

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. Sub. H. B. No. 421**

**Representatives Smith, T., Blair**

**Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien,  
Hambley, Galonski, Hillyer, Clites, Crossman, Ghanbari, Ingram, Miller, J., Rogers**

**Senators Brenner, Burke, Coley, Huffman, S., Johnson, Schaffer**

**A BILL**

To amend sections 109.78, 2744.01, 2744.05, and 1  
4973.17 of the Revised Code to provide a 2  
municipal corporation or county immunity from 3  
civil and criminal liability in any action that 4  
arises from a hospital police officer acting 5  
directly in the discharge of the person's duties 6  
as a police officer and that occurs on the 7  
premises of the hospital or its affiliates or 8  
subsidiaries or elsewhere in the municipal 9  
corporation or county, to modify the definition 10  
of "emergency call," and to expressly exempt, 11  
from a requirement that peace officer basic 12  
training be obtained, certain employees that a 13  
board of education or governing body of a school 14  
authorizes to go armed in a school safety zone 15  
within which the board or governing body has 16  
authority. 17

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.78, 2744.01, 2744.05, and 18

4973.17 of the Revised Code be amended to read as follows: 19

**Sec. 109.78.** (A) The executive director of the Ohio peace 20  
officer training commission, on behalf of the commission and in 21  
accordance with rules promulgated by the attorney general, shall 22  
certify persons who have satisfactorily completed approved 23  
training programs designed to qualify persons for positions as 24  
special police, security guards, or persons otherwise privately 25  
employed in a police capacity and issue appropriate certificates 26  
to such persons. Application for approval of a training program 27  
designed to qualify persons for such positions shall be made to 28  
the commission. An application for approval shall be submitted 29  
to the commission with a fee of one hundred twenty-five dollars, 30  
which fee shall be refunded if the application is denied. Such 31  
programs shall cover only duties and jurisdiction of such 32  
security guards and special police privately employed in a 33  
police capacity when such officers do not qualify for training 34  
under section 109.71 of the Revised Code. A person attending an 35  
approved basic training program administered by the state shall 36  
pay to the agency administering the program the cost of the 37  
person's participation in the program as determined by the 38  
agency. A person attending an approved basic training program 39  
administered by a county or municipal corporation shall pay the 40  
cost of the person's participation in the program, as determined 41  
by the administering subdivision, to the county or the municipal 42  
corporation. A person who is issued a certificate for 43  
satisfactory completion of an approved basic training program 44  
shall pay to the commission a fee of fifteen dollars. A 45  
duplicate of a lost, spoliated, or destroyed certificate may be 46  
issued upon application and payment of a fee of fifteen dollars. 47  
Such certificate or the completion of twenty years of active 48  
duty as a peace officer shall satisfy the educational 49

requirements for appointment or commission as a special police officer or special deputy of a political subdivision of this state. 50  
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(B) (1) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify basic firearms training programs, and shall issue certificates to class A, B, or C licensees or prospective class A, B, or C licensees under Chapter 4749. of the Revised Code and to registered or prospective employees of such class A, B, or C licensees who have satisfactorily completed a basic firearms training program of the type described in division (A) (1) of section 4749.10 of the Revised Code. 53  
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Application for approval of a basic firearms training program shall be made to the commission. An application shall be submitted to the commission with a fee of one hundred dollars, which fee shall be refunded if the application is denied. 63  
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A person who is issued a certificate for satisfactory completion of an approved basic firearms training program shall pay a fee of ten dollars to the commission. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of five dollars. 67  
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(2) The executive director, on behalf of the commission and in accordance with rules promulgated by the attorney general, also shall certify firearms requalification training programs and instructors for the annual requalification of class A, B, or C licensees under Chapter 4749. of the Revised Code and registered or prospective employees of such class A, B, or C licensees who are authorized to carry a firearm under section 4749.10 of the Revised Code. Application for approval of a 72  
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training program or instructor for such purpose shall be made to 80  
the commission. Such an application shall be submitted to the 81  
commission with a fee of fifty dollars, which fee shall be 82  
refunded if the application is denied. 83

(3) The executive director, upon request, also shall 84  
review firearms training received within three years prior to 85  
November 23, 1985, by any class A, B, or C licensee or 86  
prospective class A, B, or C licensee, or by any registered or 87  
prospective employee of any class A, B, or C licensee under 88  
Chapter 4749. of the Revised Code to determine if the training 89  
received is equivalent to a basic firearms training program that 90  
includes twenty hours of handgun training and five hours of 91  
training in the use of other firearms, if any other firearm is 92  
to be used. If the executive director determines the training 93  
was received within the three-year period and that it is 94  
equivalent to such a program, the executive director shall issue 95  
written evidence of approval of the equivalency training to the 96  
licensee or employee. 97

(C) There is hereby established in the state treasury the 98  
peace officer private security fund, which shall be used by the 99  
Ohio peace officer training commission to administer the 100  
training program to qualify persons for positions as special 101  
police, security guards, or other private employment in a police 102  
capacity, as described in division (A) of this section, and the 103  
training program in basic firearms and the training program for 104  
firearms requalification, both as described in division (B) of 105  
this section. All fees paid to the commission by applicants for 106  
approval of a training program designed to qualify persons for 107  
such private police positions, basic firearms training program, 108  
or a firearms requalification training program or instructor, as 109  
required by division (A) or (B) of this section, by persons who 110

satisfactorily complete a private police training program or a 111  
basic firearms training program, as required by division (A) or 112  
(B) of this section, or by persons who satisfactorily requalify 113  
in firearms use, as required by division (B) (2) of section 114  
4749.10 of the Revised Code, shall be transmitted to the 115  
treasurer of state for deposit in the fund. The fund shall be 116  
used only for the purpose set forth in this division. 117

~~(D) No (1) Subject to division (D) (2) of this section, no 118  
public or private educational institution or superintendent of 119  
the state highway patrol shall employ a person as a special 120  
police officer, security guard, or ~~other~~ for a similar law 121  
enforcement or security position in which such person goes armed 122  
while on duty, who has not received a certificate of having 123  
satisfactorily completed an approved basic peace officer 124  
training program, unless the person has completed twenty years 125  
of active duty as a peace officer. 126~~

(2) Division (D) (1) of this section does not apply with 127  
respect to the employment of a person by a board of education or 128  
governing body of a school in a position in which the person has 129  
been authorized by a school board to voluntarily go armed within 130  
a school safety zone within which the board or governing body 131  
has authority, if both of the following apply with respect to 132  
the employment and person: 133

(a) The person will be going armed within a school safety 134  
zone within which the board or governing body has authority 135  
pursuant to written authorization from the board of education or 136  
governing body of the school, as described in division (D) (1) (a) 137  
of section 2923.122 of the Revised Code, to convey deadly 138  
weapons into, or to possess a deadly weapon in, a school safety 139  
zone within which the board or governing body has authority. 140

(b) The person is not being employed as a special police officer or security officer. 141  
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**Sec. 2744.01.** As used in this chapter: 143

(A) "Emergency call" means a ~~call to duty, including, but not limited to, communications communication from citizens~~a citizen, a police dispatches dispatch, and other peace officers, or personal ~~observations~~observation and knowledge by a peace officers of officer, only if that communication, dispatch, or personal peace officer observation or knowledge involves or concerns an inherently dangerous situations~~situation~~ that ~~demand~~demands an immediate response on the part of a peace officer. 144  
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(B) "Employee" means an officer, agent, employee, or servant, whether or not compensated or full-time or part-time, who is authorized to act and is acting within the scope of the officer's, agent's, employee's, or servant's employment for a political subdivision. "Employee" does not include an independent contractor and does not include any individual engaged by a school district pursuant to section 3319.301 of the Revised Code. "Employee" includes any elected or appointed official of a political subdivision. "Employee" also includes a person who has been convicted of or pleaded guilty to a criminal offense and who has been sentenced to perform community service work in a political subdivision whether pursuant to section 2951.02 of the Revised Code or otherwise, and a child who is found to be a delinquent child and who is ordered by a juvenile court pursuant to section 2152.19 or 2152.20 of the Revised Code to perform community service or community work in a political subdivision. 153  
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(C) (1) "Governmental function" means a function of a 170

political subdivision that is specified in division (C) (2) of	171
this section or that satisfies any of the following:	172
(a) A function that is imposed upon the state as an	173
obligation of sovereignty and that is performed by a political	174
subdivision voluntarily or pursuant to legislative requirement;	175
(b) A function that is for the common good of all citizens	176
of the state;	177
(c) A function that promotes or preserves the public	178
peace, health, safety, or welfare; that involves activities that	179
are not engaged in or not customarily engaged in by	180
nongovernmental persons; and that is not specified in division	181
(G) (2) of this section as a proprietary function.	182
(2) A "governmental function" includes, but is not limited	183
to, the following:	184
(a) The provision or nonprovision of police, fire,	185
emergency medical, ambulance, and rescue services or protection;	186
(b) The power to preserve the peace; to prevent and	187
suppress riots, disturbances, and disorderly assemblages; to	188
prevent, mitigate, and clean up releases of oil and hazardous	189
and extremely hazardous substances as defined in section 3750.01	190
of the Revised Code; and to protect persons and property;	191
(c) The provision of a system of public education;	192
(d) The provision of a free public library system;	193
(e) The regulation of the use of, and the maintenance and	194
repair of, roads, highways, streets, avenues, alleys, sidewalks,	195
bridges, aqueducts, viaducts, and public grounds;	196
(f) Judicial, quasi-judicial, prosecutorial, legislative,	197

and quasi-legislative functions;	198
(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses;	199 200 201 202
(h) The design, construction, reconstruction, renovation, repair, maintenance, and operation of jails, places of juvenile detention, workhouses, or any other detention facility, as defined in section 2921.01 of the Revised Code;	203 204 205 206
(i) The enforcement or nonperformance of any law;	207
(j) The regulation of traffic, and the erection or nonerection of traffic signs, signals, or control devices;	208 209
(k) The collection and disposal of solid wastes, as defined in section 3734.01 of the Revised Code, including, but not limited to, the operation of solid waste disposal facilities, as "facilities" is defined in that section, and the collection and management of hazardous waste generated by households. As used in division (C) (2) (k) of this section, "hazardous waste generated by households" means solid waste originally generated by individual households that is listed specifically as hazardous waste in or exhibits one or more characteristics of hazardous waste as defined by rules adopted under section 3734.12 of the Revised Code, but that is excluded from regulation as a hazardous waste by those rules.	210 211 212 213 214 215 216 217 218 219 220 221
(l) The provision or nonprovision, planning or design, construction, or reconstruction of a public improvement, including, but not limited to, a sewer system;	222 223 224
(m) The operation of a job and family services department or agency, including, but not limited to, the provision of	225 226

assistance to aged and infirm persons and to persons who are	227
indigent;	228
(n) The operation of a health board, department, or	229
agency, including, but not limited to, any statutorily required	230
or permissive program for the provision of immunizations or	231
other inoculations to all or some members of the public,	232
provided that a "governmental function" does not include the	233
supply, manufacture, distribution, or development of any drug or	234
vaccine employed in any such immunization or inoculation program	235
by any supplier, manufacturer, distributor, or developer of the	236
drug or vaccine;	237
(o) The operation of mental health facilities,	238
developmental disabilities facilities, alcohol treatment and	239
control centers, and children's homes or agencies;	240
(p) The provision or nonprovision of inspection services	241
of all types, including, but not limited to, inspections in	242
connection with building, zoning, sanitation, fire, plumbing,	243
and electrical codes, and the taking of actions in connection	244
with those types of codes, including, but not limited to, the	245
approval of plans for the construction of buildings or	246
structures and the issuance or revocation of building permits or	247
stop work orders in connection with buildings or structures;	248
(q) Urban renewal projects and the elimination of slum	249
conditions, including the performance of any activity that a	250
county land reutilization corporation is authorized to perform	251
under Chapter 1724. or 5722. of the Revised Code;	252
(r) Flood control measures;	253
(s) The design, construction, reconstruction, renovation,	254
operation, care, repair, and maintenance of a township cemetery;	255

(t) The issuance of revenue obligations under section 140.06 of the Revised Code;	256 257
(u) The design, construction, reconstruction, renovation, repair, maintenance, and operation of any school athletic facility, school auditorium, or gymnasium or any recreational area or facility, including, but not limited to, any of the following:	258 259 260 261 262
(i) A park, playground, or playfield;	263
(ii) An indoor recreational facility;	264
(iii) A zoo or zoological park;	265
(iv) A bath, swimming pool, pond, water park, wading pool, wave pool, water slide, or other type of aquatic facility;	266 267
(v) A golf course;	268
(vi) A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;	269 270 271
(vii) A rope course or climbing walls;	272
(viii) An all-purpose vehicle facility in which all-purpose vehicles, as defined in section 4519.01 of the Revised Code, are contained, maintained, or operated for recreational activities.	273 274 275 276
(v) The provision of public defender services by a county or joint county public defender's office pursuant to Chapter 120. of the Revised Code;	277 278 279
(w) (i) At any time before regulations prescribed pursuant to 49 U.S.C.A 20153 become effective, the designation, establishment, design, construction, implementation, operation,	280 281 282

repair, or maintenance of a public road rail crossing in a zone 283  
within a municipal corporation in which, by ordinance, the 284  
legislative authority of the municipal corporation regulates the 285  
sounding of locomotive horns, whistles, or bells; 286

(ii) On and after the effective date of regulations 287  
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 288  
establishment, design, construction, implementation, operation, 289  
repair, or maintenance of a public road rail crossing in such a 290  
zone or of a supplementary safety measure, as defined in 49 291  
U.S.C.A 20153, at or for a public road rail crossing, if and to 292  
the extent that the public road rail crossing is excepted, 293  
pursuant to subsection (c) of that section, from the requirement 294  
of the regulations prescribed under subsection (b) of that 295  
section. 296

(x) A function that the general assembly mandates a 297  
political subdivision to perform. 298

(D) "Law" means any provision of the constitution, 299  
statutes, or rules of the United States or of this state; 300  
provisions of charters, ordinances, resolutions, and rules of 301  
political subdivisions; and written policies adopted by boards 302  
of education. When used in connection with the "common law," 303  
this definition does not apply. 304

(E) "Motor vehicle" has the same meaning as in section 305  
4511.01 of the Revised Code. 306

(F) "Political subdivision" or "subdivision" means a 307  
municipal corporation, township, county, school district, or 308  
other body corporate and politic responsible for governmental 309  
activities in a geographic area smaller than that of the state. 310  
"Political subdivision" includes, but is not limited to, a 311

county hospital commission appointed under section 339.14 of the Revised Code, board of hospital commissioners appointed for a municipal hospital under section 749.04 of the Revised Code, board of hospital trustees appointed for a municipal hospital under section 749.22 of the Revised Code, regional planning commission created pursuant to section 713.21 of the Revised Code, county planning commission created pursuant to section 713.22 of the Revised Code, joint planning council created pursuant to section 713.231 of the Revised Code, interstate regional planning commission created pursuant to section 713.30 of the Revised Code, port authority created pursuant to section 4582.02 or 4582.26 of the Revised Code or in existence on December 16, 1964, regional council established by political subdivisions pursuant to Chapter 167. of the Revised Code, emergency planning district and joint emergency planning district designated under section 3750.03 of the Revised Code, joint emergency medical services district created pursuant to section 307.052 of the Revised Code, fire and ambulance district created pursuant to section 505.375 of the Revised Code, joint interstate emergency planning district established by an agreement entered into under that section, county solid waste management district and joint solid waste management district established under section 343.01 or 343.012 of the Revised Code, community school established under Chapter 3314. of the Revised Code, county land reutilization corporation organized under Chapter 1724. of the Revised Code, the county or counties served by a community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code, a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated, and the facility

governing board of a community-based correctional facility and 344  
program or district community-based correctional facility and 345  
program that is so established and operated. 346

(G) (1) "Proprietary function" means a function of a 347  
political subdivision that is specified in division (G) (2) of 348  
this section or that satisfies both of the following: 349

(a) The function is not one described in division (C) (1) 350  
(a) or (b) of this section and is not one specified in division 351  
(C) (2) of this section; 352

(b) The function is one that promotes or preserves the 353  
public peace, health, safety, or welfare and that involves 354  
activities that are customarily engaged in by nongovernmental 355  
persons. 356

(2) A "proprietary function" includes, but is not limited 357  
to, the following: 358

(a) The operation of a hospital by one or more political 359  
subdivisions; 360

(b) The design, construction, reconstruction, renovation, 361  
repair, maintenance, and operation of a public cemetery other 362  
than a township cemetery; 363

(c) The establishment, maintenance, and operation of a 364  
utility, including, but not limited to, a light, gas, power, or 365  
heat plant, a railroad, a busline or other transit company, an 366  
airport, and a municipal corporation water supply system; 367

(d) The maintenance, destruction, operation, and upkeep of 368  
a sewer system; 369

(e) The operation and control of a public stadium, 370  
auditorium, civic or social center, exhibition hall, arts and 371

crafts center, band or orchestra, or off-street parking 372  
facility. 373

(H) "Public roads" means public roads, highways, streets, 374  
avenues, alleys, and bridges within a political subdivision. 375  
"Public roads" does not include berms, shoulders, rights-of-way, 376  
or traffic control devices unless the traffic control devices 377  
are mandated by the Ohio manual of uniform traffic control 378  
devices. 379

(I) "State" means the state of Ohio, including, but not 380  
limited to, the general assembly, the supreme court, the offices 381  
of all elected state officers, and all departments, boards, 382  
offices, commissions, agencies, colleges and universities, 383  
institutions, and other instrumentalities of the state of Ohio. 384  
"State" does not include political subdivisions. 385

**Sec. 2744.05.** Notwithstanding any other provisions of the 386  
Revised Code or rules of a court to the contrary, in an action 387  
against a political subdivision to recover damages for injury, 388  
death, or loss to person or property caused by an act or 389  
omission in connection with a governmental or proprietary 390  
function: 391

(A) Punitive or exemplary damages shall not be awarded. 392

(B) (1) If a claimant receives or is entitled to receive 393  
benefits for injuries or loss allegedly incurred from a policy 394  
or policies of insurance or any other source, the benefits shall 395  
be disclosed to the court, and the amount of the benefits shall 396  
be deducted from any award against a political subdivision 397  
recovered by that claimant. No insurer or other person is 398  
entitled to bring an action under a subrogation provision in an 399  
insurance or other contract against a political subdivision with 400

respect to those benefits. 401

The amount of the benefits shall be deducted from an award 402  
against a political subdivision under division (B) (1) of this 403  
section regardless of whether the claimant may be under an 404  
obligation to pay back the benefits upon recovery, in whole or 405  
in part, for the claim. A claimant whose benefits have been 406  
deducted from an award under division (B) (1) of this section is 407  
not considered fully compensated and shall not be required to 408  
reimburse a subrogated claim for benefits deducted from an award 409  
pursuant to division (B) (1) of this section. 410

(2) Nothing in division (B) (1) of this section shall be 411  
construed to do either of the following: 412

(a) Limit the rights of a beneficiary under a life 413  
insurance policy or the rights of sureties under fidelity or 414  
surety bonds; 415

(b) Prohibit the department of medicaid from recovering 416  
from the political subdivision, pursuant to section 5160.37 of 417  
the Revised Code, the cost of medical assistance provided under 418  
a medical assistance program. 419

(C) (1) There shall not be any limitation on compensatory 420  
damages that represent the actual loss of the person who is 421  
awarded the damages. However, except in wrongful death actions 422  
brought pursuant to Chapter 2125. of the Revised Code, damages 423  
that arise from the same cause of action, transaction or 424  
occurrence, or series of transactions or occurrences and that do 425  
not represent the actual loss of the person who is awarded the 426  
damages shall not exceed two hundred fifty thousand dollars in 427  
favor of any one person. The limitation on damages that do not 428  
represent the actual loss of the person who is awarded the 429

damages provided in this division does not apply to court costs 430  
that are awarded to a plaintiff, or to interest on a judgment 431  
rendered in favor of a plaintiff, in an action against a 432  
political subdivision. 433

(2) Any compensatory damages recoverable against a 434  
political subdivision for a peace officer's, fire fighter's, or 435  
emergency medical technician's operation of a motor vehicle 436  
shall be reduced by the percentage of contributory fault 437  
attributable to the plaintiff or any other parties, subject to 438  
sections 2307.22, 2307.23, and 2315.32 to 2315.36 of the Revised 439  
Code. 440

(3) As used in this division, "the actual loss of the 441  
person who is awarded the damages" includes all of the 442  
following: 443

(a) All wages, salaries, or other compensation lost by the 444  
person injured as a result of the injury, including wages, 445  
salaries, or other compensation lost as of the date of a 446  
judgment and future expected lost earnings of the person 447  
injured; 448

(b) All expenditures of the person injured or another 449  
person on behalf of the person injured for medical care or 450  
treatment, for rehabilitation services, or for other care, 451  
treatment, services, products, or accommodations that were 452  
necessary because of the injury; 453

(c) All expenditures to be incurred in the future, as 454  
determined by the court, by the person injured or another person 455  
on behalf of the person injured for medical care or treatment, 456  
for rehabilitation services, or for other care, treatment, 457  
services, products, or accommodations that will be necessary 458

because of the injury; 459

(d) All expenditures of a person whose property was 460  
injured or destroyed or of another person on behalf of the 461  
person whose property was injured or destroyed in order to 462  
repair or replace the property that was injured or destroyed; 463

(e) All expenditures of the person injured or of the 464  
person whose property was injured or destroyed or of another 465  
person on behalf of the person injured or of the person whose 466  
property was injured or destroyed in relation to the actual 467  
preparation or presentation of the claim involved; 468

(f) Any other expenditures of the person injured or of the 469  
person whose property was injured or destroyed or of another 470  
person on behalf of the person injured or of the person whose 471  
property was injured or destroyed that the court determines 472  
represent an actual loss experienced because of the personal or 473  
property injury or property loss. 474

"The actual loss of the person who is awarded the damages" 475  
does not include any fees paid or owed to an attorney for any 476  
services rendered in relation to a personal or property injury 477  
or property loss, and does not include any damages awarded for 478  
pain and suffering, for the loss of society, consortium, 479  
companionship, care, assistance, attention, protection, advice, 480  
guidance, counsel, instruction, training, or education of the 481  
person injured, for mental anguish, or for any other intangible 482  
loss. 483

**Sec. 4973.17.** (A) (1) Upon the application of any bank; 484  
savings and loan association; savings bank; credit union; or 485  
association of banks, savings and loan associations, savings 486  
banks, or credit unions in this state, the secretary of state 487

may appoint and commission any persons that the bank; savings 488  
and loan association; savings bank; credit union; or association 489  
of banks, savings and loan associations, savings banks, or 490  
credit unions designates, or as many of those persons as the 491  
secretary of state considers proper, to act as police officers 492  
for and on the premises of that bank; savings and loan 493  
association; savings bank; credit union; or association of 494  
banks, savings and loan associations, savings banks, or credit 495  
unions; or elsewhere, when directly in the discharge of their 496  
duties. Police officers so appointed shall be citizens of this 497  
state and of good character. Police officers so appointed who 498  
start to perform their duties on or after April 14, 2006, shall 499  
successfully complete a training program approved by the Ohio 500  
peace officer training commission described in section 109.71 of 501  
the Revised Code and be certified by the commission within six 502  
months after starting to perform their duties. Police officers 503  
so appointed shall hold office for three years, unless, for good 504  
cause shown, their commission is revoked by the secretary of 505  
state, or by the bank; savings and loan association; savings 506  
bank; credit union; or association of banks, savings and loan 507  
associations, savings banks, or credit unions, as provided by 508  
law. 509

(2) Persons commissioned as police officers pursuant to 510  
division (A) of this section prior to April 14, 2006, who have 511  
not successfully completed a training program approved by the 512  
Ohio peace officer training commission, and who have not been 513  
certified by the commission, may be reappointed and re- 514  
commissioned by the secretary of state only during the person's 515  
continuous employment as a police officer by the institution for 516  
which the person was employed on April 14, 2006, or by a 517  
successor institution to the institution for which the person 518

was employed on April 14, 2006. The secretary of state shall 519  
note on such appointments and commissions that the person is not 520  
a peace officer as defined in section 109.71 of the Revised 521  
Code. 522

(3) For the exclusive purpose of assigning break in 523  
service update training as prescribed in rule 109:2-1-12 (D) of 524  
the Administrative Code, a police officer appointed under 525  
division (A) of this section, who began performing police 526  
officer duties on or before April 14, 2006, shall be credited as 527  
holding a valid peace officer appointment retroactive to the 528  
date on which the officer began performing these duties. 529

(B) Upon the application of a company owning or using a 530  
railroad in this state and subject to section 4973.171 of the 531  
Revised Code, the secretary of state may appoint and commission 532  
any persons that the railroad company designates, or as many of 533  
those persons as the secretary of state considers proper, to act 534  
as police officers for and on the premises of the railroad 535  
company, its affiliates or subsidiaries, or elsewhere, when 536  
directly in the discharge of their duties. Police officers so 537  
appointed, within the time set by the Ohio peace officer 538  
training commission, shall successfully complete a commission 539  
approved training program and be certified by the commission. 540  
They shall hold office for three years, unless, for good cause 541  
shown, their commission is revoked by the secretary of state, or 542  
railroad company, as provided by law. 543

Any person holding a similar commission in another state 544  
may be commissioned and may hold office in this state without 545  
completing the approved training program required by this 546  
division provided that the person has completed a substantially 547  
equivalent training program in the other state. The Ohio peace 548

officer training commission shall determine whether a training 549  
program in another state meets the requirements of this 550  
division. 551

(C) Upon the application of any company under contract 552  
with the United States atomic energy commission for the 553  
construction or operation of a plant at a site owned by the 554  
commission, the secretary of state may appoint and commission 555  
persons the company designates, not to exceed one hundred fifty, 556  
to act as police officers for the company at the plant or site 557  
owned by the commission. Police officers so appointed shall be 558  
citizens of this state and of good character. They shall hold 559  
office for three years, unless, for good cause shown, their 560  
commission is revoked by the secretary of state or by the 561  
company, as provided by law. 562

(D) (1) Upon the application of any hospital that is 563  
operated by a public hospital agency or a nonprofit hospital 564  
agency and that employs and maintains its own proprietary police 565  
department or security department and subject to section 566  
4973.171 of the Revised Code, the secretary of state may appoint 567  
and commission any persons that the hospital designates, or as 568  
many of those persons as the secretary of state considers 569  
proper, to act as police officers for the hospital. No person 570  
who is appointed as a police officer under this division shall 571  
engage in any duties or activities as a police officer for the 572  
hospital or any affiliate or subsidiary of the hospital unless 573  
all of the following apply: 574

(a) The chief of police of the municipal corporation in 575  
which the hospital is located or, if the hospital is located in 576  
the unincorporated area of a county, the sheriff of that county 577  
has granted approval to the hospital to permit persons appointed 578

as police officers under this division to engage in those duties 579  
and activities. The approval required by this division is 580  
general in nature and is intended to cover in the aggregate all 581  
persons appointed as police officers for the hospital under this 582  
division; a separate approval is not required for each appointee 583  
on an individual basis. 584

(b) Subsequent to the grant of approval described in 585  
division (D) (1) (a) of this section, the hospital has entered 586  
into a written agreement with the chief of police of the 587  
municipal corporation in which the hospital is located or, if 588  
the hospital is located in the unincorporated area of a county, 589  
with the sheriff of that county, that sets forth the standards 590  
and criteria to govern the interaction and cooperation between 591  
persons appointed as police officers for the hospital under this 592  
division and law enforcement officers serving the agency 593  
represented by the chief of police or sheriff who signed the 594  
agreement in areas of their concurrent jurisdiction. The written 595  
agreement shall be signed by the appointing authority of the 596  
hospital and by the chief of police or sheriff. The standards 597  
and criteria may include, but are not limited to, provisions 598  
governing the reporting of offenses discovered by hospital 599  
police officers to the agency represented by the chief of police 600  
or sheriff, provisions governing investigatory responsibilities 601  
relative to offenses committed on hospital property, and 602  
provisions governing the processing and confinement of persons 603  
arrested for offenses committed on hospital property. The 604  
agreement required by this division is intended to apply in the 605  
aggregate to all persons appointed as police officers for the 606  
hospital under this division; a separate agreement is not 607  
required for each appointee on an individual basis. 608

(c) The person has successfully completed a training 609

program approved by the Ohio peace officer training commission 610  
and has been certified by the commission. A person appointed as 611  
a police officer under this division may attend a training 612  
program approved by the commission and be certified by the 613  
commission regardless of whether the appropriate chief of police 614  
or sheriff has granted the approval described in division (D) (1) 615  
(a) of this section and regardless of whether the hospital has 616  
entered into the written agreement described in division (D) (1) 617  
(b) of this section with the appropriate chief of police or 618  
sheriff. 619

(2) (a) A person who is appointed as a police officer under 620  
division (D) (1) of this section is entitled, upon the grant of 621  
approval described in division (D) (1) (a) of this section and 622  
upon the person's and the hospital's compliance with the 623  
requirements of divisions (D) (1) (b) and (c) of this section, to 624  
act as a police officer for the hospital on the premises of the 625  
hospital and of its affiliates and subsidiaries that are within 626  
the territory of the municipal corporation served by the chief 627  
of police or the unincorporated area of the county served by the 628  
sheriff who signed the written agreement described in division 629  
(D) (1) (b) of this section, whichever is applicable, and anywhere 630  
else within the territory of that municipal corporation or 631  
within the unincorporated area of that county. The authority to 632  
act as a police officer as described in this division is granted 633  
only if the person, when engaging in that activity, is directly 634  
in the discharge of the person's duties as a police officer for 635  
the hospital. The authority to act as a police officer as 636  
described in this division shall be exercised in accordance with 637  
the standards and criteria set forth in the written agreement 638  
described in division (D) (1) (b) of this section. 639

(b) Additionally, a person appointed as a police officer 640

under division (D) (1) of this section is entitled, upon the 641  
grant of approval described in division (D) (1) (a) of this 642  
section and upon the person's and the hospital's compliance with 643  
the requirements of divisions (D) (1) (b) and (c) of this section, 644  
to act as a police officer elsewhere, within the territory of a 645  
municipal corporation or within the unincorporated area of a 646  
county, if the chief of police of that municipal corporation or 647  
the sheriff of that county, respectively, has granted approval 648  
for that activity to the hospital, police department, or 649  
security department served by the person as a police officer and 650  
if the person, when engaging in that activity, is directly in 651  
the discharge of the person's duties as a police officer for the 652  
hospital. The approval described in this division may be general 653  
in nature or may be limited in scope, duration, or 654  
applicability, as determined by the chief of police or sheriff 655  
granting the approval. 656

(3) Police officers appointed under division (D) (1) of 657  
this section shall hold office for three years, unless, for good 658  
cause shown, their commission is revoked by the secretary of 659  
state or by the hospital, as provided by law. 660

(4) Notwithstanding section 2744.02 of the Revised Code, 661  
the municipal corporation in which the hospital is located or, 662  
if the hospital is located in the unincorporated area of a 663  
county, the county is immune from civil or criminal liability in 664  
any action brought under the laws of this state if all of the 665  
following apply: 666

(a) The action arises out of the actions of a police 667  
officer appointed under division (D) (1) of this section. 668

(b) The actions of the police officer are directly in the 669  
discharge of the person's duties as a police officer for the 670

hospital. 671

(c) The actions of the police officer occur on the 672  
premises of the hospital or its affiliates or subsidiaries that 673  
are within the territory of the municipal corporation served by 674  
the chief of police or the unincorporated area of the county 675  
served by the sheriff who signed the agreement described in 676  
division (D) (1) (b) of this section, whichever is applicable, or 677  
anywhere else within the territory of that municipal corporation 678  
or within the unincorporated area of that county. 679

(5) A court's finding of tort liability of any public 680  
hospital agency or nonprofit hospital agency for any actions of 681  
a police officer appointed for the applicable hospital agency 682  
under division (D) (1) of this section is not subject to 683  
apportionment of tort liability under sections 2307.22 and 684  
2307.23 of the Revised Code with the municipal corporation or 685  
the county in which a written agreement as described in division 686  
(D) (1) (b) is in effect. 687

(6) Nothing in division (D) (4) of this section shall be 688  
construed as granting immunity from civil or criminal liability 689  
for any actions occurring on the premises of any hospital 690  
operated by a public hospital agency or nonprofit hospital 691  
agency or on the premises of that hospital's affiliate or 692  
subsidiary to any of the following: 693

(a) Any police officer appointed under division (D) (1) of 694  
this section; 695

(b) Any hospital operated by a public hospital agency or a 696  
nonprofit hospital agency that applied for the appointment of 697  
any police officer under division (D) (1) of this section, or any 698  
affiliate or subsidiary of the hospital; 699

(c) Any other police or security officer who is employed 700  
by, or whose services are utilized by, any hospital operated by 701  
a public hospital agency or a nonprofit hospital agency, or any 702  
affiliate or subsidiary of the hospital; 703

(d) Any entity that supplies the services of police or 704  
security officers to any hospital operated by a public hospital 705  
agency or a nonprofit hospital agency or any affiliate or 706  
subsidiary of the hospital. 707

(7) As used in ~~divisions~~ division (D) ~~(1) to (3)~~ of this 708  
section, "public: 709

(a) "Public hospital agency" and "nonprofit hospital 710  
agency" have the same meanings as in section 140.01 of the 711  
Revised Code. 712

(b) "Tort liability" means the liability of a party as 713  
determined by a court in a tort action as defined in section 714  
2307.011 of the Revised Code. 715

(E) (1) Upon the application of any owner or operator of an 716  
amusement park that has an average yearly attendance in excess 717  
of six hundred thousand guests and that employs and maintains 718  
its own proprietary police department or security department and 719  
subject to section 4973.171 of the Revised Code, any judge of 720  
the municipal court or county court that has territorial 721  
jurisdiction over the amusement park may appoint and commission 722  
any persons that the owner or operator designates, or as many of 723  
those persons as the judge considers proper, to act as police 724  
officers for the amusement park. If the amusement park is 725  
located in more than one county, any judge of the municipal 726  
court or county court of any of those counties may make the 727  
appointments and commissions as described in this division. No 728

person who is appointed as a police officer under this division 729  
shall engage in any duties or activities as a police officer for 730  
the amusement park or any affiliate or subsidiary of the owner 731  
or operator of the amusement park unless all of the following 732  
apply: 733

(a) The appropriate chief or chiefs of police of the 734  
political subdivision or subdivisions in which the amusement 735  
park is located as specified in this division have granted 736  
approval to the owner or operator of the amusement park to 737  
permit persons appointed as police officers under this division 738  
to engage in those duties and activities. If the amusement park 739  
is located in a single municipal corporation or a single 740  
township, the chief of police of that municipal corporation or 741  
township is the appropriate chief of police for the grant of 742  
approval under this division. If the amusement park is located 743  
in two or more townships, two or more municipal corporations, or 744  
one or more townships and one or more municipal corporations, 745  
the chiefs of police of all of the affected townships and 746  
municipal corporations are the appropriate chiefs of police for 747  
the grant of approval under this division, and the approval must 748  
be jointly granted by all of those chiefs of police. The 749  
approval required by this division is general in nature and is 750  
intended to cover in the aggregate all persons appointed as 751  
police officers for the amusement park under this division. A 752  
separate approval is not required for each appointee on an 753  
individual basis. 754

(b) Subsequent to the grant of approval described in 755  
division (E) (1) (a) of this section, the owner or operator has 756  
entered into a written agreement with the appropriate chief or 757  
chiefs of police of the political subdivision or subdivisions in 758  
which the amusement park is located as specified in this 759

division and has provided the sheriff of the county in which the 760  
political subdivision or subdivisions are located with a copy of 761  
the agreement. If the amusement park is located in a single 762  
municipal corporation or a single township, the chief of police 763  
of that municipal corporation or township is the appropriate 764  
chief of police for entering into the written agreement under 765  
this division. If the amusement park is located in two or more 766  
townships, two or more municipal corporations, or one or more 767  
townships and one or more municipal corporations, the chiefs of 768  
police of all of the affected townships and municipal 769  
corporations are the appropriate chiefs of police for entering 770  
into the written agreement under this division, and the written 771  
agreement must be jointly entered into by all of those chiefs of 772  
police. The written agreement between the owner or operator and 773  
the chief or chiefs of police shall address the scope of 774  
activities, the duration of the agreement, and mutual aid 775  
arrangements and shall set forth the standards and criteria to 776  
govern the interaction and cooperation between persons appointed 777  
as police officers for the amusement park under this division 778  
and law enforcement officers serving the agency represented by 779  
the chief of police who signed the agreement. The written 780  
agreement shall be signed by the owner or operator and by the 781  
chief or chiefs of police who enter into it. The standards and 782  
criteria may include, but are not limited to, provisions 783  
governing the reporting of offenses discovered by the amusement 784  
park's police officers to the agency represented by the chief of 785  
police of the municipal corporation or township in which the 786  
offense occurred, provisions governing investigatory 787  
responsibilities relative to offenses committed on amusement 788  
park property, and provisions governing the processing and 789  
confinement of persons arrested for offenses committed on 790  
amusement park property. The agreement required by this division 791

is intended to apply in the aggregate to all persons appointed 792  
as police officers for the amusement park under this division. A 793  
separate agreement is not required for each appointee on an 794  
individual basis. 795

(c) The person has successfully completed a training 796  
program approved by the Ohio peace officer training commission 797  
and has been certified by the commission. A person appointed as 798  
a police officer under this division may attend a training 799  
program approved by the commission and be certified by the 800  
commission regardless of whether the appropriate chief of police 801  
has granted the approval described in division (E) (1) (a) of this 802  
section and regardless of whether the owner or operator of the 803  
amusement park has entered into the written agreement described 804  
in division (E) (1) (b) of this section with the appropriate chief 805  
of police. 806

(2) (a) A person who is appointed as a police officer under 807  
division (E) (1) of this section is entitled, upon the grant of 808  
approval described in section (E) (1) (a) of this section and upon 809  
the person's and the owner or operator's compliance with the 810  
requirements of division (E) (1) (b) and (c) of this section, to 811  
act as a police officer for the amusement park and its 812  
affiliates and subsidiaries that are within the territory of the 813  
political subdivision or subdivisions served by the chief of 814  
police, or respective chiefs of police, who signed the written 815  
agreement described in division (E) (1) (b) of this section, and 816  
upon any contiguous real property of the amusement park that is 817  
covered by the written agreement, whether within or adjacent to 818  
the political subdivision or subdivisions. The authority to act 819  
as a police officer as described in this division is granted 820  
only if the person, when engaging in that activity, is directly 821  
in the discharge of the person's duties as a police officer for 822

the amusement park. The authority to act as a police officer as 823  
described in this division shall be exercised in accordance with 824  
the standards and criteria set forth in the written agreement 825  
described in division (E) (1) (b) of this section. 826

(b) In addition to the authority granted under division 827  
(E) (2) (a) of this section, a person appointed as a police 828  
officer under division (E) (1) of this section is entitled, upon 829  
the grant of approval described in division (E) (1) (a) of this 830  
section and upon the person's and the owner or operator's 831  
compliance with the requirements of divisions (E) (1) (b) and (c) 832  
of this section, to act as a police officer elsewhere within the 833  
territory of a municipal corporation or township if the chief of 834  
police of that municipal corporation or township has granted 835  
approval for that activity to the owner or operator served by 836  
the person as a police officer and if the person, when engaging 837  
in that activity, is directly in the discharge of the person's 838  
duties as a police officer for the amusement park. The approval 839  
described in this division may be general in nature or may be 840  
limited in scope, duration, or applicability, as determined by 841  
the chief of police granting the approval. 842

(3) Police officers appointed under division (E) (1) of 843  
this section shall hold office for five years, unless, for good 844  
cause shown, their commission is revoked by the appointing judge 845  
or the judge's successor or by the owner or operator, as 846  
provided by law. 847

(F) A fee of fifteen dollars for each commission applied 848  
for under this section shall be paid at the time the application 849  
is made, and this amount shall be returned if for any reason a 850  
commission is not issued. 851

**Section 2.** That existing sections 109.78, 2744.01, 852

2744.05, and 4973.17 of the Revised Code are hereby repealed. 853

**Section 3.** The General Assembly hereby declares that the 854  
purpose of the amendments to section 109.78 of the Revised Code 855  
in this act is to expressly overrule the decision of the Twelfth 856  
District Court of Appeals in the case *Gabbard v. Madison Local* 857  
*School Dist. Bd. of Educ.*, 12th Dist. Butler No. CA2019-03-051, 858  
2020-Ohio-1180. 859