Ohio Legislative Service Commission

Bill Analysis

Hannah K. Wann

H.B. 215

130th General Assembly
(As Reported by H. Education)

Reps. DeVitis, Young, Ruhl, Hayes, Kunze, Hall, Sprague, Slaby, C. Hagan, Brown, Butler, Dovilla, Baker, Green, Gonzales, Wachtmann, Duffey, O'Brien, Bishoff, Patmon, Brenner

BILL SUMMARY

- Permits a public or nonpublic school to enter into an agreement with a current or retired law enforcement officer to provide volunteer patrol services.
- Requires the sheriff of each county to maintain a list of qualified current and retired law enforcement officers who wish to provide volunteer patrol services.
- Requires a retired law enforcement officer who wishes to provide volunteer patrol services to undergo a criminal records check, at the officer's own expense, every five years.
- Provides a qualified immunity from liability in a civil action for damages for a school district or its board of education, a public or nonpublic governing authority or its members, and any volunteer for injury, death, or loss to person or property allegedly arising from the volunteer's performance of services.
- Provides a nonrefundable personal income tax credit for a current or retired law enforcement officer who volunteers to patrol school premises in the amount of $2 for each hour or part of an hour that services are provided, not to exceed $500 in any taxable year exclusive of any permitted carry over amounts.

CONTENT AND OPERATION

Volunteer patrol of school premises

The bill permits a school district, community school, or STEM school or a chartered nonpublic school to enter into an agreement with current or retired law

enforcement officers, on a volunteer basis, to patrol school premises for the sole purpose of preventing or responding to a mass casualty event connected with illegal activity. Only off-duty and retired law enforcement officers whose names appear on a list of qualified volunteers kept by the sheriff of the county in which the school is located may volunteer to provide such patrol services.[1]

Qualifications

To qualify for inclusion on the sheriff's list, a person must either be (1) a current law enforcement officer "in good standing" or (2) a retired law enforcement officer with a current firearms certification and a current concealed carry license. The bill applies to a current sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper, and to someone who retired from such service in good standing. To be "in good standing," a law enforcement officer must be currently employed, not on probation, and not the subject of a pending criminal disciplinary action or of a criminal or disciplinary action within the past five years that resulted in an adverse judgment or determination.[2]

Retired law enforcement officers must submit to a criminal records check of the type required for a school district employee before being included on the list. Accordingly, a law enforcement officer must be excluded from the list for any offenses for which a person may not be employed by a public or nonpublic school.[3] Any volunteer who is not a current law enforcement officer in good standing (i.e. is retired) must undergo a criminal records check every five years to remain on the list.[4] While the bill requires a volunteer to pay the cost of the criminal records check, it also expressly permits a school district board or school governing authority to reimburse the volunteer for that cost.[5]

Agreement for services

A district board of education or school governing authority that wishes to use the services of volunteers may request a copy of the list of qualified volunteers from the sheriff. Upon request of a board of education or governing authority whose premises are located wholly or partially within the county, the sheriff must provide a paper or

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[1] R.C. 3313.94(B). For definitions of "school," "public school," and "nonpublic school" for purposes of the bill's provisions, see R.C. 5747.64(A).

[2] R.C. 3313.94(A).

[3] See R.C. 3319.39 and 3319.391, neither in the bill.

[4] R.C. 3313.94(B).

[5] R.C. 3313.94(B) and (C).

electronic copy of the list to the board or governing authority. If a volunteer is currently employed elsewhere as a law enforcement officer, the volunteer must obtain the permission of the volunteer's employer before entering into a patrol agreement with a district board or school governing authority. The agreement may include provisions relating to additional training, uniforms, or other matters that the board considers appropriate. As noted above, the bill expressly permits the board or governing authority to reimburse the volunteer for the cost of a criminal records check.[6]

Under the bill, a volunteer is prohibited from spending more than nine hours of any week engaged in volunteer activities under the agreement.[7]

Immunity from civil liability for volunteer patrol services

The bill provides a qualified immunity from civil liability related to a volunteer law enforcement officer's patrol services. Under the bill, a school district, member of a school district board of education, governing authority of a public or nonpublic school, member of a governing authority of a public or nonpublic school, and any volunteer are not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the volunteer's performance of patrol services, unless the injury, death, or loss resulted from the volunteer's reckless or wanton conduct.[8]

Income tax credit for volunteer patrol services

The bill creates a nonrefundable personal state income tax credit for a current or retired law enforcement officer who provides unpaid volunteer "safety and security services" to a public or chartered nonpublic school under the bill. The amount of the credit is equal to $2 for each hour or part of an hour that the volunteer provides such services not to exceed $500 for any taxable year, not including any amount of credit carried forward from a prior year. Any credit amount in excess of the tax due, after allowing for any other preceding credits, may be carried forward for three taxable years.[9]

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[6] R.C. 3313.94(B) and (C).

[7] R.C. 3313.94(C).

[8] R.C. 3313.94(D).

[9] R.C. 5747.08(D)(2)(n), 5747.64, and 5747.98(A)(27).

HISTORY

ACTION	DATE
Introduced	06-19-13
Reported, H. Education	11-07-13

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