

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 656**

**Representative Sheehy**

**Cosponsors: Representatives West, Miller**

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**A BILL**

To enact section 109.68 of the Revised Code to 1  
require the Attorney General to create and 2  
operate a database of information regarding law 3  
enforcement officers who have been terminated 4  
from employment, or resigned in lieu of 5  
termination, and to require law enforcement 6  
agencies to access the database for the sole 7  
purpose of determining eligibility of those 8  
officers for employment. 9

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

**Section 1.** That section 109.68 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 109.68.** (A) As used in this section: 12

(1) "Law enforcement agency" means the employer of a law 13  
enforcement officer. 14

(2) "Law enforcement officer" means a sheriff, deputy 15  
sheriff, marshal, deputy marshal, member of the organized police 16  
department of a municipal corporation, police officer of a 17  
township or joint police district, or township constable, who is 18

employed by a political subdivision of this state; a member of a 19  
police force employed by a regional transit authority under 20  
division (Y) of section 306.35 of the Revised Code; a police 21  
officer employed by a qualified nonprofit police department 22  
pursuant to section 1702.80 of the Revised Code; a state 23  
university law enforcement officer appointed under section 24  
3345.04 of the Revised Code; a member of a police force employed 25  
by a metropolitan housing authority under division (D) of 26  
section 3735.31 of the Revised Code; a special police officer 27  
employed by a port authority under section 4582.04 or 4582.28 of 28  
the Revised Code; a police officer employed by a proprietary 29  
police department or security department of a hospital operated 30  
by a public hospital agency or nonprofit hospital agency 31  
pursuant to section 4973.17 of the Revised Code; a veterans' 32  
home police officer appointed under section 5907.02 of the 33  
Revised Code; a state highway patrol trooper; or an officer, 34  
agent, or employee of the state or any of its agencies, 35  
instrumentalities, or political subdivisions, upon whom, by 36  
statute, a duty to conserve the peace or to enforce all or 37  
certain laws is imposed and the authority to arrest violators is 38  
conferred, within limits of that statutory duty and authority. 39

(B) The attorney general shall establish, administer, and 40  
operate a database of information regarding law enforcement 41  
officers who have been terminated from employment, or resigned 42  
in lieu of termination. The attorney general shall obtain the 43  
information from the reports provided by law enforcement 44  
agencies under division (C) of this section and shall include 45  
the information in the database. The attorney general shall 46  
maintain the database separate and apart from other records 47  
maintained by the attorney general. The attorney general shall 48  
have this database operational on or before January 1, 2019. 49

(C) Each law enforcement agency shall furnish to the 50  
attorney general, in a format required by the attorney general, 51  
a report of the name, date of birth, and residence address of 52  
any law enforcement officer the law enforcement agency 53  
terminated from employment, or who resigned in lieu of 54  
termination; the reason for termination; and the name and 55  
telephone number of the law enforcement agency that furnished 56  
the information. The law enforcement agency shall furnish that 57  
information within thirty days after the law enforcement officer 58  
was terminated, or resigned in lieu of termination. 59

(D) The attorney general shall allow law enforcement 60  
agencies to access the database free of charge. A law 61  
enforcement agency or the employee who hires law enforcement 62  
officers for the agency shall review information contained in 63  
the database before hiring a law enforcement officer and shall 64  
use the information for the sole purpose of determining 65  
eligibility of the law enforcement officer for employment with 66  
the law enforcement agency. 67

(E) The attorney general shall establish policies and 68  
procedures for the creation, administration, and operation of 69  
the database, and for the use and dissemination of information 70  
from the database. The attorney general shall update the 71  
database by the first day of each month to reflect information 72  
reported to the attorney general under division (C) of this 73  
section. 74

(F) Information in the database and any reports provided 75  
to the attorney general under division (C) of this section are 76  
confidential and are not public records under section 149.43 of 77  
the Revised Code. 78

(G) (1) No person shall knowingly use information contained 79

in or received from the database for purposes not authorized by 80  
this section. 81

(2) No person shall knowingly use information contained in 82  
or received from the database with the intent to harass or 83  
intimidate another person. 84

(3) Whoever violates division (G) (1) of this section is 85  
guilty of a misdemeanor of the fourth degree. Whoever violates 86  
division (G) (2) of this section is guilty of a misdemeanor of 87  
the first degree. 88

**Section 2.** If, on or after January 1, 2014, a law 89  
enforcement agency, as defined in section 109.68 of the Revised 90  
Code as enacted by this act, terminated a law enforcement 91  
officer's employment or the officer resigned in lieu of 92  
termination, the law enforcement agency, not later than March 1, 93  
2019, shall furnish to the Attorney General a report containing 94  
the information required by division (C) of that section. 95