



# Ohio Legislative Service Commission

## Bill Analysis

Bethany Boyd

### H.B. 288

129th General Assembly  
(As Introduced)

**Reps.** Combs, O'Brien, Carey, Derickson, Grossman, Johnson, Wachtmann, Maag, Hackett, Yuko

---

## BILL SUMMARY

- Extends to tactical emergency medical technicians, including physicians and nurses, who are providing medical assistance to a SWAT team on a volunteer basis and at the team's request, the same civil immunity afforded employees of political subdivisions.
- Permits a tactical emergency medical technician to carry a firearm into, or possess a firearm on, certain lands and premises during the time that the technician is providing such medical assistance.

---

## CONTENT AND OPERATION

### Civil immunity for tactical EMTs providing volunteer medical assistance

The bill limits the civil liability of "tactical emergency medical technicians" (tactical EMTs), including physicians and nurses, who provide medical assistance on a volunteer basis at the request of a special weapons and tactics team (SWAT team) of a county, township, or municipal law enforcement agency, by extending the civil immunity of the Political Subdivision Tort Liability Law<sup>1</sup> to those tactical EMTs as if they were employees of the political subdivision's SWAT team requesting their medical assistance.<sup>2</sup> The bill defines a tactical EMT as a licensed first responder, emergency medical service technician-basic, emergency medical service technician-intermediate, emergency medical service technician-paramedic, physician, or nurse who is a volunteer providing medical assistance to a SWAT team at the SWAT team's request. A

---

<sup>1</sup> R.C. Chapter 2744.

<sup>2</sup> R.C. 2744.01(B) and (J).

"volunteer" is a person who provides assistance either for no compensation or for compensation that does not exceed the actual expenses incurred in providing the assistance or in training to provide the assistance.<sup>3</sup>

Generally, under the Political Subdivision Tort Liability Law, a political subdivision is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of the political subdivision or its employees in connection with a governmental or proprietary function. (Basically, a "governmental function" is a function that political subdivisions undertake as an obligation of sovereignty and that is for the common good of the citizens, and a "proprietary function" is one that involves activities customarily engaged in by nongovernmental entities, for example, operating a hospital or utility.<sup>4</sup>) The defenses and immunities conferred apply in connection with all governmental and proprietary functions performed by a political subdivision and its employees, whether performed on behalf of that political subdivision or on behalf of another political subdivision.<sup>5</sup>

The Political Subdivision Tort Liability Law also affords an employee of a political subdivision immunity from civil liability, unless the employee's act or omission was manifestly outside the scope of the employee's employment or official responsibilities; the employee's act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner; or civil liability is expressly imposed upon the employee by a state law.<sup>6</sup>

## **Firearm exemptions**

The bill exempts tactical EMTs from the following prohibitions involving firearms so that they may possess or carry a firearm when they are providing medical assistance to a SWAT team on a volunteer basis and at the SWAT team's request:

➤ Possessing a firearm in a room in which any person is consuming liquor in premises or in an open air arena that has been issued a D liquor permit.<sup>7</sup>

---

<sup>3</sup> R.C. 2744.01(K) and (L).

<sup>4</sup> R.C. 2744.01(C) and (G).

<sup>5</sup> R.C. 2744.02, not in the bill.

<sup>6</sup> R.C. 2744.03, not in the bill.

<sup>7</sup> R.C. 2923.121(B)(1)(f).

➤ Knowingly conveying or attempting to convey or knowingly possessing a deadly weapon or ordnance in a school safety zone.<sup>8</sup>

➤ Knowingly conveying or attempting to convey into, or knowingly possessing or having under the person's control in, a courthouse or other building containing a courtroom, a deadly weapon or dangerous ordnance.<sup>9</sup>

➤ Violating a posted sign that prohibits persons from carrying firearms or concealed firearms on or onto private land, or land owned by the state, the United States, or a political subdivision of the state or United States.<sup>10</sup>

In each case, the tactical EMT must be *in open possession* of the firearm during the time that the tactical EMT is performing official duties. In other words, the tactical EMT remains subject to the Concealed Carry Law and any firearm the tactical EMT is carrying must be visible while providing medical assistance to a SWAT team.

---

## HISTORY

ACTION	DATE
Introduced	06-30-11

H0288-I-129.docx/jc

---

<sup>8</sup> R.C. 2923.122(D)(5).

<sup>9</sup> R.C. 2923.123(C)(7).

<sup>10</sup> R.C. 2923.126(C)(3).