



S.B. 336

126th General Assembly
(As Introduced)

Sens. Mumper, Amstutz

BILL SUMMARY

- Adds alternative training, employment, and education qualifications, and an alternative training and employment qualification, respectively to existing training and employment qualification, and existing education or experience qualification, experience requirements for candidates for sheriff and for persons elected or appointed to the office of sheriff.

CONTENT AND OPERATION

Background law

In general

Under current law, a sheriff must be elected quadriennially in each county. Generally, no person is eligible to be a candidate for sheriff or to be elected or appointed to that office unless that person meets specified qualifications. (R.C. 311.01(A) and (B).) Among those required qualifications are a number of *alternative* qualifications pertaining to (1) training and employment and (2) education or experience.

Training and employment qualification

The person must meet *at least one* of the following (R.C. 311.01(B)(8)(a) and (b)):

Alternative A

- The candidate or sheriff (1) must have obtained or held, within the four-period ending immediately before the qualification date (see **COMMENT 1**), a valid basic peace officer certificate of training from the Ohio Peace Officer Training Commission or have been issued a certificate of training from a State Highway Patrol training school *and*

(2) must have been employed, within that four-year period, as a State Highway Patrol trooper or radio operator, or as a full-time peace officer (see **COMMENT 2**), performing duties related to the enforcement of statutes, ordinances, or codes.

Alternative B

- The candidate or sheriff (1) must have obtained or held, within the three-year period ending immediately before the qualification date, a valid basic peace officer certificate of training from the Ohio Peace Officer Training Commission *and* (2) have been employed, within that three-year period, as a full-time law enforcement officer (see **COMMENT 3**) performing duties related to the enforcement of statutes, ordinances, or codes.

Education or experience

In addition in this alternative qualification vein, the person must meet *at least one* of the following (R.C. 311.01(B)(9)(a) and (b)):

Alternative A

- The candidate or sheriff (1) must have at least two years of supervisory experience as a peace officer at the rank of corporal or above, *or* (2) have been appointed as a State Highway Patrol trooper or radio operator and served at the rank of sergeant or above, in the five-year period ending immediately before the qualification date.

Alternative B

- The candidate or sheriff must have satisfactorily completed at least two years of post-secondary education or the equivalent in semester or quarter hours in a college or university authorized to confer degrees by the Ohio Board of Regents or the comparable agency of another state in which the college or university is located or in a school that holds a certificate of registration issued by the State Board of Career Colleges and Schools.

Changes proposed by the bill

Training and employment qualification expansion

The bill adds two alternative *training, employment, and education* qualification requirements to the two training and employment qualification alternatives set forth above (R.C. 311.01(B)(8)(c) and (d)):

Alternative C

- The candidate or sheriff (1) must have obtained or held a valid basic peace officer certificate of training from the Ohio Peace Officer Training Commission or been issued a certificate of training from a State Highway Patrol training school, *and* (2) must have been employed for at least ten years before the qualification date as a State Highway Patrol trooper or radio operator, or as a full-time peace officer, performing duties related to the enforcement of statutes, ordinances, or codes, *and* (3) must have satisfactorily completed a bachelor's degree from an accredited college or university.

Alternative D

- The candidate or sheriff (1) must have obtained or held a valid basic peace officer certificate of training issued by the Ohio Peace Officer Training Commission or been issued a certificate of training from a State Highway Patrol training school, *and* (2) must have been employed for at least eight years before the qualification date as a State Highway Patrol trooper or radio operator, or as a full-time peace officer, performing duties related to the enforcement of statutes, ordinances, or codes, *and* (3) must have satisfactorily completed a master's degree or a juris doctor degree from an accredited college or university.

The bill also changes the second existing alternative training and employment qualification requirement (Alternative B above) in three respects: (1) by removing the requirement that a training certificate be held or obtained within the three-year period ending immediately before the qualification date, (2) by including (in addition to an Ohio Peace Officer Training Commission basic peace officer training certificate) a State Highway Patrol school training certificate, and (3) by changing the last three years work experience requirement to a 15-year work experience requirement as either a full-time peace officer (replacing law enforcement officer) or as a State Highway Patrol trooper or radio operator (added by the bill) (R.C. 311.01(B)(8)(b)).

Education or experience

To the existing alternative education or experience requirements set forth above, the bill adds one additional alternative *training and employment* requirement as follows (R.C. 311.01(B)(9)(c)):

Alternative C

- The candidate or sheriff (1) must have obtained or held a valid basic peace officer certificate of training from the Ohio Peace Officer Training Commission or have been issued a certificate of training from a State Highway Patrol training school *and* (2) must have been employed for at least 15 years before the qualification date as a State Highway Patrol trooper or radio operator, or as a full-time peace officer, performing duties related to the enforcement of statutes, ordinances, or codes.

The bill also changes the first existing alternative education or experience qualification requirement (Alternative A above) by removing its aspect that the minimum two years of supervisory experience as a peace officer at the rank or corporal or above, or the appointment as a State Highway Patrol trooper or radio operator and service at the rank of sergeant or above, must have been within the five-year period ending immediately before the qualification date (R.C. 311.01(B)(9)(a)).

COMMENT

1. "Qualification date" means the last day on which a candidate for sheriff can file a declaration of candidacy and petition, a nominating petition and statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office; the last day on which a person may be appointed to fill a vacancy in a party nomination for the office, in the case of a vacancy in the office; or a date 30 days after the day on which a vacancy in the office occurs, in the case of an appointment to fill the vacancy (R.C. 311.01(H)(1)).

2. "Peace officer," as defined by the Peace Officer Training Commission (POTC) Law, includes a deputy sheriff, marshal, deputy marshal, member of the organized police department of any township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority, or a township constable, who is commissioned and employed as a peace officer by a political subdivision or a metropolitan housing authority and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of Ohio, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations (R.C. 109.71(A)(1)--not in the bill).

The term also includes police officers employed by a railroad company and appointed and commissioned by the Secretary of State; certain Department of Taxation employees engaged in the enforcement of the Cigarette Tax Law; undercover drug agents; enforcement agents of the Department of Public Safety; certain Department of Natural Resources employees; certain park district or conservancy district employees; police officers employed by a hospital that employs and maintains its own proprietary police department or security department and who are appointed and commissioned by the Secretary of State; Ohio Veterans' Home police officers; police officers employed by a qualified nonprofit corporation police department; certain state university law enforcement officers; special police officers employed by the Department of Mental Health or Department of Mental Retardation and Developmental Disabilities; members of campus police departments; members of regional transit authority police forces; certain investigators appointed by the Auditor of State; certain special police officers designated by the Superintendent of the State Highway Patrol, employed by a municipal corporation, or employed by a port authority; police officers employed by an owner or operator of certain amusement parks; and police officers employed by banks, specified savings and loan institutions, and credit unions (R.C. 109.71(A)(2) to (21)).

3. R.C. 2901.01(A)(11) defines "law enforcement officer" as follows:

(a) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority, or State Highway Patrol trooper;

(b) An officer, agent, or employee of the state of any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(e) A person lawfully called under statute to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor under statute as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the Armed Forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer;

(j) A member of a police force employed by a regional transit authority;

(k) A special police officer employed by a port authority;

(l) The House sergeant at arms if the House sergeant at arms has arrest authority and an assistant House sergeant at arms;

(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation.

HISTORY

ACTION	DATE
Introduced	05-18-06

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