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Ohio Revised Code

Section 2305.43 Duty of law enforcement officer.

Effective: April 09, 2025
Legislation: Senate Bill 95 - 135th General Assembly

(A) A law enforcement officer who finds an incapacitated person shall make a diligent effort to determine whether the person has a physical or mental illness that would cause the incapacitated condition. Whenever feasible, this effort shall be made before the person is charged with a crime or taken to a place of detention.

(B) In seeking to determine whether an incapacitated person has an illness, a law enforcement officer may make a prompt and reasonable search for an identifying device and identification card. The law enforcement officer may not search for an identifying device or identification card in a manner or to an extent that would appear to a reasonable person in the circumstances to cause an unreasonable risk of worsening the incapacitated person's condition.

If an identifying device or identification card is found, the law enforcement officer may scan or examine it for emergency information. In doing so, the law enforcement officer may inspect both sides of the device or card.

(C) A law enforcement officer who finds an incapacitated person without an identifying device or identification card is not relieved of the duty to that person to make a diligent effort to ascertain the existence of any illness causing the incapacitated condition.

(D) A cause of action against a law enforcement officer does not arise from the officer making a reasonable search of the incapacitated person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

(E) A law enforcement officer who determines or has reason to believe that an incapacitated person has an illness causing the person's condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with the physician, the officer shall make a reasonable effort to cause the incapacitated person to be transported immediately to a health care practitioner or facility where medical treatment is available. If the officer believes it unduly dangerous to move the incapacitated person, the officer shall make a reasonable effort to obtain the assistance of an emergency medical service provider or health care practitioner.