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## *Detailed Fiscal Analysis*

### **Overview**

For the purposes of this fiscal analysis, the bill incorporates certain recommendations of the Task Force on Ohio College Campus Safety and Security as follows:

- Requires the Ohio Peace Officer Training Commission (OPOTC) to develop recommendations for advanced in-service training programs for peace officers in conducting law enforcement activities in a higher education setting.
- Enacts a qualified immunity for officers and employees of certain private institutions of higher education.

### **Ohio Peace Officer Training Commission**

OPOTC, which was established in 1965 and placed in the Office of the Attorney General, has the primary charge of oversight of law enforcement training within the state. Existing law prescribes specified duties for OPOTC and authorizes it to perform specified functions. The duties include the OPOTC's recommendation to the Attorney General of rules with respect to specified topics and subjects.

The bill requires OPOTC to recommend rules to the Attorney General regarding advanced in-service training programs for peace officers in the conduct of law enforcement activities in a higher education setting. Under current law, OPOTC recommends rules to the Attorney General with respect to categories or classifications of advanced in-service training programs for peace officers and identifies certain types of such programs.

### **State fiscal effects**

OPOTC will likely incur what might best be viewed as a one-time, at most minimal, expense to develop the required recommendations, to be paid from the GRF or other state funds appropriated for use by the Attorney General.

### **Local fiscal effects**

The bill's OPOTC rules recommendation provision has no readily apparent fiscal implications for local government revenues or expenditures.

### **Qualified immunity**

The bill provides a qualified immunity for officers and employees of certain private institutions of higher education. It appears that such immunity already applies under certain circumstances for officers and employees of state-assisted colleges and universities. Specifically, the bill provides that, except under certain circumstances, an officer or employee of an institution of higher education that holds a certificate of authorization is not liable in damages

for injury, death, or loss to person or property that arises from the officer's or employee's reporting a potential safety risk at the institution of higher education. The immunity does not apply to an officer or employee who acts with malicious purpose, in bad faith, or in a wanton or reckless manner. The bill specifies that this provision of the bill does not affect any immunities from or defenses to tort liability to which the officer or employee may be entitled and that are established by another section of the Revised Code or available at common law.

As a result of the bill's qualified immunity provision, two outcomes seem plausible as follows:

- A civil action that might otherwise have been filed against certain entities or persons under current conditions may not be filed subsequent to the bill's enactment.
- A civil action might be filed against certain entities or persons subsequent to the bill's enactment asserting that the conduct in question was not immune from civil liability.

### **Local fiscal effects**

Either of the two outcomes described in the immediately preceding dot points above would affect the civil dockets of courts of common pleas, municipal courts, and county courts, depending upon the monetary amount of the claim, and also carry potential implications for the operating expenses and revenues of the local civil justice systems that are located within the territorial jurisdiction of those courts. As of this writing, LSC fiscal staff has not gathered any information suggesting that the potential fiscal consequences will be significant for any affected county or municipality. Assuming that were true, the net fiscal effect will be minimal. For the purposes of this fiscal analysis, a minimal effect means that, although the direction of the net fiscal impact is uncertain (expenditure savings or increase and/or revenue gain or loss), its magnitude is estimated at no more than \$5,000 for any affected county or municipal system per year.

### **State fiscal effects**

The bill's qualified immunity provision carries no readily apparent fiscal effects for state revenues and expenditures.

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