



OHIO ASSOCIATION OF CHIEFS OF POLICE, INC.

MEMORANDUM

TO: Chief Brandon Standley
OACP President

FROM: Chief Heinz von Eckartsberg
Chair – Legislative Committee

DATE: April 9, 2018

RE: Legislative Update to the OACP Executive Committee

On behalf of the OACP Legislative Committee, and my co-chair Chief Bruce Pijanowski, I am pleased to provide the following report of our activities and the issues we will be addressing in the near future.

The 132nd Ohio Legislative Session will be coming to a close at the end of this year. We have seen many issues come up in the Legislature that affect law enforcement in Ohio, and the last two months, in particular have been quite busy. With the help of the legislative committee and our lobbyist, Mr. Matt Kallner and his associates, Katelyn Merick and Hannah Yuhl, we have been heavily involved in representing the interests of our Association.

Current issues of interest to the OACP that we are, or have recently been involved with are listed on the following pages. They are separated by the following titles:

1. **Priority and Moving** – These are bills of particular interest to the association or that are moving through the legislature and have a good chance of becoming law. Any bill that is shown in blue font appears to be moving through the legislative process.
2. **OACP Supported Bills** – These are bills supported by our association
3. **OACP Opposed Bills** – These are bills opposed by our association
4. **Bills Where OACP is Neutral/Monitoring** – These are bills where we have not taken a stated position and are monitoring
5. **Not Moving** – These are bills that are not expected to move through the legislative process

On behalf of all the members of the OACP Legislative Committee, and on behalf of our lobbying team at Matt Kallner and Associates, I would like to thank you, Executive Director Donna Harrass, and the Executive Committee for the opportunity to serve the OACP by representing our interests at the Ohio Legislature.

Please contact me if you have any questions regarding the information in this report.

Priority and Moving

1. **HB 419 EMERGENCY VEHICLE LIGHTS AND SIRENS (REP. HENNE – R)**
 - a. To modify the defense to the liability of a member of a police or fire department or emergency medical service of a political subdivision for the negligent operation of a motor vehicle in response to an emergency
 - b. Requires that the vehicle has its lights and sirens simultaneously activated.
 - c. Meetings with Henne, Butler, Hughes, Lanese
 - d. **Status:** **Oppose** 4/11/18 - House Civil Justice, (Second Hearing)
2. **SB 208 FIREARMS CARRY-LAW ENFORCEMENT (Sen. Terhar R)**
 - a. Companion bill HB 253 OFF DUTY FIREARM CARRY
 - b. Eliminate certain CCW restrictions for peace officers: This bill eliminates certain restrictions in the law that pertains to CCW permit holders.
 - c. Allows officials on or off duty to carry a weapon in public places
 - d. Meeting with Sen. Terhar on March 7
 - e. **Status:** **Support** 4/10/18 Senate Judiciary (Third Hearing)
3. **HB 425 POLICE BODY CAMERAS-PUBLIC RECORDS (Rep. Antani-R , Craig-D)**
 - a. Provides public records law exemptions for certain body-worn camera footage: this is a new bill from Rep. Antani. We have attended an IP meeting on this.
 - b. Body worn camera footage of a public school are not public records for purposes of Public Records Law.
 - c. **Status:** **Monitoring.** 1/10/18 House Government Accountability and Oversight committee (First Hearing)
4. **HB 228 USE OF FORCE IN SELF-DEFENSE (Rep. Johnson-R, LaTourette-R)**
 - a. This bill seeks to modify the ORC’s language in 2901.09 regarding the “Stand Your Ground” legislation currently on the books. Eliminates any duty to retreat regardless of where the person is.
 - b. **Penalties**
 1. Carrying a concealed handgun is currently a M-1 unless there is previous CCW conviction or an offense of violence , then it is an F-4
 - a. **MM unless committing another ‘offense’ then current penalties**
 2. Carrying a weapon onto an institution of higher education is M-1 unless they produce a CCW license in 10 days, then an MM
 - a. **MM regardless**
 3. Improper handling of firearms in a motor vehicle where driver/passenger does not have access to loaded firearm is M-4
 - a. **MM unless committing another offense, then current penalties**
 4. Failure to promptly notify LE of weapon and CCW permits is M-1 and permit suspended for 1 year, prior conviction is a F-5
 - a. **MM unless committing another ‘offense’, then current penalties, eliminates license suspension**

5. Failure of permit holder to obey commands of LE during encounter is a M-1 and permit suspending for 1 year, prior conviction is a F-5
 - a. **MM unless committing another ‘offense’ then current penalties**
 6. Permit holders must carry valid ID and their CCW permit
 - a. **Bill allows for just CCW permit to be carried**
 - c. **Status:** [Oppose](#). 4/10/18 BILL AMENDED, House Federalism and Interstate Relations, (Third Hearing)
- 5. HB 115 DATABASE-PERSONS WITH COMMUNICATION DISABILITY (REP. GAVARONE – R, REP. WIGGAM - R)**
- a. Would establish a database for persons who voluntarily register as being diagnosed with a communication disability for purposes of law enforcement notification. LEADS.
 - b. They have not seen any opposition to this bill from anyone thus far
 - c. **Status:** [Support](#). Passed by House 96-0, BILL AMENDED 1/31/18 (Third Hearing, 2/21/18 REPORTED OUT
- 6. HB 233 HANDGUN DECRIMINILIZATION-LEAVING UPON REQUEST (Rep. Becker R)**
- a. Provides a “warning” for offenders carrying CCW into prohibited place. This bill would give a “mulligan” to an offender who carries a concealed weapon into a prohibited place.
 - b. If a person carrying a CCW in a prohibited place (licensed of qualified military member) and they leave upon request, they are given the opportunity to avoid guilt
 - c. If they do not leave upon request, or return with a firearm, they will be penalized with disorderly conduct
 - d. **Status:** [Oppose](#). Passed House, 9/20 Senate Oversight and Reform Committee
- 7. Sub. HB 142 NOTIFYING POLICE OF CONCEALED CARRY (Wiggam - R, Rep. Holmes-D)**
- a. This bill seeks to modify the requirement for a CCW permit holder to notify an LEO that they are in possession of a firearm when stopped for a law enforcement purpose.
 - b. **Status:** [Oppose](#). 12/12/17 Senate Government Oversight and Reform (First Hearing) The OACP, State FOP and BSSA have all testified in opposition to this bill.
- 8. SB 180 FIREARM RELATED LAWS CHANGE (SEN. UECKER – R , SEN. HOTTINGER - R)**
- a. CCW and stand your ground provision of the affirmative defense of self-defense; would repeal one of the three elements that one must prove in order to prevail in self-defense. Also shifts the burden of proof to the prosecutor to prove that it was not self-defense.
 - b. Sen. Cecil Thomas (D-Cincinnati), a former police officer, raised concerns about the “hands in plain sight” language, noting the current law protects officers.
 - c. **Status:** [Oppose](#). 4/10/18 Senate Judiciary (Third Hearing)

9. **SB 6 / HB 71 FRONT LICENSE PLATE FINE (REP. DEVITIS – R)**
- a. Eliminates the need for a front license plate (makes it a secondary offense for not displaying one)
 - b. HB 71 **Status:** [strongly oppose](#). 9/13/17 House Transportation and Public Safety (Fourth Hearing)
 - c. SB6: 3/21/17 Senate Local Government, Public Safety and Veterans Affairs (First Hearing)
10. **Sub. HB 4 COCAINE AMOUNTS DETERMINATION (Rep. Cupp – R, Rogers – D)**
- a. To amend current law so that when determining amounts of cocaine for trafficking or possession charges the calculation includes any mixture, compound, substance, or preparation of cocaine.
 - b. Should be moving sometime soon, Cupp and Eklund want to see it get done
 - c. **Status:** [Support](#) 3/28 Senate Judiciary committee (Third Hearing)
11. **SB 207 FELONIOUS ASSAULT-OFFENSE EXPANSION (Sen. Kunze R)**
- a. Expand felonious assault statute to include strangulation and suffocation.
 - b. This adds a section to the felonious assault law to specifically cite strangulation and suffocation. This is a response to the fact that now, most cases of domestic violence, where a non-fatal strangulation occurs are filed as misdemeanor DV charges.
 - c. **Status:** [Support](#) 11/28 Senate Judiciary (Second Hearing)

OACP Supported Bills

12. **SB 1 DRUG LAWS (SEN. LAROSE- R)**
- a. Would increase penalties for drug trafficking, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.
 - b. **Status:** [Support](#) – 3/21/2018 Informally Passed
13. **HB 585 AMMO & FIREARM OWNERSHIP LIMITS (REP. HENNE – R)**
- a. To expand the definition of dangerous ordnance to include armor piercing ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; to create additional conditions under which an individual may not possess a firearm or dangerous ordnance and to eliminate the process by which an individual may apply for relief from a weapons disability; to generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; to provide for the entry of protection orders into the federal NCIC database and LEADS; and to provide for the issuance by a court of an extreme risk protection order
 - b. **Status:** [Support](#). 4/10/18 House State and Local Government, (First Hearing)
14. **HB 137 – MANDATORY REPORTING- CHILD ABUSE (Rep. Kent - D)**
- a. This legislation adds LEO's- peace officer (municipal and county) to the list of mandated reporters of child abuse.

- b. **Status:** [Support](#). Passed House. 4/11/18 Senate Government Oversight and Reform Committee (First Hearing)
15. **HB120 PRECIOUS METAL DEALERS LAW CHANGES (REP. HENNE R)**
- a. To make changes to the licensing and records requirements exemptions penalties and other provisions of the precious metal dealers law
 - b. We would support an amendment to current law that would prevent a pawnbroker from charging a crime victim to get his stolen property back that is found in a pawnshop.
 - c. *Probably not moving, has not been heard since sponsor testimony in April.*
 - d. **Status:** [Support](#). 4/25/17 House Economic Development Commerce and Labor (first hearing)
16. **HB 548 HEARING PROTECTION – MOTORCYCLE (MCCLAIN – R)**
- a. To permit a person to wear earplugs for hearing protection while operating a motorcycle.
 - b. **Status:** [support](#) 4/11/2018 - House Transportation and Public Safety, (First Hearing)
17. **HB 253 OFF DUTY FIREARM CARRY (REP. HOUSEHOLDER – R, REP. LANESE – R)**
- a. To permit law enforcement officers to carry firearms off duty in places otherwise prohibited for concealed handgun licensees.
 - b. Committee members grilled the FOP sergeant who testified in support of the bill. They didn't really like that the off duty officers were getting more rights than those with CCW permits.
 - c. **Status:** [Support](#). 4/10/2018 - House Federalism and Interstate Relations, (Fourth Hearing)
18. **HB 405 COUNTERFEITING OFFENSE (PERALES – R)**
- a. Creates the offense of counterfeiting and to include counterfeiting within the definition of corrupt activity under the corrupt activities law.
 - b. **Status:** [Support](#). 3/21/2018 PASSED BY HOUSE, 92-1
19. **HB 455 DRUG TRAFFICKING OFFENSES (WIGGAM – R)**
- a. To provide that in determining the amount of cocaine for trafficking offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, to increase penalties for certain drug trafficking offenses, and to name this act the Drug Trafficking Deterrence Act.
 - b. **Status:** [Support](#). 1/23/18 House Criminal Justice (First Hearing)
20. **HB 482 PUBLIC NUISANCE AND BLIGHT FORECLOSURE (LIPPS – R)**
- a. To expedite public nuisance and blight foreclosure actions and to declare an emergency
 - b. Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life,
 - c. **Status:** [support](#). 2/14/18 Referred to Committee House Civil Justice

OACP Opposed Bills

21. **HB 267 LOCAL LIABILITY-VEHICLE NEGLIGENCE**
 - a. Seeks to modify sovereign immunity for first responders. This bill creates more restrictions limiting sovereign immunity for first responders involved in traffic crashes.
 - b. **Status:** [Oppose](#). 9/20/17 House Civil Justice Committee (second hearing)
22. **HB 413: OPERS COLA ADJUSTMENT (Rep. Sherer R)**
 - a. Eliminates COLA (Cost of Living Adjustment) for PERS (Public Employees Retirement System) LE Retirees.
 - b. The COLA would be determined by the percentage change in the Consumer Price Index (CPI), rather than a fixed percentage;
 - c. **Status:** [Oppose](#) 2/6/2018 House Aging and Long Term Care (Third Hearing)
23. **SB 60 LAW ENFORCEMENT DRONE USE (SEN. SKINDELL - D, SEN. JORDAN – R)**
 - a. Regulate the use of drones for gathering evidence (Bill says they need a search warrant, but they argue they need to use the drones in order to gather enough evidence to get a search warrant.
 - b. Do not think this is moving.
 - c. **Status:** [oppose](#). 3/21 Senate Local Government, Public Safety and Veterans Affairs (First Hearing)

Bills Where OACP is Neutral/Monitoring

24. **HB 427: ADDICTION OVERDOSE REPOSE PROGRAMS (Rep. Young R)**
 - a. Opiate overdose prevention: This bill was recently introduced with several tactics to help combat the opiate crisis. :
 - b. Requires the Department of Health to publish monthly drug overdose death information for each county,
 - c. Create grant programs to support faith-based substance abuse services
 - d. Authorizes an income tax deduction for physicians providing such services
 - e. **Status:** [Monitoring](#) 4/11/2018 - House Community and Family Advancement, (Sixth Hearing)
25. **SB 272 PRIVATE INVESTIGATOR, GUARD REGULATION (UECKER -R, LAROSE - R)**
 - a. To amend the requirements related to the licensing and registration of private investigators and security guards.
 - b. Problems OACP has:
 1. The bill currently reads at line 3198 and 3223 that words law enforcement, police, etc. can be used in conjunction with “Ohio” of “State.” Those lines should be modified to read that they cannot be used alone or in conjunction with
 2. There is still language in this bill that allows for carrying firearms other than handguns or shotguns (at line 3407 – 3414)
 - c. **Status:** [Neutral once changes are made](#). 3/21/18 Referred to Committee Senate Government and Oversight Reform

26. **HB 568 SOPHIE'S LAW-ACCIDENT INVESTIGATIONS (BULTER –R)**
- a. Authorizes law enforcement officer to arrest a driver of a motor vehicle if there is probable cause to believe that the driver committed a moving violation due to a motor vehicle accident that caused serious physical harm to or the death of another person.
 - b. Permits the officer to request a warrant to conduct a chemical test to determine whether the driver was under the influence of drugs or alcohol
 - c. **Status:** _____ 3/20/18 Introduced
27. **HB 526 VOLUNTEER SCHOOL SECURITY (DEVITIS – R, SWEENEY – D)**
- a. To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service.
 - b. **Status:** _____ 3/6/2018 Referred to Committee House Education and Career Readiness
28. **HB 318: SCHOOL RESOURCE OFFICER DEFINITION(Rep. Patterson - D, Rep. LaTourette - R)**
- a. Mandatory training for School Resource Officers. This bill mandates specified training for SRO's and that they must be peace officers. It also mandates many operational details.
 - b. *I imagine it will move through the house, but it is begin driven by Chardon City schools, not sure if they will put a ton of effort into this. Bi-partisan support, LaTourette is in leadership.
 - c. **Status:** **Monitoring** 4/10/2018 House Finance (Second Hearing)
29. **HB 79 MEDICAL PROFESSIONAL FIREARMS TRAINING (Rep. Retherford-R, Hagan-R)**
- a. This bill seeks to allow "Tactical Medical Professionals" to carry firearms while on duty. We have some concerns with the bill regarding the specifics of how "on duty" is defined.
 - b. Amendment:
 - a. AM-0916 was added to the bill which clarifies that emergency medical services (EMS) personnel are allowed to carry a weapon with the approval of the Special Weapons And Tactics (SWAT) team to which they are assigned.
 - c. If they specify 'on duty' to mean when they are only with the SWAT (not on EMT duty without them) then they are fine with it
 - d. *Passed the House 90-7, in Senate Judiciary will likely move
 - e. **Status:** **Neutral** Signed by Gov. Kasich
30. **HB 64 EXPUNGEMENT-MISTAKE IDENTITY (REP. SCHURING - R, REP. REECE –D)**
- a. Expunge if criminal sanction is based on mistaken identity. We have expressed concerns because the bill provides for the destruction of all records related to a case involving a person charged with an offense based on a mistaken identity. Charging documents, docket entries, journal entries, subpoenas, and filings could be expunged.
 - b. **Status:** **Neutral** 12/13 House Community and family Advancement Committee (Sixth Hearing)

31. **HB 230 THIN BLUE LINE FLAG (REP. GONZALES –R, REP. GINTER - R)**
a. Prohibits home park operators, condo associations, neighborhood associations and landlords from restricting the display of the thin blue line flag.
b. **Status:** [Monitor](#). 2/20/18 Local Government, Public Safety and Veterans Affairs Committee (Second Hearing)
32. **HB 255 TOWNSHIP OFFICER TRAFFIC ARRESTS (REP. HAMBLEY - R)**
a. Authorizes townships serving a population greater than 5,000 to make arrests for specified traffic offenses on interstate highways within and adjacent to the officer's territory. There as a bill that passed last session after compromising with the Buckeye State Sheriff's Association. The bill seeks authority that was removed from last session's bill.
b. I imagine this will move, it had broad support in its second hearing, and the township association is pretty good at moving their bills, but I would not say it is on a fast track.
c. **Status:** [Monitor](#) 9/13/2017 House Transportation and Public Safety Committee (Second Hearing)
33. **HB 78 ADULT PROTECTIVE SERVICES (Rep. RETHERFORD – R)**
a. Revises laws governing the provision of adult protective services. We were very active with this bill last session. After numerous meetings and a number of versions of the bill, it was rewritten to remove our objections. This bill did not pass last session, but was reintroduced this session and does not contain any objectionable provisions.
b. Probably not moving, has not been heard since sponsor testimony in March of 2017; has about 10-15 bipartisan cosponsors signed on.
c. **Status:** [Monitor](#). 3/9/2017 House Aging and Long Term Care Committee (First Hearing)
34. **SB 231 SIERAH'S LAW: VIOLENT OFFENDER REGISTRY (SEN. GARDNER –R)**
a. Would require the attorney general to establish a violent offender registry.
b. **Status:** [monitor](#). 4/10/2018 - Senate Judiciary, (Third Hearing)
35. **HB 8 PUBLIC RECORDS-MINORS (REP. HAMBLEY –R, REP. REZABEK – R)**
a. Would exempt from public records certain information concerning a minor that is included in a record related to traffic accident involving a school vehicle in which the minor was an occupant.
b. **Status:** [monitor](#) 10/24 reported out, Senate Local Government, Public Safety and Veterans Affairs, (Fifth Hearing)

Not Moving

36. **HB 179 – IMMIGRATION LAW COMPLIANCE (Rep. Keller-R)**
a. This bill would make mandatory that state and local governments cooperate with federal immigration authorities in enforcing immigration law. It provides for removal from office for elected and appointed officials who do not cooperate.
b. **Status:** [opposed](#) – [watch](#) Doesn't look like this bill is going anywhere 5/1/17 Referred to Government Accountability and Oversight Committee

37. **HB 201 CONCEALED HANDGUN REGULATIONS (HOOD – R, BRINKMAN - R)**
- a. Allows a concealed handgun licensee to carry concealed all firearms other than dangerous ordnance or firearms prohibited by state or federal law;
 - b. Repeals the requirement that a licensee stopped for a law enforcement purpose promptly inform an approaching officer if the licensee is carrying a firearm
 - c. Person age 21 or older does not need a concealed handgun license in order to carry a concealed firearm
 - d. **Status:** [oppose](#). 7/5/17 House Federalism and Interstate Relations (Fourth Hearing)
38. **HB 208 TRAFFIC PHOTO RESTRICTION-LOW POPULATION (REP. PATTON R)**
- a. To prohibit a local authority with a population of 200 or fewer from utilizing traffic law photo monitoring devices
 - b. **Status:** [Monitor](#) 5/31 House State and Local Government, (Second Hearing)
39. **HB 209 TRAFFIC PHOTO RESTRICTION-TICKET LIMIT (REP. PATTON R)**
- a. To prohibit a local authority, in any year, from issuing a total number of traffic tickets based on the use of traffic law photo-monitoring devices that exceeds two times the population of the local authority.
 - b. **Status:** [monitor](#) 5/31 House State and Local Government, (Second Hearing)
40. **HB 210 TRAFFIC PHOTO RESTRICTION-REVENUE LIMIT (REP. PATTON R)**
- a. To prohibit a local authority from deriving more than 30 per cent of the total annual revenue of the local authority from the issuance of tickets for traffic law violations based on evidence recorded by traffic law photo-monitoring devices.
 - b. HB 208-210 Attempt to shut down traffic cameras in villages that are speed traps.
 - c. **Status:** [monitor](#) 05/31/2017 House State and Local Government, (Second Hearing)

