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Am. Sub. H. B. No. 421

Representatives Smith, T., Blair

**Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien,
Hambley, Galonski, Hillyer, Clites, Crossman, Ghanbari, Ingram, Miller, J., Rogers**

Senators Brenner, Burke, Coley, Huffman, S., Johnson, Schaffer

A BILL

To amend sections 109.78, 2744.01, 2744.05, and 1
4973.17 of the Revised Code to provide a 2
municipal corporation or county immunity from 3
civil and criminal liability in any action that 4
arises from a hospital police officer acting 5
directly in the discharge of the person's duties 6
as a police officer and that occurs on the 7
premises of the hospital or its affiliates or 8
subsidiaries or elsewhere in the municipal 9
corporation or county, to modify the definition 10
of "emergency call," and to expressly exempt, 11
from a requirement that peace officer basic 12
training be obtained, certain employees that a 13
board of education or governing body of a school 14
authorizes to go armed in a school safety zone 15
within which the board or governing body has 16
authority. 17

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

Section 1. That sections 109.78, 2744.01, 2744.05, and 18

4973.17 of the Revised Code be amended to read as follows: 19

Sec. 109.78. (A) The executive director of the Ohio peace 20
officer training commission, on behalf of the commission and in 21
accordance with rules promulgated by the attorney general, shall 22
certify persons who have satisfactorily completed approved 23
training programs designed to qualify persons for positions as 24
special police, security guards, or persons otherwise privately 25
employed in a police capacity and issue appropriate certificates 26
to such persons. Application for approval of a training program 27
designed to qualify persons for such positions shall be made to 28
the commission. An application for approval shall be submitted 29
to the commission with a fee of one hundred twenty-five dollars, 30
which fee shall be refunded if the application is denied. Such 31
programs shall cover only duties and jurisdiction of such 32
security guards and special police privately employed in a 33
police capacity when such officers do not qualify for training 34
under section 109.71 of the Revised Code. A person attending an 35
approved basic training program administered by the state shall 36
pay to the agency administering the program the cost of the 37
person's participation in the program as determined by the 38
agency. A person attending an approved basic training program 39
administered by a county or municipal corporation shall pay the 40
cost of the person's participation in the program, as determined 41
by the administering subdivision, to the county or the municipal 42
corporation. A person who is issued a certificate for 43
satisfactory completion of an approved basic training program 44
shall pay to the commission a fee of fifteen dollars. A 45
duplicate of a lost, spoliated, or destroyed certificate may be 46
issued upon application and payment of a fee of fifteen dollars. 47
Such certificate or the completion of twenty years of active 48
duty as a peace officer shall satisfy the educational 49

requirements for appointment or commission as a special police 50
officer or special deputy of a political subdivision of this 51
state. 52

(B) (1) The executive director of the Ohio peace officer 53
training commission, on behalf of the commission and in 54
accordance with rules promulgated by the attorney general, shall 55
certify basic firearms training programs, and shall issue 56
certificates to class A, B, or C licensees or prospective class 57
A, B, or C licensees under Chapter 4749. of the Revised Code and 58
to registered or prospective employees of such class A, B, or C 59
licensees who have satisfactorily completed a basic firearms 60
training program of the type described in division (A) (1) of 61
section 4749.10 of the Revised Code. 62

Application for approval of a basic firearms training 63
program shall be made to the commission. An application shall be 64
submitted to the commission with a fee of one hundred dollars, 65
which fee shall be refunded if the application is denied. 66

A person who is issued a certificate for satisfactory 67
completion of an approved basic firearms training program shall 68
pay a fee of ten dollars to the commission. A duplicate of a 69
lost, spoliated, or destroyed certificate may be issued upon 70
application and payment of a fee of five dollars. 71

(2) The executive director, on behalf of the commission 72
and in accordance with rules promulgated by the attorney 73
general, also shall certify firearms requalification training 74
programs and instructors for the annual requalification of class 75
A, B, or C licensees under Chapter 4749. of the Revised Code and 76
registered or prospective employees of such class A, B, or C 77
licensees who are authorized to carry a firearm under section 78
4749.10 of the Revised Code. Application for approval of a 79

training program or instructor for such purpose shall be made to 80
the commission. Such an application shall be submitted to the 81
commission with a fee of fifty dollars, which fee shall be 82
refunded if the application is denied. 83

(3) The executive director, upon request, also shall 84
review firearms training received within three years prior to 85
November 23, 1985, by any class A, B, or C licensee or 86
prospective class A, B, or C licensee, or by any registered or 87
prospective employee of any class A, B, or C licensee under 88
Chapter 4749. of the Revised Code to determine if the training 89
received is equivalent to a basic firearms training program that 90
includes twenty hours of handgun training and five hours of 91
training in the use of other firearms, if any other firearm is 92
to be used. If the executive director determines the training 93
was received within the three-year period and that it is 94
equivalent to such a program, the executive director shall issue 95
written evidence of approval of the equivalency training to the 96
licensee or employee. 97

(C) There is hereby established in the state treasury the 98
peace officer private security fund, which shall be used by the 99
Ohio peace officer training commission to administer the 100
training program to qualify persons for positions as special 101
police, security guards, or other private employment in a police 102
capacity, as described in division (A) of this section, and the 103
training program in basic firearms and the training program for 104
firearms requalification, both as described in division (B) of 105
this section. All fees paid to the commission by applicants for 106
approval of a training program designed to qualify persons for 107
such private police positions, basic firearms training program, 108
or a firearms requalification training program or instructor, as 109
required by division (A) or (B) of this section, by persons who 110

satisfactorily complete a private police training program or a 111
basic firearms training program, as required by division (A) or 112
(B) of this section, or by persons who satisfactorily requalify 113
in firearms use, as required by division (B) (2) of section 114
4749.10 of the Revised Code, shall be transmitted to the 115
treasurer of state for deposit in the fund. The fund shall be 116
used only for the purpose set forth in this division. 117

~~(D) No (1) Subject to division (D) (2) of this section, no~~ 118
public or private educational institution or superintendent of 119
the state highway patrol shall employ a person as a special 120
police officer, security guard, or ~~other for a similar law~~ 121
~~enforcement or security position in which such person goes armed~~ 122
~~while on duty~~, who has not received a certificate of having 123
satisfactorily completed an approved basic peace officer 124
training program, unless the person has completed twenty years 125
of active duty as a peace officer. 126

(2) Division (D) (1) of this section does not apply with 127
respect to the employment of a person by a board of education or 128
governing body of a school in a position in which the person has 129
been authorized by a school board to voluntarily go armed within 130
a school safety zone within which the board or governing body 131
has authority, if both of the following apply with respect to 132
the employment and person: 133

(a) The person will be going armed within a school safety 134
zone within which the board or governing body has authority 135
pursuant to written authorization from the board of education or 136
governing body of the school, as described in division (D) (1) (a) 137
of section 2923.122 of the Revised Code, to convey deadly 138
weapons into, or to possess a deadly weapon in, a school safety 139
zone within which the board or governing body has authority. 140

(b) The person is not being employed as a special police 141
officer or security officer. 142

Sec. 2744.01. As used in this chapter: 143

(A) "Emergency call" means a ~~call to duty, including, but~~ 144
~~not limited to, communications communication from citizens a~~ 145
~~citizen, a police dispatches dispatch, and other peace officers,~~ 146
~~or personal observations observation and knowledge by a peace~~ 147
~~officers of officer, only if that communication, dispatch, or~~ 148
~~personal peace officer observation or knowledge involves or~~ 149
~~concerns an inherently dangerous situations situation that~~ 150
~~demand demands~~ an immediate response on the part of a peace 151
officer. 152

(B) "Employee" means an officer, agent, employee, or 153
servant, whether or not compensated or full-time or part-time, 154
who is authorized to act and is acting within the scope of the 155
officer's, agent's, employee's, or servant's employment for a 156
political subdivision. "Employee" does not include an 157
independent contractor and does not include any individual 158
engaged by a school district pursuant to section 3319.301 of the 159
Revised Code. "Employee" includes any elected or appointed 160
official of a political subdivision. "Employee" also includes a 161
person who has been convicted of or pleaded guilty to a criminal 162
offense and who has been sentenced to perform community service 163
work in a political subdivision whether pursuant to section 164
2951.02 of the Revised Code or otherwise, and a child who is 165
found to be a delinquent child and who is ordered by a juvenile 166
court pursuant to section 2152.19 or 2152.20 of the Revised Code 167
to perform community service or community work in a political 168
subdivision. 169

(C) (1) "Governmental function" means a function of a 170

political subdivision that is specified in division (C) (2) of 171
this section or that satisfies any of the following: 172

(a) A function that is imposed upon the state as an 173
obligation of sovereignty and that is performed by a political 174
subdivision voluntarily or pursuant to legislative requirement; 175

(b) A function that is for the common good of all citizens 176
of the state; 177

(c) A function that promotes or preserves the public 178
peace, health, safety, or welfare; that involves activities that 179
are not engaged in or not customarily engaged in by 180
nongovernmental persons; and that is not specified in division 181
(G) (2) of this section as a proprietary function. 182

(2) A "governmental function" includes, but is not limited 183
to, the following: 184

(a) The provision or nonprovision of police, fire, 185
emergency medical, ambulance, and rescue services or protection; 186

(b) The power to preserve the peace; to prevent and 187
suppress riots, disturbances, and disorderly assemblages; to 188
prevent, mitigate, and clean up releases of oil and hazardous 189
and extremely hazardous substances as defined in section 3750.01 190
of the Revised Code; and to protect persons and property; 191

(c) The provision of a system of public education; 192

(d) The provision of a free public library system; 193

(e) The regulation of the use of, and the maintenance and 194
repair of, roads, highways, streets, avenues, alleys, sidewalks, 195
bridges, aqueducts, viaducts, and public grounds; 196

(f) Judicial, quasi-judicial, prosecutorial, legislative, 197

and quasi-legislative functions; 198

(g) The construction, reconstruction, repair, renovation, 199
maintenance, and operation of buildings that are used in 200
connection with the performance of a governmental function, 201
including, but not limited to, office buildings and courthouses; 202

(h) The design, construction, reconstruction, renovation, 203
repair, maintenance, and operation of jails, places of juvenile 204
detention, workhouses, or any other detention facility, as 205
defined in section 2921.01 of the Revised Code; 206

(i) The enforcement or nonperformance of any law; 207

(j) The regulation of traffic, and the erection or 208
nonerection of traffic signs, signals, or control devices; 209

(k) The collection and disposal of solid wastes, as 210
defined in section 3734.01 of the Revised Code, including, but 211
not limited to, the operation of solid waste disposal 212
facilities, as "facilities" is defined in that section, and the 213
collection and management of hazardous waste generated by 214
households. As used in division (C) (2) (k) of this section, 215
"hazardous waste generated by households" means solid waste 216
originally generated by individual households that is listed 217
specifically as hazardous waste in or exhibits one or more 218
characteristics of hazardous waste as defined by rules adopted 219
under section 3734.12 of the Revised Code, but that is excluded 220
from regulation as a hazardous waste by those rules. 221

(l) The provision or nonprovision, planning or design, 222
construction, or reconstruction of a public improvement, 223
including, but not limited to, a sewer system; 224

(m) The operation of a job and family services department 225
or agency, including, but not limited to, the provision of 226

assistance to aged and infirm persons and to persons who are 227
indigent; 228

(n) The operation of a health board, department, or 229
agency, including, but not limited to, any statutorily required 230
or permissive program for the provision of immunizations or 231
other inoculations to all or some members of the public, 232
provided that a "governmental function" does not include the 233
supply, manufacture, distribution, or development of any drug or 234
vaccine employed in any such immunization or inoculation program 235
by any supplier, manufacturer, distributor, or developer of the 236
drug or vaccine; 237

(o) The operation of mental health facilities, 238
developmental disabilities facilities, alcohol treatment and 239
control centers, and children's homes or agencies; 240

(p) The provision or nonprovision of inspection services 241
of all types, including, but not limited to, inspections in 242
connection with building, zoning, sanitation, fire, plumbing, 243
and electrical codes, and the taking of actions in connection 244
with those types of codes, including, but not limited to, the 245
approval of plans for the construction of buildings or 246
structures and the issuance or revocation of building permits or 247
stop work orders in connection with buildings or structures; 248

(q) Urban renewal projects and the elimination of slum 249
conditions, including the performance of any activity that a 250
county land reutilization corporation is authorized to perform 251
under Chapter 1724. or 5722. of the Revised Code; 252

(r) Flood control measures; 253

(s) The design, construction, reconstruction, renovation, 254
operation, care, repair, and maintenance of a township cemetery; 255

(t) The issuance of revenue obligations under section	256
140.06 of the Revised Code;	257
(u) The design, construction, reconstruction, renovation,	258
repair, maintenance, and operation of any school athletic	259
facility, school auditorium, or gymnasium or any recreational	260
area or facility, including, but not limited to, any of the	261
following:	262
(i) A park, playground, or playfield;	263
(ii) An indoor recreational facility;	264
(iii) A zoo or zoological park;	265
(iv) A bath, swimming pool, pond, water park, wading pool,	266
wave pool, water slide, or other type of aquatic facility;	267
(v) A golf course;	268
(vi) A bicycle motocross facility or other type of	269
recreational area or facility in which bicycling, skating, skate	270
boarding, or scooter riding is engaged;	271
(vii) A rope course or climbing walls;	272
(viii) An all-purpose vehicle facility in which all-	273
purpose vehicles, as defined in section 4519.01 of the Revised	274
Code, are contained, maintained, or operated for recreational	275
activities.	276
(v) The provision of public defender services by a county	277
or joint county public defender's office pursuant to Chapter	278
120. of the Revised Code;	279
(w) (i) At any time before regulations prescribed pursuant	280
to 49 U.S.C.A 20153 become effective, the designation,	281
establishment, design, construction, implementation, operation,	282

repair, or maintenance of a public road rail crossing in a zone 283
within a municipal corporation in which, by ordinance, the 284
legislative authority of the municipal corporation regulates the 285
sounding of locomotive horns, whistles, or bells; 286

(ii) On and after the effective date of regulations 287
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 288
establishment, design, construction, implementation, operation, 289
repair, or maintenance of a public road rail crossing in such a 290
zone or of a supplementary safety measure, as defined in 49 291
U.S.C.A 20153, at or for a public road rail crossing, if and to 292
the extent that the public road rail crossing is excepted, 293
pursuant to subsection (c) of that section, from the requirement 294
of the regulations prescribed under subsection (b) of that 295
section. 296

(x) A function that the general assembly mandates a 297
political subdivision to perform. 298

(D) "Law" means any provision of the constitution, 299
statutes, or rules of the United States or of this state; 300
provisions of charters, ordinances, resolutions, and rules of 301
political subdivisions; and written policies adopted by boards 302
of education. When used in connection with the "common law," 303
this definition does not apply. 304

(E) "Motor vehicle" has the same meaning as in section 305
4511.01 of the Revised Code. 306

(F) "Political subdivision" or "subdivision" means a 307
municipal corporation, township, county, school district, or 308
other body corporate and politic responsible for governmental 309
activities in a geographic area smaller than that of the state. 310
"Political subdivision" includes, but is not limited to, a 311

county hospital commission appointed under section 339.14 of the 312
Revised Code, board of hospital commissioners appointed for a 313
municipal hospital under section 749.04 of the Revised Code, 314
board of hospital trustees appointed for a municipal hospital 315
under section 749.22 of the Revised Code, regional planning 316
commission created pursuant to section 713.21 of the Revised 317
Code, county planning commission created pursuant to section 318
713.22 of the Revised Code, joint planning council created 319
pursuant to section 713.231 of the Revised Code, interstate 320
regional planning commission created pursuant to section 713.30 321
of the Revised Code, port authority created pursuant to section 322
4582.02 or 4582.26 of the Revised Code or in existence on 323
December 16, 1964, regional council established by political 324
subdivisions pursuant to Chapter 167. of the Revised Code, 325
emergency planning district and joint emergency planning 326
district designated under section 3750.03 of the Revised Code, 327
joint emergency medical services district created pursuant to 328
section 307.052 of the Revised Code, fire and ambulance district 329
created pursuant to section 505.375 of the Revised Code, joint 330
interstate emergency planning district established by an 331
agreement entered into under that section, county solid waste 332
management district and joint solid waste management district 333
established under section 343.01 or 343.012 of the Revised Code, 334
community school established under Chapter 3314. of the Revised 335
Code, county land reutilization corporation organized under 336
Chapter 1724. of the Revised Code, the county or counties served 337
by a community-based correctional facility and program or 338
district community-based correctional facility and program 339
established and operated under sections 2301.51 to 2301.58 of 340
the Revised Code, a community-based correctional facility and 341
program or district community-based correctional facility and 342
program that is so established and operated, and the facility 343

governing board of a community-based correctional facility and 344
program or district community-based correctional facility and 345
program that is so established and operated. 346

(G) (1) "Proprietary function" means a function of a 347
political subdivision that is specified in division (G) (2) of 348
this section or that satisfies both of the following: 349

(a) The function is not one described in division (C) (1) 350
(a) or (b) of this section and is not one specified in division 351
(C) (2) of this section; 352

(b) The function is one that promotes or preserves the 353
public peace, health, safety, or welfare and that involves 354
activities that are customarily engaged in by nongovernmental 355
persons. 356

(2) A "proprietary function" includes, but is not limited 357
to, the following: 358

(a) The operation of a hospital by one or more political 359
subdivisions; 360

(b) The design, construction, reconstruction, renovation, 361
repair, maintenance, and operation of a public cemetery other 362
than a township cemetery; 363

(c) The establishment, maintenance, and operation of a 364
utility, including, but not limited to, a light, gas, power, or 365
heat plant, a railroad, a busline or other transit company, an 366
airport, and a municipal corporation water supply system; 367

(d) The maintenance, destruction, operation, and upkeep of 368
a sewer system; 369

(e) The operation and control of a public stadium, 370
auditorium, civic or social center, exhibition hall, arts and 371

crafts center, band or orchestra, or off-street parking 372
facility. 373

(H) "Public roads" means public roads, highways, streets, 374
avenues, alleys, and bridges within a political subdivision. 375
"Public roads" does not include berms, shoulders, rights-of-way, 376
or traffic control devices unless the traffic control devices 377
are mandated by the Ohio manual of uniform traffic control 378
devices. 379

(I) "State" means the state of Ohio, including, but not 380
limited to, the general assembly, the supreme court, the offices 381
of all elected state officers, and all departments, boards, 382
offices, commissions, agencies, colleges and universities, 383
institutions, and other instrumentalities of the state of Ohio. 384
"State" does not include political subdivisions. 385

Sec. 2744.05. Notwithstanding any other provisions of the 386
Revised Code or rules of a court to the contrary, in an action 387
against a political subdivision to recover damages for injury, 388
death, or loss to person or property caused by an act or 389
omission in connection with a governmental or proprietary 390
function: 391

(A) Punitive or exemplary damages shall not be awarded. 392

(B) (1) If a claimant receives or is entitled to receive 393
benefits for injuries or loss allegedly incurred from a policy 394
or policies of insurance or any other source, the benefits shall 395
be disclosed to the court, and the amount of the benefits shall 396
be deducted from any award against a political subdivision 397
recovered by that claimant. No insurer or other person is 398
entitled to bring an action under a subrogation provision in an 399
insurance or other contract against a political subdivision with 400

respect to those benefits. 401

The amount of the benefits shall be deducted from an award 402
against a political subdivision under division (B) (1) of this 403
section regardless of whether the claimant may be under an 404
obligation to pay back the benefits upon recovery, in whole or 405
in part, for the claim. A claimant whose benefits have been 406
deducted from an award under division (B) (1) of this section is 407
not considered fully compensated and shall not be required to 408
reimburse a subrogated claim for benefits deducted from an award 409
pursuant to division (B) (1) of this section. 410

(2) Nothing in division (B) (1) of this section shall be 411
construed to do either of the following: 412

(a) Limit the rights of a beneficiary under a life 413
insurance policy or the rights of sureties under fidelity or 414
surety bonds; 415

(b) Prohibit the department of medicaid from recovering 416
from the political subdivision, pursuant to section 5160.37 of 417
the Revised Code, the cost of medical assistance provided under 418
a medical assistance program. 419

(C) (1) There shall not be any limitation on compensatory 420
damages that represent the actual loss of the person who is 421
awarded the damages. However, except in wrongful death actions 422
brought pursuant to Chapter 2125. of the Revised Code, damages 423
that arise from the same cause of action, transaction or 424
occurrence, or series of transactions or occurrences and that do 425
not represent the actual loss of the person who is awarded the 426
damages shall not exceed two hundred fifty thousand dollars in 427
favor of any one person. The limitation on damages that do not 428
represent the actual loss of the person who is awarded the 429

damages provided in this division does not apply to court costs 430
that are awarded to a plaintiff, or to interest on a judgment 431
rendered in favor of a plaintiff, in an action against a 432
political subdivision. 433

(2) Any compensatory damages recoverable against a 434
political subdivision for a peace officer's, fire fighter's, or 435
emergency medical technician's operation of a motor vehicle 436
shall be reduced by the percentage of contributory fault 437
attributable to the plaintiff or any other parties, subject to 438
sections 2307.22, 2307.23, and 2315.32 to 2315.36 of the Revised 439
Code. 440

(3) As used in this division, "the actual loss of the 441
person who is awarded the damages" includes all of the 442
following: 443

(a) All wages, salaries, or other compensation lost by the 444
person injured as a result of the injury, including wages, 445
salaries, or other compensation lost as of the date of a 446
judgment and future expected lost earnings of the person 447
injured; 448

(b) All expenditures of the person injured or another 449
person on behalf of the person injured for medical care or 450
treatment, for rehabilitation services, or for other care, 451
treatment, services, products, or accommodations that were 452
necessary because of the injury; 453

(c) All expenditures to be incurred in the future, as 454
determined by the court, by the person injured or another person 455
on behalf of the person injured for medical care or treatment, 456
for rehabilitation services, or for other care, treatment, 457
services, products, or accommodations that will be necessary 458

because of the injury; 459

(d) All expenditures of a person whose property was 460
injured or destroyed or of another person on behalf of the 461
person whose property was injured or destroyed in order to 462
repair or replace the property that was injured or destroyed; 463

(e) All expenditures of the person injured or of the 464
person whose property was injured or destroyed or of another 465
person on behalf of the person injured or of the person whose 466
property was injured or destroyed in relation to the actual 467
preparation or presentation of the claim involved; 468

(f) Any other expenditures of the person injured or of the 469
person whose property was injured or destroyed or of another 470
person on behalf of the person injured or of the person whose 471
property was injured or destroyed that the court determines 472
represent an actual loss experienced because of the personal or 473
property injury or property loss. 474

"The actual loss of the person who is awarded the damages" 475
does not include any fees paid or owed to an attorney for any 476
services rendered in relation to a personal or property injury 477
or property loss, and does not include any damages awarded for 478
pain and suffering, for the loss of society, consortium, 479
companionship, care, assistance, attention, protection, advice, 480
guidance, counsel, instruction, training, or education of the 481
person injured, for mental anguish, or for any other intangible 482
loss. 483

Sec. 4973.17. (A) (1) Upon the application of any bank; 484
savings and loan association; savings bank; credit union; or 485
association of banks, savings and loan associations, savings 486
banks, or credit unions in this state, the secretary of state 487

may appoint and commission any persons that the bank; savings 488
and loan association; savings bank; credit union; or association 489
of banks, savings and loan associations, savings banks, or 490
credit unions designates, or as many of those persons as the 491
secretary of state considers proper, to act as police officers 492
for and on the premises of that bank; savings and loan 493
association; savings bank; credit union; or association of 494
banks, savings and loan associations, savings banks, or credit 495
unions; or elsewhere, when directly in the discharge of their 496
duties. Police officers so appointed shall be citizens of this 497
state and of good character. Police officers so appointed who 498
start to perform their duties on or after April 14, 2006, shall 499
successfully complete a training program approved by the Ohio 500
peace officer training commission described in section 109.71 of 501
the Revised Code and be certified by the commission within six 502
months after starting to perform their duties. Police officers 503
so appointed shall hold office for three years, unless, for good 504
cause shown, their commission is revoked by the secretary of 505
state, or by the bank; savings and loan association; savings 506
bank; credit union; or association of banks, savings and loan 507
associations, savings banks, or credit unions, as provided by 508
law. 509

(2) Persons commissioned as police officers pursuant to 510
division (A) of this section prior to April 14, 2006, who have 511
not successfully completed a training program approved by the 512
Ohio peace officer training commission, and who have not been 513
certified by the commission, may be reappointed and re- 514
commissioned by the secretary of state only during the person's 515
continuous employment as a police officer by the institution for 516
which the person was employed on April 14, 2006, or by a 517
successor institution to the institution for which the person 518

was employed on April 14, 2006. The secretary of state shall 519
note on such appointments and commissions that the person is not 520
a peace officer as defined in section 109.71 of the Revised 521
Code. 522

(3) For the exclusive purpose of assigning break in 523
service update training as prescribed in rule 109:2-1-12 (D) of 524
the Administrative Code, a police officer appointed under 525
division (A) of this section, who began performing police 526
officer duties on or before April 14, 2006, shall be credited as 527
holding a valid peace officer appointment retroactive to the 528
date on which the officer began performing these duties. 529

(B) Upon the application of a company owning or using a 530
railroad in this state and subject to section 4973.171 of the 531
Revised Code, the secretary of state may appoint and commission 532
any persons that the railroad company designates, or as many of 533
those persons as the secretary of state considers proper, to act 534
as police officers for and on the premises of the railroad 535
company, its affiliates or subsidiaries, or elsewhere, when 536
directly in the discharge of their duties. Police officers so 537
appointed, within the time set by the Ohio peace officer 538
training commission, shall successfully complete a commission 539
approved training program and be certified by the commission. 540
They shall hold office for three years, unless, for good cause 541
shown, their commission is revoked by the secretary of state, or 542
railroad company, as provided by law. 543

Any person holding a similar commission in another state 544
may be commissioned and may hold office in this state without 545
completing the approved training program required by this 546
division provided that the person has completed a substantially 547
equivalent training program in the other state. The Ohio peace 548

officer training commission shall determine whether a training 549
program in another state meets the requirements of this 550
division. 551

(C) Upon the application of any company under contract 552
with the United States atomic energy commission for the 553
construction or operation of a plant at a site owned by the 554
commission, the secretary of state may appoint and commission 555
persons the company designates, not to exceed one hundred fifty, 556
to act as police officers for the company at the plant or site 557
owned by the commission. Police officers so appointed shall be 558
citizens of this state and of good character. They shall hold 559
office for three years, unless, for good cause shown, their 560
commission is revoked by the secretary of state or by the 561
company, as provided by law. 562

(D) (1) Upon the application of any hospital that is 563
operated by a public hospital agency or a nonprofit hospital 564
agency and that employs and maintains its own proprietary police 565
department or security department and subject to section 566
4973.171 of the Revised Code, the secretary of state may appoint 567
and commission any persons that the hospital designates, or as 568
many of those persons as the secretary of state considers 569
proper, to act as police officers for the hospital. No person 570
who is appointed as a police officer under this division shall 571
engage in any duties or activities as a police officer for the 572
hospital or any affiliate or subsidiary of the hospital unless 573
all of the following apply: 574

(a) The chief of police of the municipal corporation in 575
which the hospital is located or, if the hospital is located in 576
the unincorporated area of a county, the sheriff of that county 577
has granted approval to the hospital to permit persons appointed 578

as police officers under this division to engage in those duties 579
and activities. The approval required by this division is 580
general in nature and is intended to cover in the aggregate all 581
persons appointed as police officers for the hospital under this 582
division; a separate approval is not required for each appointee 583
on an individual basis. 584

(b) Subsequent to the grant of approval described in 585
division (D) (1) (a) of this section, the hospital has entered 586
into a written agreement with the chief of police of the 587
municipal corporation in which the hospital is located or, if 588
the hospital is located in the unincorporated area of a county, 589
with the sheriff of that county, that sets forth the standards 590
and criteria to govern the interaction and cooperation between 591
persons appointed as police officers for the hospital under this 592
division and law enforcement officers serving the agency 593
represented by the chief of police or sheriff who signed the 594
agreement in areas of their concurrent jurisdiction. The written 595
agreement shall be signed by the appointing authority of the 596
hospital and by the chief of police or sheriff. The standards 597
and criteria may include, but are not limited to, provisions 598
governing the reporting of offenses discovered by hospital 599
police officers to the agency represented by the chief of police 600
or sheriff, provisions governing investigatory responsibilities 601
relative to offenses committed on hospital property, and 602
provisions governing the processing and confinement of persons 603
arrested for offenses committed on hospital property. The 604
agreement required by this division is intended to apply in the 605
aggregate to all persons appointed as police officers for the 606
hospital under this division; a separate agreement is not 607
required for each appointee on an individual basis. 608

(c) The person has successfully completed a training 609

program approved by the Ohio peace officer training commission 610
and has been certified by the commission. A person appointed as 611
a police officer under this division may attend a training 612
program approved by the commission and be certified by the 613
commission regardless of whether the appropriate chief of police 614
or sheriff has granted the approval described in division (D)(1) 615
(a) of this section and regardless of whether the hospital has 616
entered into the written agreement described in division (D)(1) 617
(b) of this section with the appropriate chief of police or 618
sheriff. 619

(2)(a) A person who is appointed as a police officer under 620
division (D)(1) of this section is entitled, upon the grant of 621
approval described in division (D)(1)(a) of this section and 622
upon the person's and the hospital's compliance with the 623
requirements of divisions (D)(1)(b) and (c) of this section, to 624
act as a police officer for the hospital on the premises of the 625
hospital and of its affiliates and subsidiaries that are within 626
the territory of the municipal corporation served by the chief 627
of police or the unincorporated area of the county served by the 628
sheriff who signed the written agreement described in division 629
(D)(1)(b) of this section, whichever is applicable, and anywhere 630
else within the territory of that municipal corporation or 631
within the unincorporated area of that county. The authority to 632
act as a police officer as described in this division is granted 633
only if the person, when engaging in that activity, is directly 634
in the discharge of the person's duties as a police officer for 635
the hospital. The authority to act as a police officer as 636
described in this division shall be exercised in accordance with 637
the standards and criteria set forth in the written agreement 638
described in division (D)(1)(b) of this section. 639

(b) Additionally, a person appointed as a police officer 640

under division (D)(1) of this section is entitled, upon the 641
grant of approval described in division (D)(1)(a) of this 642
section and upon the person's and the hospital's compliance with 643
the requirements of divisions (D)(1)(b) and (c) of this section, 644
to act as a police officer elsewhere, within the territory of a 645
municipal corporation or within the unincorporated area of a 646
county, if the chief of police of that municipal corporation or 647
the sheriff of that county, respectively, has granted approval 648
for that activity to the hospital, police department, or 649
security department served by the person as a police officer and 650
if the person, when engaging in that activity, is directly in 651
the discharge of the person's duties as a police officer for the 652
hospital. The approval described in this division may be general 653
in nature or may be limited in scope, duration, or 654
applicability, as determined by the chief of police or sheriff 655
granting the approval. 656

(3) Police officers appointed under division (D)(1) of 657
this section shall hold office for three years, unless, for good 658
cause shown, their commission is revoked by the secretary of 659
state or by the hospital, as provided by law. 660

(4) Notwithstanding section 2744.02 of the Revised Code, 661
the municipal corporation in which the hospital is located or, 662
if the hospital is located in the unincorporated area of a 663
county, the county is immune from civil or criminal liability in 664
any action brought under the laws of this state if all of the 665
following apply: 666

(a) The action arises out of the actions of a police 667
officer appointed under division (D)(1) of this section. 668

(b) The actions of the police officer are directly in the 669
discharge of the person's duties as a police officer for the 670

hospital.

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(c) The actions of the police officer occur on the
premises of the hospital or its affiliates or subsidiaries that
are within the territory of the municipal corporation served by
the chief of police or the unincorporated area of the county
served by the sheriff who signed the agreement described in
division (D) (1) (b) of this section, whichever is applicable, or
anywhere else within the territory of that municipal corporation
or within the unincorporated area of that county.

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(5) A court's finding of tort liability of any public
hospital agency or nonprofit hospital agency for any actions of
a police officer appointed for the applicable hospital agency
under division (D) (1) of this section is not subject to
apportionment of tort liability under sections 2307.22 and
2307.23 of the Revised Code with the municipal corporation or
the county in which a written agreement as described in division
(D) (1) (b) is in effect.

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(6) Nothing in division (D) (4) of this section shall be
construed as granting immunity from civil or criminal liability
for any actions occurring on the premises of any hospital
operated by a public hospital agency or nonprofit hospital
agency or on the premises of that hospital's affiliate or
subsidiary to any of the following:

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(a) Any police officer appointed under division (D) (1) of
this section;

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(b) Any hospital operated by a public hospital agency or a
nonprofit hospital agency that applied for the appointment of
any police officer under division (D) (1) of this section, or any
affiliate or subsidiary of the hospital;

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(c) Any other police or security officer who is employed 700
by, or whose services are utilized by, any hospital operated by 701
a public hospital agency or a nonprofit hospital agency, or any 702
affiliate or subsidiary of the hospital; 703

(d) Any entity that supplies the services of police or 704
security officers to any hospital operated by a public hospital 705
agency or a nonprofit hospital agency or any affiliate or 706
subsidiary of the hospital. 707

(7) As used in ~~divisions~~ division (D) ~~(1) to (3)~~ of this 708
section, "public: 709

(a) "Public hospital agency" and "nonprofit hospital 710
agency" have the same meanings as in section 140.01 of the 711
Revised Code. 712

(b) "Tort liability" means the liability of a party as 713
determined by a court in a tort action as defined in section 714
2307.011 of the Revised Code. 715

(E) (1) Upon the application of any owner or operator of an 716
amusement park that has an average yearly attendance in excess 717
of six hundred thousand guests and that employs and maintains 718
its own proprietary police department or security department and 719
subject to section 4973.171 of the Revised Code, any judge of 720
the municipal court or county court that has territorial 721
jurisdiction over the amusement park may appoint and commission 722
any persons that the owner or operator designates, or as many of 723
those persons as the judge considers proper, to act as police 724
officers for the amusement park. If the amusement park is 725
located in more than one county, any judge of the municipal 726
court or county court of any of those counties may make the 727
appointments and commissions as described in this division. No 728

person who is appointed as a police officer under this division 729
shall engage in any duties or activities as a police officer for 730
the amusement park or any affiliate or subsidiary of the owner 731
or operator of the amusement park unless all of the following 732
apply: 733

(a) The appropriate chief or chiefs of police of the 734
political subdivision or subdivisions in which the amusement 735
park is located as specified in this division have granted 736
approval to the owner or operator of the amusement park to 737
permit persons appointed as police officers under this division 738
to engage in those duties and activities. If the amusement park 739
is located in a single municipal corporation or a single 740
township, the chief of police of that municipal corporation or 741
township is the appropriate chief of police for the grant of 742
approval under this division. If the amusement park is located 743
in two or more townships, two or more municipal corporations, or 744
one or more townships and one or more municipal corporations, 745
the chiefs of police of all of the affected townships and 746
municipal corporations are the appropriate chiefs of police for 747
the grant of approval under this division, and the approval must 748
be jointly granted by all of those chiefs of police. The 749
approval required by this division is general in nature and is 750
intended to cover in the aggregate all persons appointed as 751
police officers for the amusement park under this division. A 752
separate approval is not required for each appointee on an 753
individual basis. 754

(b) Subsequent to the grant of approval described in 755
division (E) (1) (a) of this section, the owner or operator has 756
entered into a written agreement with the appropriate chief or 757
chiefs of police of the political subdivision or subdivisions in 758
which the amusement park is located as specified in this 759

division and has provided the sheriff of the county in which the 760
political subdivision or subdivisions are located with a copy of 761
the agreement. If the amusement park is located in a single 762
municipal corporation or a single township, the chief of police 763
of that municipal corporation or township is the appropriate 764
chief of police for entering into the written agreement under 765
this division. If the amusement park is located in two or more 766
townships, two or more municipal corporations, or one or more 767
townships and one or more municipal corporations, the chiefs of 768
police of all of the affected townships and municipal 769
corporations are the appropriate chiefs of police for entering 770
into the written agreement under this division, and the written 771
agreement must be jointly entered into by all of those chiefs of 772
police. The written agreement between the owner or operator and 773
the chief or chiefs of police shall address the scope of 774
activities, the duration of the agreement, and mutual aid 775
arrangements and shall set forth the standards and criteria to 776
govern the interaction and cooperation between persons appointed 777
as police officers for the amusement park under this division 778
and law enforcement officers serving the agency represented by 779
the chief of police who signed the agreement. The written 780
agreement shall be signed by the owner or operator and by the 781
chief or chiefs of police who enter into it. The standards and 782
criteria may include, but are not limited to, provisions 783
governing the reporting of offenses discovered by the amusement 784
park's police officers to the agency represented by the chief of 785
police of the municipal corporation or township in which the 786
offense occurred, provisions governing investigatory 787
responsibilities relative to offenses committed on amusement 788
park property, and provisions governing the processing and 789
confinement of persons arrested for offenses committed on 790
amusement park property. The agreement required by this division 791

is intended to apply in the aggregate to all persons appointed 792
as police officers for the amusement park under this division. A 793
separate agreement is not required for each appointee on an 794
individual basis. 795

(c) The person has successfully completed a training 796
program approved by the Ohio peace officer training commission 797
and has been certified by the commission. A person appointed as 798
a police officer under this division may attend a training 799
program approved by the commission and be certified by the 800
commission regardless of whether the appropriate chief of police 801
has granted the approval described in division (E) (1) (a) of this 802
section and regardless of whether the owner or operator of the 803
amusement park has entered into the written agreement described 804
in division (E) (1) (b) of this section with the appropriate chief 805
of police. 806

(2) (a) A person who is appointed as a police officer under 807
division (E) (1) of this section is entitled, upon the grant of 808
approval described in section (E) (1) (a) of this section and upon 809
the person's and the owner or operator's compliance with the 810
requirements of division (E) (1) (b) and (c) of this section, to 811
act as a police officer for the amusement park and its 812
affiliates and subsidiaries that are within the territory of the 813
political subdivision or subdivisions served by the chief of 814
police, or respective chiefs of police, who signed the written 815
agreement described in division (E) (1) (b) of this section, and 816
upon any contiguous real property of the amusement park that is 817
covered by the written agreement, whether within or adjacent to 818
the political subdivision or subdivisions. The authority to act 819
as a police officer as described in this division is granted 820
only if the person, when engaging in that activity, is directly 821
in the discharge of the person's duties as a police officer for 822

the amusement park. The authority to act as a police officer as 823
described in this division shall be exercised in accordance with 824
the standards and criteria set forth in the written agreement 825
described in division (E) (1) (b) of this section. 826

(b) In addition to the authority granted under division 827
(E) (2) (a) of this section, a person appointed as a police 828
officer under division (E) (1) of this section is entitled, upon 829
the grant of approval described in division (E) (1) (a) of this 830
section and upon the person's and the owner or operator's 831
compliance with the requirements of divisions (E) (1) (b) and (c) 832
of this section, to act as a police officer elsewhere within the 833
territory of a municipal corporation or township if the chief of 834
police of that municipal corporation or township has granted 835
approval for that activity to the owner or operator served by 836
the person as a police officer and if the person, when engaging 837
in that activity, is directly in the discharge of the person's 838
duties as a police officer for the amusement park. The approval 839
described in this division may be general in nature or may be 840
limited in scope, duration, or applicability, as determined by 841
the chief of police granting the approval. 842

(3) Police officers appointed under division (E) (1) of 843
this section shall hold office for five years, unless, for good 844
cause shown, their commission is revoked by the appointing judge 845
or the judge's successor or by the owner or operator, as 846
provided by law. 847

(F) A fee of fifteen dollars for each commission applied 848
for under this section shall be paid at the time the application 849
is made, and this amount shall be returned if for any reason a 850
commission is not issued. 851

Section 2. That existing sections 109.78, 2744.01, 852

2744.05, and 4973.17 of the Revised Code are hereby repealed. 853

Section 3. The General Assembly hereby declares that the 854
purpose of the amendments to section 109.78 of the Revised Code 855
in this act is to expressly overrule the decision of the Twelfth 856
District Court of Appeals in the case *Gabbard v. Madison Local* 857
School Dist. Bd. of Educ., 12th Dist. Butler No. CA2019-03-051, 858
2020-Ohio-1180. 859