

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 322**

**Senator Hite**

**Cosponsors: Senators Lehner, LaRose, Eklund, Hackett, Manning, Patton,  
Peterson, Sawyer, Schiavoni, Skindell, Tavares, Thomas, Uecker, Yuko**

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**A BILL**

To amend sections 505.49, 737.052, and 737.15 and 1  
to enact section 109.804 of the Revised Code to 2  
require the Ohio peace officer training 3  
commission to develop and conduct a chief of 4  
police training course for newly appointed 5  
chiefs of police appointed on or after January 6  
1, 2017, and to require newly appointed chiefs 7  
of police of villages, cities, and townships to 8  
attend the training course within six months of 9  
appointment as a chief of police. 10

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

**Section 1.** That sections 505.49, 737.052, and 737.15 be 11  
amended and section 109.804 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 109.804.** (A) The Ohio peace officer training 14  
commission shall develop and conduct a chief of police training 15  
course lasting forty hours for newly appointed chiefs of police 16  
appointed on or after January 1, 2017. The commission shall 17  
determine the course topics, which shall include diversity 18

training with an emphasis on historical perspectives and 19  
community-police relations, and shall establish criteria for 20  
what constitutes successful completion of the course. The 21  
commission shall conduct the course at the Ohio peace officer 22  
training academy and shall offer the course at least 23  
semiannually. 24

(B) A newly appointed chief of police may request an 25  
equivalency exemption from a portion of the forty hours of the 26  
chief of police training course by submitting to the Ohio peace 27  
officer training commission, not more than ten calendar days 28  
following the person's appointment as a chief of police, 29  
evidence of training or qualification in the subject area of the 30  
exempted portion. 31

(C) Upon presentation of evidence by a newly appointed 32  
chief of police that because of a medical disability or other 33  
good cause the newly appointed chief of police is unable to 34  
complete the chief of police training course, the Ohio peace 35  
officer training commission may defer the requirement for the 36  
newly appointed chief of police to complete the chief of police 37  
training course until the disability or cause terminates. 38

(D) As used in this section, "newly appointed chief of 39  
police" means a person appointed chief of police under section 40  
505.49, 737.05, or 737.15 of the Revised Code who did not hold 41  
the office of chief of police on the date the person was 42  
appointed chief of police, any person otherwise designated as 43  
chief of police, or any administrative official who is 44  
responsible for the daily administration and supervision of 45  
peace officers in the township, city, or village, as applicable. 46

**Sec. 505.49.** (A) As used in this section, "felony" has the 47  
same meaning as in section 109.511 of the Revised Code. 48

(B) (1) The township trustees of a township police district, by a two-thirds vote of the board, or a joint police district board, by majority vote of its members, may adopt rules necessary for the operation of the township or joint police district, including a determination of the qualifications of the chief of police, patrol officers, and others to serve as members of the district police force.

(2) Except as otherwise provided in division (E) of this section and subject to division (D) of this section, the township trustees of a township police district, by a two-thirds vote of the board or the joint police district board, by majority vote of its members, shall appoint a chief of police for the district, determine the number of patrol officers and other personnel required by the district, and establish salary schedules and other conditions of employment for the employees of the township or joint police district. The chief of police of the district shall serve at the pleasure of the township trustees or the joint police district board and shall appoint patrol officers and other personnel that the district may require, subject to division (D) of this section and to the rules and limits as to qualifications, salary ranges, and numbers of personnel established by the board of township trustees or the joint police district board. The township trustees may include in the township police district and under the direction and control of the chief of police any constable appointed pursuant to section 509.01 of the Revised Code, or may designate the chief of police or any patrol officer appointed by the chief of police as a constable, as provided for in section 509.01 of the Revised Code, for the township police district.

(3) Except as provided in division (D) of this section, a patrol officer, other police district employee, or police

constable, who has been awarded a certificate attesting to the 80  
satisfactory completion of an approved state, county, or 81  
municipal police basic training program, as required by section 82  
109.77 of the Revised Code, may be removed or suspended only 83  
under the conditions and by the procedures in sections 505.491 84  
to 505.495 of the Revised Code. Any other patrol officer, police 85  
district employee, or police constable shall serve at the 86  
pleasure of the township trustees or joint police district 87  
board. In case of removal or suspension of an appointee by the 88  
board of township trustees of a township police district or the 89  
joint police district board, that appointee may appeal the 90  
decision of either board to the court of common pleas of the 91  
county in which the district is situated to determine the 92  
sufficiency of the cause of removal or suspension. The appointee 93  
shall take the appeal within ten days of written notice to the 94  
appointee of the decision of the board. 95

(C) (1) Division (B) of this section does not apply to a 96  
township that has a population of ten thousand or more persons 97  
residing within the township and outside of any municipal 98  
corporation, that has its own police department employing ten or 99  
more full-time paid employees, and that has a civil service 100  
commission established under division (B) of section 124.40 of 101  
the Revised Code. The township shall comply with the procedures 102  
for the employment, promotion, and discharge of police personnel 103  
provided by Chapter 124. of the Revised Code, except as 104  
otherwise provided in divisions (C) (2) and (3) of this section. 105

(2) The board of township trustees of the township may 106  
appoint the chief of police, and a person so appointed shall be 107  
in the unclassified service under section 124.11 of the Revised 108  
Code and shall serve at the pleasure of the board. A person 109  
appointed chief of police under these conditions who is removed 110

by the board or who resigns from the position shall be entitled 111  
to return to the classified service in the township police 112  
department, in the position that person held previous to the 113  
person's appointment as chief of police. 114

(3) The appointing authority of an urban township, as 115  
defined in section 504.01 of the Revised Code, may appoint to a 116  
vacant position any one of the three highest scorers on the 117  
eligible list for a promotional examination. 118

(4) The board of township trustees of a township described 119  
in this division shall determine the number of personnel 120  
required and establish salary schedules and conditions of 121  
employment not in conflict with Chapter 124. of the Revised 122  
Code. 123

(5) Persons employed as police personnel in a township 124  
described in this division on the date a civil service 125  
commission is appointed pursuant to division (B) of section 126  
124.40 of the Revised Code, without being required to pass a 127  
competitive examination or a police training program, shall 128  
retain their employment and any rank previously granted them by 129  
action of the township trustees or otherwise, but those persons 130  
are eligible for promotion only by compliance with Chapter 124. 131  
of the Revised Code. 132

(6) This division does not apply to constables appointed 133  
pursuant to section 509.01 of the Revised Code. This division is 134  
subject to division (D) of this section. 135

(D)(1) The board of township trustees or a joint police 136  
district board shall not appoint or employ a person as a chief 137  
of police, and the chief of police shall not appoint or employ a 138  
person as a patrol officer or other peace officer of a township 139

police district, township police department, or joint police 140  
district on a permanent basis, on a temporary basis, for a 141  
probationary term, or on other than a permanent basis if the 142  
person previously has been convicted of or has pleaded guilty to 143  
a felony. 144

(2) (a) The board of township trustees or joint police 145  
district board shall terminate the appointment or employment of 146  
a chief of police, patrol officer, or other peace officer of a 147  
township police district, township police department, or joint 148  
police district who does either of the following: 149

(i) Pleads guilty to a felony; 150

(ii) Pleads guilty to a misdemeanor pursuant to a 151  
negotiated plea agreement as provided in division (D) of section 152  
2929.43 of the Revised Code in which the chief of police, patrol 153  
officer, or other peace officer of a township police district, 154  
township police department, or joint police district agrees to 155  
surrender the certificate awarded to that chief of police, 156  
patrol officer, or other peace officer under section 109.77 of 157  
the Revised Code. 158

(b) The board shall suspend the appointment or employment 159  
of a chief of police, patrol officer, or other peace officer of 160  
a township police district, township police department, or joint 161  
police district who is convicted, after trial, of a felony. If 162  
such chief of police, patrol officer, or other peace officer 163  
files an appeal from that conviction and the conviction is 164  
upheld by the highest court to which the appeal is taken, or, if 165  
no timely appeal is filed, the board shall terminate the 166  
appointment or employment of that chief of police, patrol 167  
officer, or other peace officer. If the chief of police, patrol 168  
officer, or other peace officer of a township police district, 169

township police department, or joint police district files an 170  
appeal that results in that chief of police's, patrol officer's,  
171  
or other peace officer's acquittal of the felony or conviction 172  
of a misdemeanor, or in the dismissal of the felony charge 173  
against the chief of police, patrol officer, or other peace 174  
officer, the board shall reinstate that chief of police, patrol 175  
officer, or other peace officer. A chief of police, patrol 176  
officer, or other peace officer who is reinstated under division 177  
(D) (2) (b) of this section shall not receive any back pay unless 178  
the conviction of that chief of police, patrol officer, or other 179  
peace officer of the felony was reversed on appeal, or the 180  
felony charge was dismissed, because the court found 181  
insufficient evidence to convict the chief of police, patrol 182  
officer, or other peace officer of the felony. 183

(3) Division (D) of this section does not apply regarding 184  
an offense that was committed prior to January 1, 1997. 185

(4) The suspension or termination of the appointment or 186  
employment of a chief of police, patrol officer, or other peace 187  
officer under division (D) (2) of this section shall be in 188  
accordance with Chapter 119. of the Revised Code. 189

(E) The board of township trustees or the joint police 190  
district board may enter into a contract under section 505.43 or 191  
505.50 of the Revised Code to obtain all police protection for 192  
the township police district or joint police district from one 193  
or more municipal corporations, county sheriffs, or other 194  
townships. If the board enters into such a contract, subject to 195  
division (D) of this section, it may, but is not required to, 196  
appoint a police chief for the district. 197

(F) The members of the police force of a township police 198  
district of a township, or of a joint police district board 199

comprised of a township, that adopts the limited self-government 200  
form of township government shall serve as peace officers for 201  
the township territory included in the district. 202

(G) A chief of police or patrol officer of a township 203  
police district, township police department, or joint police 204  
district may participate, as the director of an organized crime 205  
task force established under section 177.02 of the Revised Code 206  
or as a member of the investigatory staff of that task force, in 207  
an investigation of organized criminal activity in any county or 208  
counties in this state under sections 177.01 to 177.03 of the 209  
Revised Code. 210

(H) (1) A newly appointed chief of police appointed on or 211  
after January 1, 2017, shall attend a chief of police training 212  
course conducted by the Ohio peace officer training commission 213  
pursuant to division (A) of section 109.804 of the Revised Code 214  
within six months following the person's appointment as a chief 215  
of police under this section. While attending the chief of 216  
police training course, a newly appointed chief of police shall 217  
receive compensation in the same manner and amounts as if 218  
carrying out the powers and duties of the office of chief of 219  
police. The costs of conducting the chief of police training 220  
course shall be paid from state funds appropriated to the 221  
attorney general. The cost of meals, lodging, and travel of a 222  
newly appointed chief of police attending the chief of police 223  
training course shall be paid from the budget of the township 224  
police district or the budget of the joint police district board 225  
that appointed the newly appointed chief of police. 226

(2) As used in this section, "newly appointed chief of 227  
police" means a person appointed chief of police under this 228  
section who did not hold the office of chief of police on the 229



date the person was appointed chief of police, any person 230  
otherwise designated as chief of police, or any administrative 231  
official who is responsible for the daily administration and 232  
supervision of peace officers in the township. 233

**Sec. 737.052.** (A) As used in this section, "felony" has 234  
the same meaning as in section 109.511 of the Revised Code. 235

(B) (1) The director of public safety shall not appoint a 236  
person as a chief of police, a member of the police department 237  
of the municipal corporation, or an auxiliary police officer on 238  
a permanent basis, on a temporary basis, for a probationary 239  
term, or on other than a permanent basis if the person 240  
previously has been convicted of or has pleaded guilty to a 241  
felony. 242

(2) (a) The director of public safety shall terminate the 243  
employment of a chief of police, member of the police 244  
department, or auxiliary police officer who does either of the 245  
following: 246

(i) Pleads guilty to a felony; 247

(ii) Pleads guilty to a misdemeanor pursuant to a 248  
negotiated plea agreement as provided in division (D) of section 249  
2929.43 of the Revised Code in which the chief of police, member 250  
of the police department, or auxiliary police officer agrees to 251  
surrender the certificate awarded to the chief of police, member 252  
of the police department, or auxiliary police officer under 253  
section 109.77 of the Revised Code. 254

(b) The director shall suspend from employment a chief of 255  
police, member of the police department, or auxiliary police 256  
officer who is convicted, after trial, of a felony. If the chief 257  
of police, member of the police department, or auxiliary police 258

officer files an appeal from that conviction and the conviction 259  
is upheld by the highest court to which the appeal is taken or 260  
if the chief of police, member of the police department, or 261  
auxiliary police officer does not file a timely appeal, the 262  
director shall terminate that person's employment. If the chief 263  
of police, member of the police department, or auxiliary police 264  
officer files an appeal that results in that person's acquittal 265  
of the felony or conviction of a misdemeanor, or in the 266  
dismissal of the felony charge against that person, the director 267  
shall reinstate that person. A chief of police, member of the 268  
police department, or auxiliary police officer who is reinstated 269  
under division (B) (2) (b) of this section shall not receive any 270  
back pay unless that person's conviction of the felony was 271  
reversed on appeal, or the felony charge was dismissed, because 272  
the court found insufficient evidence to convict that person of 273  
the felony. 274

(3) Division (B) of this section does not apply regarding 275  
an offense that was committed prior to January 1, 1997. 276

(4) The suspension from employment, or the termination of 277  
the employment, of the chief of police, member of the police 278  
department, or auxiliary police officer under division (B) (2) of 279  
this section shall be in accordance with Chapter 119. of the 280  
Revised Code. 281

(C) (1) A newly appointed chief of police appointed on or 282  
after January 1, 2017, shall attend a chief of police training 283  
course conducted by the Ohio peace officer training commission 284  
pursuant to division (A) of section 109.804 of the Revised Code 285  
within six months following the person's appointment as a chief 286  
of police. While attending the chief of police training course, 287  
a newly appointed chief of police shall receive compensation in 288

the same manner and amounts as if carrying out the powers and 289  
duties of the office of chief of police. The costs of conducting 290  
the chief of police training course shall be paid from state 291  
funds appropriated to the attorney general. The cost of meals, 292  
lodging, and travel of a newly appointed chief of police 293  
attending the chief of police training course shall be paid from 294  
the budget of the city department of public safety for which the 295  
newly appointed chief of police was appointed. 296

(2) As used in this section, "newly appointed chief of 297  
police" means a person appointed chief of police of the city as 298  
provided in section 737.05 of the Revised Code who did not hold 299  
the office of chief of police on the date the person was 300  
appointed chief of police, any person otherwise designated as 301  
chief of police, or any administrative official who is 302  
responsible for the daily administration and supervision of 303  
peace officers in the city. 304

**Sec. 737.15.** (A) Each village shall have a marshal, 305  
designated chief of police, appointed by the mayor with the 306  
advice and consent of the legislative authority of the village, 307  
who need not be a resident of the village at the time of 308  
appointment but shall become a resident thereof within six 309  
months after appointment by the mayor and confirmation by the 310  
legislative authority unless such residence requirement is 311  
waived by ordinance, and who shall continue in office until 312  
removed therefrom as provided by section 737.171 of the Revised 313  
Code. 314

(B) No person shall receive an appointment under this 315  
section after January 1, 1970, unless, not more than sixty days 316  
prior to receiving such appointment, the person has passed a 317  
physical examination, given by a licensed physician, a physician 318

assistant, a clinical nurse specialist, a certified nurse 319  
practitioner, or a certified nurse-midwife, showing that the 320  
person meets the physical requirements necessary to perform the 321  
duties of village marshal as established by the legislative 322  
authority of the village. The appointing authority shall, prior 323  
to making any such appointment, file with the Ohio police and 324  
fire pension fund a copy of the report or findings of said 325  
licensed physician, physician assistant, clinical nurse 326  
specialist, certified nurse practitioner, or certified nurse- 327  
midwife. The professional fee for such physical examination 328  
shall be paid for by such legislative authority. 329

(C) (1) A newly appointed chief of police appointed on or 330  
after January 1, 2017, shall attend a chief of police training 331  
course conducted by the Ohio peace officer training commission 332  
pursuant to division (A) of section 109.804 of the Revised Code 333  
within six months following the person's appointment as a chief 334  
of police under this section. While attending the chief of 335  
police training course, a newly appointed chief of police shall 336  
receive compensation in the same manner and amounts as if 337  
carrying out the powers and duties of the office of chief of 338  
police. The costs of conducting the chief of police training 339  
course shall be paid from state funds appropriated to the 340  
attorney general. The cost of meals, lodging, and travel of a 341  
newly appointed chief of police attending the chief of police 342  
training course shall be paid from the budget of the village for 343  
which the newly appointed chief of police was appointed. 344

(2) As used in this section, "newly appointed chief of 345  
police" means a person appointed chief of police under this 346  
section who did not hold the office of chief of police on the 347  
date the person was appointed chief of police, any person 348  
otherwise designated as chief of police, or any administrative 349

<u>official who is responsible for the daily administration and</u>	350
<u>supervision of peace officers in the village.</u>	351
<b>Section 2.</b> That existing sections 505.49, 737.052, and	352
737.15 of the Revised Code are hereby repealed.	353