdivisions in which the amusement 230
park is located as specified in this division have granted 231

approval to the owner or operator of the amusement park to 232
permit persons appointed as police officers under this division 233
to engage in those duties and activities. If the amusement park 234
is located in a single municipal corporation or a single 235
township, the chief of police of that municipal corporation or 236
township is the appropriate chief of police for the grant of 237
approval under this division. If the amusement park is located 238
in two or more townships, two or more municipal corporations, or 239
one or more townships and one or more municipal corporations, 240
the chiefs of police of all of the affected townships and 241
municipal corporations are the appropriate chiefs of police for 242
the grant of approval under this division, and the approval must 243
be jointly granted by all of those chiefs of police. The 244
approval required by this division is general in nature and is 245
intended to cover in the aggregate all persons appointed as 246
police officers for the amusement park under this division. A 247
separate approval is not required for each appointee on an 248
individual basis. 249

(b) Subsequent to the grant of approval described in 250
division (E)(1)(a) of this section, the owner or operator has 251
entered into a written agreement with the appropriate chief or 252
chiefs of police of the political subdivision or subdivisions in 253
which the amusement park is located as specified in this 254
division and has provided the sheriff of the county in which the 255
political subdivision or subdivisions are located with a copy of 256
the agreement. If the amusement park is located in a single 257
municipal corporation or a single township, the chief of police 258
of that municipal corporation or township is the appropriate 259
chief of police for entering into the written agreement under 260
this division. If the amusement park is located in two or more 261
townships, two or more municipal corporations, or one or more 262

townships and one or more municipal corporations, the chiefs of 263
police of all of the affected townships and municipal 264
corporations are the appropriate chiefs of police for entering 265
into the written agreement under this division, and the written 266
agreement must be jointly entered into by all of those chiefs of 267
police. The written agreement between the owner or operator and 268
the chief or chiefs of police shall address the scope of 269
activities, the duration of the agreement, and mutual aid 270
arrangements and shall set forth the standards and criteria to 271
govern the interaction and cooperation between persons appointed 272
as police officers for the amusement park under this division 273
and law enforcement officers serving the agency represented by 274
the chief of police who signed the agreement. The written 275
agreement shall be signed by the owner or operator and by the 276
chief or chiefs of police who enter into it. The standards and 277
criteria may include, but are not limited to, provisions 278
governing the reporting of offenses discovered by the amusement 279
park's police officers to the agency represented by the chief of 280
police of the municipal corporation or township in which the 281
offense occurred, provisions governing investigatory 282
responsibilities relative to offenses committed on amusement 283
park property, and provisions governing the processing and 284
confinement of persons arrested for offenses committed on 285
amusement park property. The agreement required by this division 286
is intended to apply in the aggregate to all persons appointed 287
as police officers for the amusement park under this division. A 288
separate agreement is not required for each appointee on an 289
individual basis. 290

(c) The person has successfully completed a training 291
program approved by the Ohio peace officer training commission 292
and has been certified by the commission. A person appointed as 293

a police officer under this division may attend a training 294
program approved by the commission and be certified by the 295
commission regardless of whether the appropriate chief of police 296
has granted the approval described in division (E) (1) (a) of this 297
section and regardless of whether the owner or operator of the 298
amusement park has entered into the written agreement described 299
in division (E) (1) (b) of this section with the appropriate chief 300
of police. 301

(2) (a) A person who is appointed as a police officer under 302
division (E) (1) of this section is entitled, upon the grant of 303
approval described in section (E) (1) (a) of this section and upon 304
the person's and the owner or operator's compliance with the 305
requirements of division (E) (1) (b) and (c) of this section, to 306
act as a police officer for the amusement park and its 307
affiliates and subsidiaries that are within the territory of the 308
political subdivision or subdivisions served by the chief of 309
police, or respective chiefs of police, who signed the written 310
agreement described in division (E) (1) (b) of this section, and 311
upon any contiguous real property of the amusement park that is 312
covered by the written agreement, whether within or adjacent to 313
the political subdivision or subdivisions. The authority to act 314
as a police officer as described in this division is granted 315
only if the person, when engaging in that activity, is directly 316
in the discharge of the person's duties as a police officer for 317
the amusement park. The authority to act as a police officer as 318
described in this division shall be exercised in accordance with 319
the standards and criteria set forth in the written agreement 320
described in division (E) (1) (b) of this section. 321

(b) In addition to the authority granted under division 322
(E) (2) (a) of this section, a person appointed as a police 323
officer under division (E) (1) of this section is entitled, upon 324

the grant of approval described in division (E) (1) (a) of this 325
section and upon the person's and the owner or operator's 326
compliance with the requirements of divisions (E) (1) (b) and (c) 327
of this section, to act as a police officer elsewhere within the 328
territory of a municipal corporation or township if the chief of 329
police of that municipal corporation or township has granted 330
approval for that activity to the owner or operator served by 331
the person as a police officer and if the person, when engaging 332
in that activity, is directly in the discharge of the person's 333
duties as a police officer for the amusement park. The approval 334
described in this division may be general in nature or may be 335
limited in scope, duration, or applicability, as determined by 336
the chief of police granting the approval. 337

(3) Police officers appointed under division (E) (1) of 338
this section shall hold office for five years, unless, for good 339
cause shown, their commission is revoked by the appointing judge 340
or the judge's successor or by the owner or operator, as 341
provided by law. 342

(F) A fee of fifteen dollars for each commission applied 343
for under this section shall be paid at the time the application 344
is made, and this amount shall be returned if for any reason a 345
commission is not issued. 346

Section 2. That existing section 4973.17 of the Revised 347
Code is hereby repealed. 348