



Michael J. O'Neill

Bill Analysis
Legislative Service Commission

H.B. 394

123rd General Assembly
(As Introduced)

**Reps. Young, Allen, Austria, Buehrer, Hood, Mottley, Netzley, Schuck,
Thomas, Van Vyven, Williams**

BILL SUMMARY

- Prohibits a public official from establishing, maintaining, or condoning a formal or informal ticket quota policy requiring a peace officer to issue a minimum number of traffic tickets on any periodic basis, and provides that a violation of the prohibition is grounds for removal from office.
- Prohibits a public official from using data concerning the issuance of traffic tickets as a major component of evaluating a peace officer's job performance.

CONTENT AND OPERATION

Prohibitions and penalties

The bill prohibits a "public official" from establishing, maintaining, or condoning a formal or informal ticket quota policy requiring a "peace officer" to issue a minimum number of "traffic tickets" on any periodic basis (see "Definitions," below). A violation of this prohibition is grounds for removal from office.

The bill also prohibits a public official from using data concerning the issuance of traffic tickets as a major component of evaluating a peace officer's job performance. But, nothing in either prohibition prohibits a public official from collecting and using data concerning the issuance of traffic tickets as a minor component of evaluating a peace officer's overall job performance. (Sec. 2921.40(A) to (C).)

Definitions

As used in the bill:

(1) "Peace officer" includes, except in specified circumstances, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under contract; member of a police force employed by a metropolitan housing authority; member of a police force employed by a regional transit authority; state university law enforcement officer; liquor control investigator or food stamp trafficking agent of the Department of Public Safety; employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, a forest officer, a preserve officer, a wildlife officer, a park officer, or a state watercraft officer; individual designated to perform law enforcement duties by a township park district, board of park commissioners, or a board of directors of a conservancy district; Ohio veterans' home police officer; police constable of any township; and police officer of a township or joint township police district; and, for the purpose of arrests within those areas, and for the purposes of the State Highway Patrol Law, and the filing of and service of process relating to those offenses witnessed or investigated by them, includes the Superintendent and troopers of the State Highway Patrol. (Sec. 2921.40(D)(2) and sec. 2935.01(B)--not in the bill.)

(2) "Public official" means any elected or appointed officer, or employee, or agent of Ohio or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers (sec. 2921.01(A)--not in the bill).

(3) "Traffic ticket" means the complaint and summons issued for a traffic offense that is a moving violation. "Moving violation" means any violation of any statute or ordinance, other than the Mandatory Seatbelt Law or an ordinance that is substantially equivalent to that law, that regulates the operation of vehicles, streetcars, or trackless trolleys on highways or streets or that regulates size or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles. (Sec. 2921.40(D)(1) and (3) and sec. 2743.70(D)(1)--not in the bill.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced H0394-I.123/rss	06-22-99	p. 901