



Ohio Legislative Service Commission

Bill Analysis

Amber Hardesty

H.B. 153

128th General Assembly
(As Introduced)

Reps. Yuko, B. Williams, Luckie, Hagan, Domenick, Evans, Letson

BILL SUMMARY

- Authorizes the board of trustees of a regional water and sewer district to establish a police department to provide police services within or at facilities that are owned, operated, or leased by the district within one or more political subdivisions if the district has entered into an authorizing agreement with each political subdivision within which it intends to provide police services.
- Requires a regional water and sewer district that seeks to establish a police department to enter into a separate authorizing agreement with each political subdivision within which the district intends to provide police services.
- Requires that a regional water and sewer district police officer be certified as having successfully completed a training program approved by the Ohio Peace Officer Training Commission.
- Prohibits employment as a regional water and sewer district police officer of a person who has been convicted of a felony and requires the termination of employment of a district police officer who is convicted of a felony.
- Authorizes a regional water and sewer district police officer to act as a peace officer concurrently with police officers of a political subdivision with which the district has an authorizing agreement within the geographical territory of the political subdivision to the same extent as police officers of the political subdivision, except as limited by the authorizing agreement.

CONTENT AND OPERATION

Regional water and sewer districts

Any area situated in any unincorporated part of one or more contiguous counties or in one or more municipal corporations, or both, may be organized as a regional water and sewer district by the political subdivisions within the proposed district to supply water to users within and without the district, to provide for the collection, treatment, and disposal of waste water within and without the district, or to do both. After a district's board of trustees has been qualified and its officers elected, the district may acquire real property by purchase or condemnation, levy taxes and special assessments, issue bonds, construct facilities for water resource projects, exercise other powers enumerated in, and generally do all acts necessary or proper to carry out the powers granted in, the Regional Water and Sewer District Act. (R.C. 6119.01, 6119.02, and 6119.06 and Chapter 6119.)

Regional water and sewer district police department

Authority to establish police department

The bill authorizes the board of trustees of a regional water and sewer district (subject to the requirements and limitations of the bill) to establish a police department to provide police services within or at facilities that are owned, operated, or leased by the district within one or more political subdivisions if the district has entered into an authorizing agreement with each political subdivision within which it intends to provide police services. As used in the bill, "political subdivision" means a county, township, or municipal corporation. (R.C. 6119.61 and 6119.60(C).)

Authorizing agreement

The bill requires a regional water and sewer district that seeks to establish a police department to enter into an authorizing agreement with each political subdivision within which the district intends to provide police services. The district board of trustees must enter into the agreement with the chief of police of the political subdivision. The agreement applies only to that political subdivision. The district must enter into a separate authorizing agreement with each political subdivision within which the district police department will provide police services. (R.C. 6119.62(A).)

An authorizing agreement may include, but is not limited to, both of the following (R.C. 6119.62(B)):

(1) An identification of the geographic territory within the political subdivision in which the district police department may provide police services;

(2) Standards and criteria governing the interaction between the police officers employed by the district police department and the law enforcement officers employed by the political subdivision. The standards and criteria may include, but are not limited to, either or both of the following:

(a) Provisions governing the reporting of offenses discovered by the district's police officers to the police department of the political subdivision;

(b) Provisions governing the processing and confinement of persons arrested by the district's police officers.

An authorizing agreement must not require, or contain any provision granting authority to, the chief of police or any other officer, official, or employee of a political subdivision to appoint, or to approve or disapprove the appointment of, a district police officer. An authorizing agreement must comply with any applicable provisions of the Revised Code and with any charter, ordinance, resolution, or regulation of the applicable political subdivision that may apply to it. (R.C. 6119.62(C).)

Employment of district police officers

The bill authorizes the board of trustees of a regional water and sewer district that establishes a police department to appoint and employ police officers. District police officers have the power and duty to act as peace officers within or at facilities that are owned, operated, or leased by the district, to protect the regional water and sewer district's property, to preserve the peace, and to enforce all laws of the state and all charter provisions, ordinances, resolutions, and regulations of political subdivisions with which the district has authorizing agreements. (R.C. 6119.63(A).)

A person who is appointed and employed as a district police officer must not engage in any duties or activities as a police officer within a political subdivision unless both of the following apply (R.C. 6119.63(A)):

(1) The person has successfully completed a training program approved by the Ohio Peace Officer Training Commission (OPOTC) and has been certified by the OPOTC as having successfully completed the training program, or the person previously has successfully completed a police officer basic training program certified by the OPOTC and has been awarded a certificate to that effect by the OPOTC.

(2) The district has entered into an authorizing agreement with the chief of police of the political subdivision.

A district police officer may act as a police officer only to the extent and in the manner described in the bill's provisions and in rules of the district when directly

engaged in the discharge of that person's duties as a police officer for the district. Before exercising powers of arrest and other powers and duties of a peace officer, a district police officer must take an oath and give bond to the state, in an amount prescribed by the district's board of trustees, for the proper exercise of those powers. (R.C. 6119.63(B).)

The district board of trustees must not appoint a person as a police officer on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony. Under the bill, "felony" means an offense committed in Ohio that is a felony under Ohio law or an offense committed in another state or under federal law that would be a felony under Ohio law if committed in Ohio (R.C. 6119.60(B) by reference to R.C. 109.511). The board must terminate the employment of a police officer who pleads guilty to a felony or who pleads guilty to a misdemeanor pursuant to a negotiated plea agreement in which the police officer agrees to surrender the training certificate awarded under the Peace Officer Training Act. The board must suspend from employment a police officer who is convicted, after trial, of a felony. If the police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the police officer does not file a timely appeal, the board must terminate the police officer's employment. If the police officer files an appeal that results in the police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the police officer, the board must reinstate the police officer. A police officer who is reinstated may not receive any back pay unless the police officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the police officer of the felony. (R.C. 6119.63(C).)

Powers and duties of district police officers

If a regional water and sewer district establishes a police department, the district exercises power concurrently with the political subdivision with which the district has entered into an authorizing agreement to preserve the peace, protect persons and property, enforce the laws of the state, and enforce the charter provisions, ordinances, resolutions, and regulations, as applicable, of the political subdivision that apply within the geographical territory of the political subdivision. Except as limited by the terms of the authorizing agreement, a district police officer is vested, while directly in the discharge of that police officer's duties, with the same powers and authority as are vested in a police officer of a political subdivision under the state Criminal Code and the Rules of Criminal Procedure and with the same powers and authority, including the operation of a public safety vehicle, as are vested in a police officer of a political subdivision under the state traffic laws. In addition, a district police officer may render emergency assistance to another peace officer if there is a threat of imminent physical

danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the peace officer who is assisted is unable to request emergency assistance and the circumstances observed by the district police officer reasonably indicate that emergency assistance is appropriate. (R.C. 6119.64.)

Training of regional water and sewer district police officers

The Peace Officer Training Act requires certain specified peace officers to successfully complete an approved peace officer basic training program. The training must be completed before service begins if the peace officer is appointed on a permanent basis, or within the time prescribed in rules of the Attorney General if the peace officer is appointed on a temporary, probationary, or other less-than-permanent basis (R.C. 109.77(B)(1) and (2)). The bill adds district police officers to the officers who must successfully complete such a basic training program (R.C. 109.71(A)(24), 109.77(B)(1) and (2), and 6119.63(A)(1)). With regard to this training requirement, OPOTC is authorized by continuing law to recommend that the Attorney General adopt rules with regard to permitting peace officers to attend approved peace officer training schools, including the Ohio Peace Officer Training Academy, and to receive certificates of satisfactory completion of basic training programs (R.C. 109.73(A)(7)). The bill adds district police officers to the list of peace officers with regard to whom these rules may be recommended (R.C. 109.71(A)(24), 109.73(A)(7), and 6119.63(A)(1)).

HISTORY

ACTION	DATE
Introduced	04-28-09

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