



H.B. 378

125th General Assembly
(As Introduced)

Reps. Latta, Hollister, McGregor, Faber, Seitz

BILL SUMMARY

- Authorizes a county prosecuting attorney to appoint secret service officers to preserve the peace, protect life and property, and enforce state laws and county regulations.

CONTENT AND OPERATION

Current law

Under current law, a county prosecuting attorney may appoint secret service officers whose duty is to aid the prosecuting attorney in the collection and discovery of evidence to be used in the trial of criminal cases and matters of a criminal nature. Secret service officers serve as long as the prosecuting attorney determines. Their compensation is fixed by the judges of the court of common pleas in an amount not less than \$125 per month and not more than 75% of the annual salary of the prosecuting attorney, and is paid from the county treasury. (Sec. 309.07.)

Changes proposed by the bill

While not changing current law's authority to appoint secret service officers who aid in the collection and discovery of evidence (sec. 309.07(B)), the bill permits a prosecuting attorney to appoint as full-time employees of the office another type of secret service officer--one whose primary duties are to preserve the peace, protect life and property, and enforce state laws and county regulations. The judges of the court of common pleas must fix an aggregate sum of money that may be expended in any particular year for the new type of secret service officers and also must fix the salary of each of them--which is to be paid from the county treasury. The new type of secret service officer (1) must have an Ohio Peace Officer Training Commission certificate for the satisfactory completion of an approved peace officer basic training program, (2) cannot have plead guilty to or been convicted of a felony committed after December 31, 1996, (3) must take an

oath of office and provide a bond in an amount prescribed by the prosecuting attorney, and (4) must annually successfully complete a firearms requalification program. These secret service officers have the power to arrest--with or without a warrant--in the county. (Secs. 309.06 and 309.07 (A), (C), and (D) and related secs. 109.71(A), 109.77(B)(1)(j) and (2)(i), 109.801(A)(1), 2935.01(B), and 2935.03(A)(1) and (D).)

The bill requires a prosecuting attorney to *terminate* the new type of secret service officer if the officer (1) pleads guilty to a misdemeanor pursuant to a negotiated plea agreement in which the officer agrees to surrender his or her peace officer training certificate or (2) pleads guilty to a felony. The prosecuting attorney also must *suspend* such an officer if, after a trial, the officer is convicted of a felony. Then, if the officer appeals the conviction and the final disposition is the upholding of the conviction or if the officer does not appeal the conviction, the prosecuting attorney must terminate the officer's employment; on the other hand, if the officer appeals and the final disposition of the case is the officer's acquittal, the officer's conviction of a misdemeanor, or the dismissal of the felony charge, the officer must be reinstated. A reinstated officer will not receive any back pay unless the felony conviction was reversed on appeal or the felony charge was dismissed because of insufficient evidence to convict the officer of the felony. These termination and suspension actions are to be taken in accordance with the Administrative Procedure Act. (Sec. 309.07(D)(2), (3), and (4).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-21-04	p. 1501

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