

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 147**

**Senator Hoagland**

**Cosponsors: Senators Terhar, Coley, Williams, Huffman, M.**

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**A BILL**

To amend sections 3313.536 and 5502.01 and to enact 1  
sections 5502.70, 5502.701, 5502.702, and 2  
5502.703 of the Revised Code to create the Ohio 3  
School Marshal Program. 4

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

**Section 1.** That sections 3313.536 and 5502.01 be amended 5  
and sections 5502.70, 5502.701, 5502.702, and 5502.703 of the 6  
Revised Code be enacted to read as follows: 7

**Sec. 109.801.** (A) (1) Each year, any of the following 8  
persons who are authorized to carry firearms in the course of 9  
their official duties shall complete successfully a firearms 10  
requalification program approved by the executive director of 11  
the Ohio peace officer training commission in accordance with 12  
rules adopted by the attorney general pursuant to section 13  
109.743 of the Revised Code: any peace officer, sheriff, chief 14  
of police of an organized police department of a municipal 15  
corporation or township, chief of police of a township police 16  
district or joint police district police force, superintendent 17  
of the state highway patrol, state highway patrol trooper, or 18

chief of police of a university or college police department; 19  
any parole or probation officer who carries a firearm in the 20  
course of official duties; any corrections officer of a 21  
multicounty correctional center, or of a municipal-county or 22  
multicounty-municipal correctional center, established under 23  
section 307.93 of the Revised Code who carries a firearm in the 24  
course of official duties; the house of representatives sergeant 25  
at arms if the house of representatives sergeant at arms has 26  
arrest authority pursuant to division (E) (1) of section 101.311 27  
of the Revised Code; any assistant house of representatives 28  
sergeant at arms; the senate sergeant at arms; any assistant 29  
senate sergeant at arms; any tactical medical professional; a 30  
school marshal appointed under section 5502.70 of the Revised 31  
Code; or any employee of the department of youth services who is 32  
designated pursuant to division (A) (2) of section 5139.53 of the 33  
Revised Code as being authorized to carry a firearm while on 34  
duty as described in that division. 35

(2) No person listed in division (A) (1) of this section 36  
shall carry a firearm during the course of official duties if 37  
the person does not comply with division (A) (1) of this section. 38

(B) The hours that a sheriff spends attending a firearms 39  
requalification program required by division (A) of this section 40  
are in addition to the sixteen hours of continuing education 41  
that are required by division (E) of section 311.01 of the 42  
Revised Code. 43

(C) As used in this section, "firearm" has the same 44  
meaning as in section 2923.11 of the Revised Code. 45

**Sec. 3313.536.** (A) As used in this section: 46

(1) "Administrator" means the superintendent, principal, 47

chief administrative officer, or other person having supervisory 48  
authority of any of the following: 49

(a) A city, exempted village, local, or joint vocational 50  
school district; 51

(b) A community school established under Chapter 3314. of 52  
the Revised Code, as required through reference in division (A) 53  
(11)(d) of section 3314.03 of the Revised Code; 54

(c) A STEM school established under Chapter 3326. of the 55  
Revised Code, as required through reference in section 3326.11 56  
of the Revised Code; 57

(d) A college-preparatory boarding school established 58  
under Chapter 3328. of the Revised Code; 59

(e) A district or school operating a career-technical 60  
education program approved by the department of education under 61  
section 3317.161 of the Revised Code; 62

(f) A chartered nonpublic school; 63

(g) An educational service center; 64

(h) A preschool program or school-age child care program 65  
licensed by the department of education; 66

(i) Any other facility that primarily provides educational 67  
services to children subject to regulation by the department of 68  
education. 69

(2) "Emergency management test" means a regularly 70  
scheduled drill, exercise, or activity designed to assess and 71  
evaluate an emergency management plan under this section. 72

(3) "Building" means any school, school building, 73  
facility, program, or center. 74

(4) "Regional school marshal" means the regional school marshal appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall involve the regional school marshal in the development of the plan. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building; 105  
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(ii) A site plan that includes all building property and surrounding property; 107  
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(iii) An emergency contact information sheet; 109

(iv) A plan for implementing mobile communications; 110

(v) A plan for mobile accountability; 111

(vi) A plan for mobile reunification. 112

(3) Each protocol described in divisions (B) (2) (a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. 113  
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Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol. 120  
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(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place. 124  
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(C) (1) The administrator shall submit to the department of education, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires 127  
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changes in the procedures outlined in the plan, and whenever 133  
information on the emergency contact information sheet changes. 134

(2) The administrator also shall file a copy of the plan 135  
with each law enforcement agency that has jurisdiction over the 136  
school building and, upon request, to any of the following: 137

(a) The fire department that serves the political 138  
subdivision in which the building is located; 139

(b) The emergency medical service organization that serves 140  
the political subdivision in which the building is located; 141

(c) The county emergency management agency for the county 142  
in which the building is located; 143

(d) The regional school marshal. 144

(3) Upon receipt of an emergency management plan, the 145  
department of education shall submit the information in 146  
accordance with rules adopted by the state board of education 147  
pursuant to division (F) of this section, to both of the 148  
following: 149

(a) The attorney general, who shall post that information 150  
on the Ohio law enforcement gateway or its successor; 151

(b) The director of public safety, who shall post the 152  
information on the contact and information management system. 153

(4) Any department or entity to which copies of an 154  
emergency management plan are filed under this section shall 155  
keep the copies in a secure place. 156

(D) (1) Not later than the first day of July of each year, 157  
each administrator shall review the emergency management plan 158  
and certify to the department of education that the plan is 159

current and accurate. 160

(2) Anytime that an administrator updates the emergency 161  
management plan pursuant to division (C)(1) of this section, the 162  
administrator shall file copies, not later than the tenth day 163  
after the revision is adopted and in accordance with rules 164  
adopted by the state board pursuant to division (F) of this 165  
section, to the department of education and to any entity with 166  
which the administrator filed a copy under division (C)(2) of 167  
this section. 168

(E) Each administrator shall do ~~both of~~ the following: 169

(1) (a) Prepare and conduct at least one ~~annual~~ quarterly 170  
emergency management test, as defined in division (A)(2) of this 171  
section, in accordance with rules adopted by the state board 172  
pursuant to division (F) of this section; 173

(b) Prior to conducting an emergency management test, file 174  
a defined mission statement with the administrator's regional 175  
school marshal; 176

(c) Upon completion of an emergency management test, file 177  
an after-action report with the administrator's regional school 178  
marshal. 179

(2) Grant access to each building under the control of the 180  
administrator to law enforcement personnel and to entities 181  
described in division (C)(2) of this section, to enable the 182  
personnel and entities to hold training sessions for responding 183  
to threats and emergency events affecting the building, provided 184  
that the access occurs outside of student instructional hours 185  
and the administrator, or the administrator's designee, is 186  
present in the building during the training sessions. 187

(F) The state board of education, in accordance with 188

Chapter 119. of the Revised Code, shall adopt rules regarding 189  
emergency management plans under this section, including the 190  
content of the plans and procedures for filing the plans. The 191  
rules shall specify that plans and information required under 192  
division (B) of this section be submitted on standardized forms 193  
developed by the department of education for such purpose. The 194  
rules shall also specify the requirements and procedures for 195  
emergency management tests conducted pursuant to division (E) (1) 196  
of this section. Failure to comply with the rules may result in 197  
discipline pursuant to section 3319.31 of the Revised Code or 198  
any other action against the administrator as prescribed by 199  
rule. 200

(G) Division (B) of section 3319.31 of the Revised Code 201  
applies to any administrator who is subject to the requirements 202  
of this section and is not exempt under division (H) of this 203  
section and who is an applicant for a license or holds a license 204  
from the state board pursuant to section 3319.22 of the Revised 205  
Code. 206

(H) The superintendent of public instruction may exempt 207  
any administrator from the requirements of this section, if the 208  
superintendent determines that the requirements do not otherwise 209  
apply to a building or buildings under the control of that 210  
administrator. 211

(I) Copies of the emergency management plan and 212  
information required under division (B) of this section are 213  
security records and are not public records pursuant to section 214  
149.433 of the Revised Code. In addition, the information posted 215  
to the contact and information management system, pursuant to 216  
division (C) (3) (b) of this section, is exempt from public 217  
disclosure or release in accordance with sections 149.43, 218



149.433, and 5502.03 of the Revised Code. 219

Notwithstanding section 149.433 of the Revised Code, a 220  
floor plan filed with the attorney general pursuant to this 221  
section is not a public record to the extent it is a record kept 222  
by the attorney general. 223

**Sec. 5502.01.** (A) The department of public safety shall 224  
administer and enforce the laws relating to the registration, 225  
licensing, sale, and operation of motor vehicles and the laws 226  
pertaining to the licensing of drivers of motor vehicles. 227

The department shall compile, analyze, and publish 228  
statistics relative to motor vehicle accidents and the causes of 229  
them, prepare and conduct educational programs for the purpose 230  
of promoting safety in the operation of motor vehicles on the 231  
highways, and conduct research and studies for the purpose of 232  
promoting safety on the highways of this state. 233

(B) The department shall administer the laws and rules 234  
relative to trauma and emergency medical services specified in 235  
Chapter 4765. of the Revised Code and any laws and rules 236  
relative to medical transportation services specified in Chapter 237  
4766. of the Revised Code. 238

(C) The department shall administer and enforce the laws 239  
contained in Chapters 4301. and 4303. of the Revised Code and 240  
enforce the rules and orders of the liquor control commission 241  
pertaining to retail liquor permit holders. 242

(D) The department shall administer the laws governing the 243  
state emergency management agency and shall enforce all 244  
additional duties and responsibilities as prescribed in the 245  
Revised Code related to emergency management services. 246

(E) The department shall conduct investigations pursuant 247

to Chapter 5101. of the Revised Code in support of the duty of 248  
the department of job and family services to administer the 249  
supplemental nutrition assistance program throughout this state. 250  
The department of public safety shall conduct investigations 251  
necessary to protect the state's property rights and interests 252  
in the supplemental nutrition assistance program. 253

(F) The department of public safety shall enforce 254  
compliance with orders and rules of the public utilities 255  
commission and applicable laws in accordance with Chapters 256  
4905., 4921., and 4923. of the Revised Code regarding commercial 257  
motor vehicle transportation safety, economic, and hazardous 258  
materials requirements. 259

(G) Notwithstanding Chapter 4117. of the Revised Code, the 260  
department of public safety may establish requirements for its 261  
enforcement personnel, including its enforcement agents 262  
described in section 5502.14 of the Revised Code, that include 263  
standards of conduct, work rules and procedures, and criteria 264  
for eligibility as law enforcement personnel. 265

(H) The department shall administer, maintain, and operate 266  
the Ohio criminal justice network. The Ohio criminal justice 267  
network shall be a computer network that supports state and 268  
local criminal justice activities. The network shall be an 269  
electronic repository for various data, which may include arrest 270  
warrants, notices of persons wanted by law enforcement agencies, 271  
criminal records, prison inmate records, stolen vehicle records, 272  
vehicle operator's licenses, and vehicle registrations and 273  
titles. 274

(I) The department shall coordinate all homeland security 275  
activities of all state agencies and shall be a liaison between 276  
state agencies and local entities for those activities and 277

related purposes. 278

(J) ~~Beginning July 1, 2004, the~~ The department shall 279  
administer and enforce the laws relative to private 280  
investigators and security service providers specified in 281  
Chapter 4749. of the Revised Code. 282

(K) The department shall administer criminal justice 283  
services in accordance with sections 5502.61 to 5502.66 of the 284  
Revised Code. 285

(L) The department shall administer the school marshal 286  
program in accordance with sections 5502.70 to 5502.703 of the 287  
Revised Code. 288

(M) The department shall coordinate security measures and 289  
operations, and may direct the department of administrative 290  
services to implement any security measures and operations the 291  
department of public safety requires, at the Vern Riffe Center 292  
and the James A. Rhodes state office tower. 293

Notwithstanding section 125.28 of the Revised Code, the 294  
director of public safety may recover the costs of directing 295  
security measures and operations under this division by either 296  
issuing intrastate transfer voucher billings to the department 297  
of administrative services, which the department shall process 298  
to pay for the costs, or, upon the request of the director of 299  
administrative services, the director of budget and management 300  
may transfer cash in the requested amount from the building 301  
management fund created under section 125.28 of the Revised 302  
Code. Payments received or cash transfers made under this 303  
division for the costs of directing security measures and 304  
operations shall be deposited into the state treasury to the 305  
credit of the security, investigations, and policing fund 306

created under section 4501.11 of the Revised Code.

**Sec. 5502.70.** (A) There is hereby created in the  
department of public safety the Ohio school marshal program,  
which shall be administered by a chief school marshal. The  
program shall provide services to public and nonpublic schools  
and institutions of higher education regarding school and campus  
safety and security.

(B) The chief school marshal shall be appointed by the  
director of public safety, and shall serve at the pleasure of  
the director. To carry out the duties prescribed by this section  
or section 5502.702 of the Revised Code, the chief marshal may  
appoint and maintain necessary staff and may enter into any  
necessary agreements.

(C) The chief marshal, in consultation with the director  
of public safety, shall appoint sixteen regional school marshals  
to conduct the duties described in section 5502.702 of the  
Revised Code. The regions shall be the same as those described  
in division (A) of section 3312.02 of the Revised Code. To carry  
out the duties prescribed by this section or section 5502.702 of  
the Revised Code, a regional marshal may appoint and maintain  
necessary staff and may enter into any necessary agreements.

(D) Except as otherwise provided by law, nothing in this  
section or in section 5502.702 of the Revised Code shall be  
construed to give the director of public safety, the chief  
school marshal, or a regional school marshal authority over the  
incident management structure or responsibilities of local  
emergency response personnel.

**Sec. 5502.701.** (A) As used in this section, "veteran"  
means any person who has completed service in the armed forces

of the United States and who has been honorably discharged under 336  
honorable conditions from the armed forces, or who has been 337  
transferred to the reserve with evidence of satisfactory 338  
service. 339

(B) No person is eligible for the positions of chief 340  
school marshal or regional school marshal unless that person 341  
meets the following requirements: 342

(1) The person is a licensed peace officer, as defined in 343  
division (A) (1) of section 109.71 of the Revised Code; or 344

(2) The person is a veteran, as defined in division (A) of 345  
this section; and 346

(3) The person has met all additional qualifications 347  
prescribed by rule adopted under section 5502.703 of the Revised 348  
Code. 349

**Sec. 5502.702. (A) As used in this section:** 350

(1) "Administrator" has the same meaning as in division 351  
(A) of section 3313.536 of the Revised Code. 352

(2) "Private college" has the same meaning as in section 353  
3365.01 of the Revised Code. 354

(3) "State institution of higher education" has the same 355  
meaning as in section 3345.011 of the Revised Code. 356

(B) The duties of the chief school marshal include: 357

(1) Administering the Ohio school marshal program; 358

(2) Adopting additional qualifications and training 359  
requirements for regional school marshals appointed under 360  
section 5502.70 of the Revised Code; 361

(3) Enforcing rules and executing additional duties 362

prescribed by the director of public safety. 363

(C) The duties of a regional school marshal include: 364

(1) Upon request, assisting an administrator within a 365  
marshal's region in the development or review of an emergency 366  
management plan under section 3313.536 of the Revised Code; 367

(2) Upon request, assisting in the development or review 368  
of security protocols of a state institution of higher education 369  
or a private college within a marshal's region; 370

(3) Upon request, assisting an administrator of a public 371  
or nonpublic school within a marshal's region with any other 372  
security protocols for activities or events outside of the 373  
building during or after school hours; 374

(4) Upon request, assisting in strategic communications 375  
between federal, state, and local law enforcement or agencies in 376  
the event of an emergency situation at a school or institution 377  
of higher education within a marshal's region; 378

(5) Offering tactical emergency medical services training 379  
to public and nonpublic schools within a marshal's region; 380

(6) Promoting the use of the SaferOH tip line within a 381  
marshal's region; 382

(7) Enforcing rules and executing additional duties 383  
prescribed by either the director of public safety or the chief 384  
school marshal; 385

(8) Overseeing training operations and offering training 386  
opportunities for school employees, including observing 387  
emergency management tests as described in division (E) of 388  
section 3313.536 of the Revised Code, providing weapons 389  
manipulation instruction, and other appropriate activities. 390

Sec. 5502.703. The director of public safety, in 391  
accordance with Chapter 119. of the Revised Code, shall adopt, 392  
may amend or rescind, and shall enforce rules with respect to 393  
the Ohio school marshal program. The rules shall be made 394  
available for public inspection at the department of public 395  
safety and at other places and during reasonable hours as fixed 396  
by the chief school marshal of the Ohio school marshal program. 397

**Section 2.** That existing sections 3313.536 and 5502.01 of 398  
the Revised Code are hereby repealed. 399