

As Passed by the House

124th General Assembly

Regular Session

2001-2002

Am. Sub. S. B. No. 221

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A B I L L

To amend sections 109.73, 959.99, 1717.06, and 1
2151.421 and to enact sections 959.131 and 959.132 2
of the Revised Code to prohibit specified acts with 3
respect to a companion animal, to establish a 4
procedure for the care of an impounded companion 5
animal during the pendency of charges against a 6
person who violates the prohibition, to require 7
training for humane agents, and to provide for the 8
reporting by county humane society agents of abuse 9
or neglect of children. 10

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

Section 1. That sections 109.73, 959.99, 1717.06, and 11
2151.421 be amended and sections 959.131 and 959.132 of the 12
Revised Code be enacted to read as follows: 13

Sec. 109.73. (A) The Ohio peace officer training commission 14
shall recommend rules to the attorney general with respect to all 15
of the following: 16

(1) The approval, or revocation of approval, of peace officer 17
training schools administered by the state, counties, municipal 18
corporations, public school districts, technical college 19
districts, and the department of natural resources; 20

(2) Minimum courses of study, attendance requirements, and 21
equipment and facilities to be required at approved state, county, 22
municipal, and department of natural resources peace officer 23
training schools; 24

(3) Minimum qualifications for instructors at approved state, 25
county, municipal, and department of natural resources peace 26
officer training schools; 27

(4) The requirements of minimum basic training that peace 28
officers appointed to probationary terms shall complete before 29
being eligible for permanent appointment, which requirements shall 30
include a minimum of fifteen hours of training in the handling of 31
the offense of domestic violence, other types of domestic 32
violence-related offenses and incidents, and protection orders and 33
consent agreements issued or approved under section 2919.26 or 34
3113.31 of the Revised Code, a minimum of six hours of crisis 35
intervention training, and a specified amount of training in the 36
handling of missing children and child abuse and neglect cases, 37
and the time within which such basic training shall be completed 38
following such appointment to a probationary term; 39

(5) The requirements of minimum basic training that peace 40
officers not appointed for probationary terms but appointed on 41
other than a permanent basis shall complete in order to be 42
eligible for continued employment or permanent appointment, which 43
requirements shall include a minimum of fifteen hours of training 44

in the handling of the offense of domestic violence, other types
of domestic violence-related offenses and incidents, and
protection orders and consent agreements issued or approved under
section 2919.26 or 3113.31 of the Revised Code, a minimum of six
hours of crisis intervention training, and a specified amount of
training in the handling of missing children and child abuse and
neglect cases, and the time within which such basic training shall
be completed following such appointment on other than a permanent
basis;

(6) Categories or classifications of advanced in-service
training programs for peace officers, including programs in the
handling of the offense of domestic violence, other types of
domestic violence-related offenses and incidents, and protection
orders and consent agreements issued or approved under section
2919.26 or 3113.31 of the Revised Code, in crisis intervention,
and in the handling of missing children and child abuse and
neglect cases, and minimum courses of study and attendance
requirements with respect to such categories or classifications;

(7) Permitting persons who are employed as members of a
campus police department appointed under section 1713.50 of the
Revised Code, who are employed as police officers by a qualified
nonprofit corporation police department pursuant to section
1702.80 of the Revised Code, or who are appointed and commissioned
as railroad police officers or hospital police officers pursuant
to sections 4973.17 to 4973.22 of the Revised Code to attend
approved peace officer training schools, including the Ohio peace
officer training academy, and to receive certificates of
satisfactory completion of basic training programs, if the private
college or university that established the campus police
department, qualified nonprofit corporation police department,
railroad company, or hospital sponsoring the police officers pays
the entire cost of the training and certification and if trainee

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vacancies are available;	77
(8) Permitting undercover drug agents to attend approved peace officer training schools, other than the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if, for each undercover drug agent, the county, township, or municipal corporation that employs that undercover drug agent pays the entire cost of the training and certification;	78 79 80 81 82 83 84
(9)(a) The requirements for basic training programs for bailiffs and deputy bailiffs of courts of record of this state and for criminal investigators employed by the state public defender that those persons shall complete before they may carry a firearm while on duty;	85 86 87 88 89
(b) The requirements for any training received by a bailiff or deputy bailiff of a court of record of this state or by a criminal investigator employed by the state public defender prior to June 6, 1986, that is to be considered equivalent to the training described in division (A)(9)(a) of this section.	90 91 92 93 94
(10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;	95 96
(11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;	97 98 99 100
<u>(12) Establishing requirements for the training of agents of a county humane society under section 1717.06 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.</u>	101 102 103 104 105 106
(B) The commission shall appoint an executive director, with	107

the approval of the attorney general, who shall hold office during 108
the pleasure of the commission. The executive director shall 109
perform such duties as may be assigned by the commission. The 110
executive director shall receive a salary fixed pursuant to 111
Chapter 124. of the Revised Code and reimbursement for expenses 112
within the amounts available by appropriation. The executive 113
director may appoint officers, employees, agents, and consultants 114
as the executive director considers necessary, prescribe their 115
duties, and provide for reimbursement of their expenses within the 116
amounts available for reimbursement by appropriation and with the 117
approval of the commission. 118

(C) The commission may do all of the following: 119

(1) Recommend studies, surveys, and reports to be made by the 120
executive director regarding the carrying out of the objectives 121
and purposes of sections 109.71 to 109.77 of the Revised Code; 122

(2) Visit and inspect any peace officer training school that 124
has been approved by the executive director or for which 125
application for approval has been made; 126

(3) Make recommendations, from time to time, to the executive 127
director, the attorney general, and the general assembly regarding 128
the carrying out of the purposes of sections 109.71 to 109.77 of 129
the Revised Code; 130

(4) Report to the attorney general from time to time, and to 131
the governor and the general assembly at least annually, 132
concerning the activities of the commission; 133

(5) Establish fees for the services the commission offers 134
under sections 109.71 to 109.79 of the Revised Code, including, 135
but not limited to, fees for training, certification, and 136
testing; 137

(6) Perform such other acts as are necessary or appropriate 138

to carry out the powers and duties of the commission as set forth
in sections 109.71 to 109.77 of the Revised Code.

(D) In establishing the requirements, under division (A)(12)
of this section, the commission may consider any portions of the
curriculum for instruction on the topic of animal husbandry
practices, if any, of the Ohio state university college of
veterinary medicine. No person or entity that fails to provide
instruction on traditional animal husbandry methods and training
techniques, including customary owner-performed practices, shall
qualify to train a humane agent for appointment under section
1717.06 of the Revised Code.

Sec. 959.131. (A) As used in this section:

(1) "Companion animal" means any animal that is kept inside a
residential dwelling and any dog or cat regardless of where it is
kept. "Companion animal" does not include livestock or any wild
animal.

(2) "Cruelty," "torment," and "torture" have the same
meanings as in section 1717.01 of the Revised Code.

(3) "Residential dwelling" means a structure or shelter or
the portion of a structure or shelter that is used by one or more
humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as
in section 4741.01 of the Revised Code.

(5) "Wild animal" has the same meaning as in section 1531.01
of the Revised Code.

(6) "Federal animal welfare act" means the "Laboratory Animal
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A.
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub.
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act

Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 169
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 170
(1985), and as it may be subsequently amended. 171

(B) No person shall knowingly torture, torment, needlessly 172
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 173
an act of cruelty against a companion animal. 174

(C) No person who confines or who is the custodian or 175
caretaker of a companion animal shall negligently do any of the 176
following: 177

(1) Torture, torment, needlessly mutilate or maim, cruelly 178
beat, poison, needlessly kill, or commit an act of cruelty against 179
the companion animal; 180

(2) Deprive the companion animal of necessary sustenance, 181
confine the companion animal without supplying it during the 182
confinement with sufficient quantities of good, wholesome food and 183
water, or impound or confine the companion animal without 184
affording it, during the impoundment or confinement, with access 185
to shelter from heat, cold, wind, rain, snow, or excessive direct 186
sunlight, if it can reasonably be expected that the companion 187
animal would become sick or suffer in any other way as a result of 188
or due to the deprivation, confinement, or impoundment or 189
confinement in any of those specified manners. 190

(D) Divisions (B) and (C) of this section do not apply to any 191
of the following: 192

(1) A companion animal used in scientific research conducted 193
by an institution in accordance with the federal animal welfare 194
act and related regulations; 195

(2) The lawful practice of veterinary medicine by a person 196
who has been issued a license, temporary permit, or registration 197
certificate to do so under Chapter 4741. of the Revised Code; 198

(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs; 199
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(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals; 203
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(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Chapter 4741. of the Revised Code. 206
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(E) Notwithstanding any section of the Revised Code that otherwise provides for the distribution of fine moneys, the clerk of court shall forward all fines the clerk collects that are so imposed for any violation of this section to the treasurer of the political subdivision or the state, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The treasurer to whom the fines are forwarded shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys to provide the training that is required for humane agents under section 1717.06 of the Revised Code. 210
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Sec. 959.132. (A) As used in this section: 225

(1) "Agent of a county humane society" means a person appointed by a county humane society pursuant to section 1717.06 of the Revised Code. 226
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(2) "Companion animal" has the same meaning as in section 229
959.131 of the Revised Code. 230

(3) "Impounding agency" means the county humane society, 231
animal shelter, or law enforcement agency that, in accordance with 232
division (B) or (C) of this section, either has impounded a 233
companion animal or has made regular visits to the place where a 234
companion animal is kept to determine whether it is provided with 235
necessities. 236

(4) "Officer" means any law enforcement officer, agent of a 237
county humane society, dog warden, assistant dog warden, or other 238
person appointed to act as an animal control officer for a county, 239
municipal corporation, or township in accordance with state law, 240
an ordinance, or a resolution. 241

(B) Except as otherwise provided in this division, an officer 242
may impound a companion animal if the officer has probable cause 243
to believe that it or other companion animals that are kept by the 244
same person on the premises are the subject of a violation of 245
section 959.131 of the Revised Code and if the officer has lawful 246
access to the companion animal at the time of the impoundment. The 247
officer shall give written notice of the impoundment by posting 248
the notice on the door of the residence on the premises at which 249
the companion animal was impounded, by giving it in person to the 250
owner, custodian, or caretaker of the companion animal, or by 251
otherwise posting the notice in a conspicuous place on the 252
premises where the companion animal was seized. No officer or 253
impounding agency shall impound a companion animal that is the 254
subject of a violation of section 959.131 of the Revised Code in a 255
shelter owned, operated, or controlled by a board of county 256
commissioners pursuant to Chapter 955. of the Revised Code unless 257
the board, by resolution, authorizes the impoundment of companion 258
animals in a shelter owned, operated, or controlled by that board 259
and has executed, in the case when the officer is other than a dog 260

warden or assistant dog warden, a contract specifying the terms
and conditions of the impoundment.

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(C) If charges are filed under section 959.131 of the Revised
Code against the custodian or caretaker of a companion animal, but
the companion animal that is the subject of the charges is not
impounded, the court in which the charges are pending may order
the owner or person having custody of the companion animal to
provide to the companion animal the necessities described in
divisions (C)(2) to (6) of section 959.131 of the Revised Code
until the final disposition of the charges. If the court issues an
order of that nature, the court also may authorize an officer or
another person to visit the place where the companion animal is
being kept, at the times and under the conditions that the court
may set, to determine whether the companion animal is receiving
those necessities and to remove and impound the companion animal
if the companion animal is not receiving those necessities.

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(D) An owner, custodian, or caretaker of one or more
companion animals that have been impounded under this section may
file a written request for a hearing with the clerk of the court
in which charges are pending that were filed under section 959.131
of the Revised Code and that involve the impounded companion
animals. If a hearing is requested, the court shall conduct a
hearing not later than twenty-one days following receipt of the
request. At the hearing, the impounding agency has the burden of
proving by a preponderance of the evidence that probable cause
exists to find that the defendant is guilty of a violation of
section 959.131 of the Revised Code, unless probable cause has
previously been established in a judicial proceeding, in which
case the court shall take notice that probable cause exists and
shall not require further proof of probable cause. A hearing that
is conducted under division (D) of this section shall be combined

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whenever possible with any hearing involving the same pending 293
charges that is authorized and conducted under division (E) of 294
this section. 295

If the court finds at the conclusion of the hearing that 296
probable cause does not exist for finding that the defendant 297
committed a violation and that the defendant otherwise has a right 298
to possession of the impounded companion animals, the court shall 299
order the animals to be returned to the defendant. 300

If the court finds at the conclusion of the hearing that 301
probable cause exists for finding the defendant guilty of a 302
violation with respect to one or more of the impounded companion 303
animals, the court shall do one of the following with respect to 304
each impounded companion animal: 305

(1) Allow the impounding agency to retain custody of the 306
companion animal pending resolution of the underlying charges; 307

(2) Order the companion animal to be returned to the 308
defendant under any conditions and restrictions that the court 309
determines are appropriate to ensure that the companion animal 310
receives humane and adequate care and treatment. 311

(E)(1) At any time that one or more charges are pending under 312
section 959.131 of the Revised Code, an impounding agency may file 313
a motion in the court in which the charges are pending requesting 314
that the defendant post a deposit to cover the costs of caring, 315
during the pendency of the charges, for any impounded companion 316
animals seized or removed from the defendant's custody if the 317
reasonably necessary projected costs of the care that will be 318
provided prior to the final resolution of the charges are 319
estimated to be in excess of one thousand five hundred dollars. 320
The motion shall be accompanied by an affidavit that sets forth an 321
estimate of the reasonably necessary costs that the impounding 322
agency expects to incur in providing that care, which may include, 323

but are not limited to, the necessary cost of veterinary care, 324
medications, food, water, and board for the companion animals 325
during the pendency of the charges. 326

(2) Within ten days after the date on which a motion is filed 327
under division (E)(1) of this section, the court shall conduct a 328
hearing. Except as otherwise provided in division (E)(5) of this 329
section, at the hearing, the impounding agency has the burden of 330
proving by a preponderance of the evidence that there is probable 331
cause to find that the defendant is guilty of a violation of 332
section 959.131 of the Revised Code, unless probable cause has 333
previously been established in a judicial proceeding, in which 334
case the court shall take notice that probable cause exists and 335
shall not require further proof of probable cause, and that the 336
reasonably necessary cumulative costs of caring during the 337
pendency of the charges for the companion animals seized or 338
removed from the defendant's custody or control are reasonably 339
projected to exceed one thousand five hundred dollars. 340

(3) If the court finds at the conclusion of the hearing that 341
probable cause does not exist for finding that the defendant 342
committed a violation of section 959.131 of the Revised Code and 343
that the defendant otherwise has a right to possession of the 344
companion animals, the court shall order the animals to be 345
returned to the defendant. If the court finds at the conclusion of 346
the hearing that probable cause exists for finding that the 347
defendant committed a violation of that section, but that the 348
reasonably necessary costs for caring during the pendency of the 349
charges for the companion animals seized or removed from the 350
defendant's custody or control are reasonably projected to be one 351
thousand five hundred dollars or less, the court shall deny the 352
petitioner's motion to require the defendant to pay a deposit. 353

If the court finds at the conclusion of the hearing that 354
probable cause exists for finding the defendant guilty of the 355

violation with respect to one or more of the impounded companion 356
animals and for determining that the reasonably necessary 357
projected costs of caring for the companion animals exceed one 358
thousand five hundred dollars during the pendency of the charges, 359
the court shall do one of the following: 360

(a) Order the defendant to post a deposit with the clerk of 361
the court in a form and in an amount that the court determines is 362
sufficient to cover the cost of care of the companion animals from 363
the date of impoundment until the date of the disposition of the 364
charges; 365

(b) Order one or more of the companion animals to be returned 366
to the defendant under any conditions and restrictions that the 367
court determines to be appropriate to ensure that the companion 368
animals receive humane and adequate care and treatment; 369

(c) Deny the motion of the impounding agency requesting the 370
defendant to post a deposit, but permit the impounding agency to 371
retain custody of one or more of the companion animals pending 372
resolution of the underlying charges. 373

(4) The court may order the defendant to forfeit the right of 374
possession and ownership in one or more of the companion animals 375
to the impounding agency if the defendant fails to comply with the 376
conditions set forth in an order of the court that is rendered 377
under division (E)(3) of this section. If the order that was not 378
complied with required the defendant to post a deposit, forfeiture 379
of the companion animals relieves the defendant of any further 380
obligation to post the deposit. 381

(5)(a) A hearing that is conducted under division (D) of this 382
section shall be combined whenever possible with any hearing 383
involving the same pending charges that is authorized and 384
conducted under division (E) of this section. However, division 385
(E)(5)(b) of this section applies when both of the hearings are 386

conducted and combining them is not possible.

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(b) At a hearing conducted under division (E) of this section, an impounding agency shall not be required to prove that there is probable cause to find that the defendant is guilty of a violation of section 959.131 of the Revised Code if the court already has made a finding concerning probable cause at a separate hearing conducted under division (D) of this section. In such an event, the probable cause finding made at the hearing conducted under division (D) of this section shall be used for purposes of the hearing conducted under division (E) of this section.

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(F)(1) If the defendant is found guilty of violating section 959.131 of the Revised Code or any other offense relating to the care or treatment of a companion animal and the defendant posted a deposit pursuant to division (E) of this section, the court shall determine the amount of the reasonably necessary costs that the impounding agency incurred in caring for the companion animal during the pendency of the charges. The court shall order the clerk of the court to pay that amount of the deposit to the impounding agency and to dispose of any amount of the deposit that exceeds that amount in the following order:

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(a) Pay any fine imposed on the defendant relative to the violation;

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(b) Pay any costs ordered against the defendant relative to the violation;

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(c) Return any remaining amount to the defendant.

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(2) If the defendant is found not guilty of violating section 959.131 of the Revised Code or any other offense relating to the care or treatment of a companion animal, the court shall order the clerk of court to return the entire amount of the deposit to the defendant, and the impounding agency shall return the companion animal to the defendant. If the companion animal cannot be

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returned, the court shall order the impounding agency to pay to 418
the defendant an amount determined by the court to be equal to the 419
reasonable market value of the companion animal at the time that 420
it was impounded plus statutory interest as defined in section 421
1343.03 of the Revised Code from the date of the impoundment. In 422
determining the reasonable market value of the companion animal, 423
the court may consider the condition of the companion animal at 424
the time that the companion animal was impounded and any change in 425
the condition of the companion animal after it was impounded. 426

(G) An impounding agency that impounds a companion animal 427
under this section shall pay a person who provides veterinary care 428
to the companion animal during the impoundment for the cost of the 429
veterinary care regardless of whether the impounding agency is 430
reimbursed for the payment under this section or section 959.99 of 431
the Revised Code. 432
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Sec. 959.99. (A) Whoever violates section ~~959.01~~, 959.18, or 434
959.19 of the Revised Code is guilty of a minor misdemeanor. 435

(B) Except as otherwise provided in this division, whoever 436
violates section 959.02 of the Revised Code is guilty of a 437
misdemeanor of the second degree. If the value of the animal 438
killed or the injury done amounts to three hundred dollars or 439
more, whoever violates section 959.02 of the Revised Code is 440
guilty of a misdemeanor of the first degree. 441

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, 442
or 959.17 of the Revised Code is guilty of a misdemeanor of the 443
fourth degree. 444

(D) Whoever violates division (A) of section 959.13 of the 445
Revised Code is guilty of a misdemeanor of the second degree. In 446
addition, the court may order the offender to forfeit the animal 447
or livestock and may provide for its disposition, including, but 448

not limited to, the sale of the animal or livestock. If an animal 449
or livestock is forfeited and sold pursuant to this division, the 450
proceeds from the sale first shall be applied to pay the expenses 451
incurred with regard to the care of the animal from the time it 452
was taken from the custody of the former owner. The balance of the 453
proceeds from the sale, if any, shall be paid to the former owner 454
of the animal. 455

(E)(1) Whoever violates division (B) of section 959.131 of 456
the Revised Code is guilty of a misdemeanor of the first degree on 457
a first offense and a felony of the fifth degree on each 458
subsequent offense. 459

(2) Whoever violates section 959.01 of the Revised Code or 460
division (C) of section 959.131 of the Revised Code is guilty of a 461
misdemeanor of the second degree on a first offense and a 462
misdemeanor of the first degree on each subsequent offense. 463

(3)(a) A court may order a person who is convicted of or 464
pleads guilty to a violation of section 959.131 of the Revised 465
Code to forfeit to an impounding agency, as defined in section 466
959.132 of the Revised Code, any or all of the companion animals 467
in that person's ownership or care. The court also may prohibit or 468
place limitations on the person's ability to own or care for any 469
companion animals for a specified or indefinite period of time. 470

(b) A court may order a person who is convicted of or pleads 472
guilty to a violation of section 959.131 of the Revised Code to 473
reimburse an impounding agency for the reasonably necessary costs 474
incurred by the agency for the care of a companion animal that the 475
agency impounded as a result of the investigation or prosecution 476
of the violation, provided that the costs were not otherwise paid 477
under section 959.132 of the Revised Code. 478

(4) If a court has reason to believe that a person who is 479
convicted of or pleads guilty to a violation of section 959.131 of 480

the Revised Code suffers from a mental or emotional disorder that 481
contributed to the violation, the court may impose as a community 482
control sanction or as a condition of probation a requirement that 483
the offender undergo psychological evaluation or counseling. The 484
court shall order the offender to pay the costs of the evaluation 485
or counseling. 486

(F) Whoever violates section 959.14 of the Revised Code is 487
guilty of a misdemeanor of the second degree on a first offense 488
and a misdemeanor of the first degree on each subsequent offense. 489

~~(F)~~(G) Whoever violates section 959.05 or 959.20 of the 490
Revised Code is guilty of a misdemeanor of the first degree. 491

~~(G)~~(H) Whoever violates section 959.16 of the Revised Code is 492
guilty of a felony of the fourth degree for a first offense and a 493
felony of the third degree on each subsequent offense. 494

Sec. 1717.06. A county humane society organized under section 495
1717.05 of the Revised Code may appoint agents, who are residents 496
of the county or municipal corporation for which the appointment 497
is made, for the purpose of prosecuting any person guilty of an 498
act of cruelty to persons or animals. Such agents may arrest any 499
person found violating ~~sections 1717.01 to 1717.14, inclusive, of~~ 500
~~the Revised Code, this chapter~~ or any other law for protecting 501
persons or animals or preventing acts of cruelty thereto. Upon 502
making ~~such an~~ arrest the agent forthwith shall convey the person 503
arrested before some court or magistrate having jurisdiction of 504
the offense, and there make complaint against ~~him~~ the person on 505
oath or affirmation of the offense. 506

All appointments of agents under this section shall be 507
approved by the mayor of the municipal corporation for which they 508
are made. If the society exists outside a municipal corporation, 509
such appointments shall be approved by the probate judge of the 510
county for which they are made. ~~Such~~ The mayor or probate judge 511

shall keep a record of such appointments. 512

In order to qualify for appointment as a humane agent under 513
this section, a person first shall successfully complete a minimum 514
of twenty hours of training on issues relating to the 515
investigation and prosecution of cruelty to and neglect of 516
animals. The training shall comply with rules recommended by the 517
peace officer training commission under section 109.73 of the 518
Revised Code and shall include, without limitation, instruction 519
regarding animal husbandry practices as described in division 520
(A)(12) of that section. A person who has been appointed as a 521
humane agent under this section prior to the effective date of 522
this amendment may continue to act as a humane agent for a period 523
of time on and after the effective date of this amendment without 524
completing the training. However, on or before December 31, 2004, 525
a person who has been appointed as a humane agent under this 526
section prior to the effective date of this amendment shall 527
successfully complete the training described in this paragraph and 528
submit proof of its successful completion to the appropriate 529
appointing mayor or probate judge in order to continue to act as a 530
humane agent after December 31, 2004. 531

An agent of a county humane society only has the specific 532
authority granted to the agent under this section and section 533
1717.08 of the Revised Code. 534

Sec. 2151.421. (A)(1)(a) No person described in division 535
(A)(1)(b) of this section who is acting in an official or 536
professional capacity and knows or suspects that a child under 537
eighteen years of age or a mentally retarded, developmentally 538
disabled, or physically impaired child under twenty-one years of 539
age has suffered or faces a threat of suffering any physical or 540
mental wound, injury, disability, or condition of a nature that 541
reasonably indicates abuse or neglect of the child, shall fail to 542
immediately report that knowledge or suspicion to the public 543

children services agency or a municipal or county peace officer in 544
the county in which the child resides or in which the abuse or 545
neglect is occurring or has occurred. 546

(b) Division (A)(1)(a) of this section applies to any person 547
who is an attorney; physician, including a hospital intern or 548
resident; dentist; podiatrist; practitioner of a limited branch of 549
medicine as specified in section 4731.15 of the Revised Code; 550
registered nurse; licensed practical nurse; visiting nurse; other 551
health care professional; licensed psychologist; licensed school 552
psychologist; speech pathologist or audiologist; coroner; 553
administrator or employee of a child day-care center; 554
administrator or employee of a residential camp or child day camp; 555
administrator or employee of a certified child care agency or 556
other public or private children services agency; school teacher; 557
school employee; school authority; person engaged in social work 558
or the practice of professional counseling; agent of a county 559
humane society; or a person rendering spiritual treatment through 560
prayer in accordance with the tenets of a well-recognized 561
religion. 562

(2) An attorney or a physician is not required to make a 563
report pursuant to division (A)(1) of this section concerning any 564
communication the attorney or physician receives from a client or 565
patient in an attorney-client or physician-patient relationship, 566
if, in accordance with division (A) or (B) of section 2317.02 of 567
the Revised Code, the attorney or physician could not testify with 568
respect to that communication in a civil or criminal proceeding, 569
except that the client or patient is deemed to have waived any 570
testimonial privilege under division (A) or (B) of section 2317.02 571
of the Revised Code with respect to that communication and the 572
attorney or physician shall make a report pursuant to division 573
(A)(1) of this section with respect to that communication, if all 574
of the following apply: 575

(a) The client or patient, at the time of the communication, 576
is either a child under eighteen years of age or a mentally 577
retarded, developmentally disabled, or physically impaired person 578
under twenty-one years of age. 579

(b) The attorney or physician knows or suspects, as a result 580
of the communication or any observations made during that 581
communication, that the client or patient has suffered or faces a 582
threat of suffering any physical or mental wound, injury, 583
disability, or condition of a nature that reasonably indicates 584
abuse or neglect of the client or patient. 585

(c) The attorney-client or physician-patient relationship 586
does not arise out of the client's or patient's attempt to have an 587
abortion without the notification of her parents, guardian, or 588
custodian in accordance with section 2151.85 of the Revised Code. 589

(B) Anyone, who knows or suspects that a child under eighteen 590
years of age or a mentally retarded, developmentally disabled, or 591
physically impaired person under twenty-one years of age has 592
suffered or faces a threat of suffering any physical or mental 593
wound, injury, disability, or other condition of a nature that 594
reasonably indicates abuse or neglect of the child, may report or 595
cause reports to be made of that knowledge or suspicion to the 596
public children services agency or to a municipal or county peace 597
officer. 598

(C) Any report made pursuant to division (A) or (B) of this 599
section shall be made forthwith either by telephone or in person 600
and shall be followed by a written report, if requested by the 601
receiving agency or officer. The written report shall contain: 602

(1) The names and addresses of the child and the child's 603
parents or the person or persons having custody of the child, if 604
known; 605

(2) The child's age and the nature and extent of the child's 606

known or suspected injuries, abuse, or neglect or of the known or
suspected threat of injury, abuse, or neglect, including any
evidence of previous injuries, abuse, or neglect;

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(3) Any other information that might be helpful in
establishing the cause of the known or suspected injury, abuse, or
neglect or of the known or suspected threat of injury, abuse, or
neglect.

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Any person, who is required by division (A) of this section
to report known or suspected child abuse or child neglect, may
take or cause to be taken color photographs of areas of trauma
visible on a child and, if medically indicated, cause to be
performed radiological examinations of the child.

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(D)(1) Upon the receipt of a report concerning the possible
abuse or neglect of a child or the possible threat of abuse or
neglect of a child, the municipal or county peace officer who
receives the report shall refer the report to the appropriate
public children services agency.

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(2) On receipt of a report pursuant to this division or
division (A) or (B) of this section, the public children services
agency shall comply with section 2151.422 of the Revised Code.

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(E) No township, municipal, or county peace officer shall
remove a child about whom a report is made pursuant to this
section from the child's parents, stepparents, or guardian or any
other persons having custody of the child without consultation
with the public children services agency, unless, in the judgment
of the officer, and, if the report was made by physician, the
physician, immediate removal is considered essential to protect
the child from further abuse or neglect. The agency that must be
consulted shall be the agency conducting the investigation of the
report as determined pursuant to section 2151.422 of the Revised
Code.

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(F)(1) Except as provided in section 2151.422 of the Revised Code, the public children services agency shall investigate, within twenty-four hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to a central registry which the department of job and family services shall maintain in order to determine whether prior reports have been made in other counties concerning the child or other principals in the case. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution,

school, health department, or agency participating in good faith
in the making of reports under division (B) of this section, and
anyone participating in good faith in a judicial proceeding
resulting from the reports, shall be immune from any civil or
criminal liability for injury, death, or loss to person or
property that otherwise might be incurred or imposed as a result
of the making of the reports or the participation in the judicial
proceeding.

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(b) Notwithstanding section 4731.22 of the Revised Code, the
physician-patient privilege shall not be a ground for excluding
evidence regarding a child's injuries, abuse, or neglect, or the
cause of the injuries, abuse, or neglect in any judicial
proceeding resulting from a report submitted pursuant to this
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(2) In any civil or criminal action or proceeding in which it
is alleged and proved that participation in the making of a report
under this section was not in good faith or participation in a
judicial proceeding resulting from a report made under this
section was not in good faith, the court shall award the
prevailing party reasonable attorney's fees and costs and, if a
civil action or proceeding is voluntarily dismissed, may award
reasonable attorney's fees and costs to the party against whom the
civil action or proceeding is brought.

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(H)(1) Except as provided in divisions (H)(4), (M), and (N)
of this section, a report made under this section is confidential.
The information provided in a report made pursuant to this section
and the name of the person who made the report shall not be
released for use, and shall not be used, as evidence in any civil
action or proceeding brought against the person who made the
report. In a criminal proceeding, the report is admissible in
evidence in accordance with the Rules of Evidence and is subject
to discovery in accordance with the Rules of Criminal Procedure.

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(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section. 702
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(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code. 705
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(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. 710
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(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. 722
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(I) Any report that is required by this section shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, 729
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whenever possible, to preserve the family unit intact. The agency
required to provide the services shall be the agency conducting
the investigation of the report pursuant to section 2151.422 of
the Revised Code.

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(J)(1) Each public children services agency shall prepare a
memorandum of understanding that is signed by all of the
following:

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(a) If there is only one juvenile judge in the county, the
juvenile judge of the county or the juvenile judge's
representative;

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(b) If there is more than one juvenile judge in the county, a
juvenile judge or the juvenile judges' representative selected by
the juvenile judges or, if they are unable to do so for any
reason, the juvenile judge who is senior in point of service or
the senior juvenile judge's representative;

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(c) The county peace officer;

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(d) All chief municipal peace officers within the county;

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(e) Other law enforcement officers handling child abuse and
neglect cases in the county;

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(f) The prosecuting attorney of the county;

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(g) If the public children services agency is not the county
department of job and family services, the county department of
job and family services;

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(h) The county humane society.

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(2) A memorandum of understanding shall set forth the normal
operating procedure to be employed by all concerned officials in
the execution of their respective responsibilities under this
section and division (C) of section 2919.21, division (B)(1) of
section 2919.22, division (B) of section 2919.23, and section
2919.24 of the Revised Code and shall have as two of its primary

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goals the elimination of all unnecessary interviews of children
who are the subject of reports made pursuant to division (A) or
(B) of this section and, when feasible, providing for only one
interview of a child who is the subject of any report made
pursuant to division (A) or (B) of this section. A failure to
follow the procedure set forth in the memorandum by the concerned
officials is not grounds for, and shall not result in, the
dismissal of any charges or complaint arising from any reported
case of abuse or neglect or the suppression of any evidence
obtained as a result of any reported child abuse or child neglect
and does not give, and shall not be construed as giving, any
rights or any grounds for appeal or post-conviction relief to any
person.

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(3) A memorandum of understanding shall include all of the
following:

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(a) The roles and responsibilities for handling emergency and
nonemergency cases of abuse and neglect;

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(b) Standards and procedures to be used in handling and
coordinating investigations of reported cases of child abuse and
reported cases of child neglect, methods to be used in
interviewing the child who is the subject of the report and who
allegedly was abused or neglected, and standards and procedures
addressing the categories of persons who may interview the child
who is the subject of the report and who allegedly was abused or
neglected.

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(K)(1) Except as provided in division (K)(4) of this section,
a person who is required to make a report pursuant to division (A)
of this section may make a reasonable number of requests of the
public children services agency that receives or is referred the
report to be provided with the following information:

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(a) Whether the agency has initiated an investigation of the report;	795 796
(b) Whether the agency is continuing to investigate the report;	797 798
(c) Whether the agency is otherwise involved with the child who is the subject of the report;	799 800
(d) The general status of the health and safety of the child who is the subject of the report;	801 802
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	803 804 805
(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	806 807 808 809
When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	810 811 812 813 814 815 816 817 818 819
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of	820 821 822 823 824 825

the report other than the information described in those
divisions.

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(3) A request made pursuant to division (K)(1) of this
section is not a substitute for any report required to be made
pursuant to division (A) of this section.

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(4) If an agency other than the agency that received or was
referred the report is conducting the investigation of the report
pursuant to section 2151.422 of the Revised Code, the agency
conducting the investigation shall comply with the requirements of
division (K) of this section.

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(L) The director of job and family services shall adopt rules
in accordance with Chapter 119. of the Revised Code to implement
this section. The department of job and family services may enter
into a plan of cooperation with any other governmental entity to
aid in ensuring that children are protected from abuse and
neglect. The department shall make recommendations to the attorney
general that the department determines are necessary to protect
children from child abuse and child neglect.

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(M) No later than the end of the day following the day on
which a public children services agency receives a report of
alleged child abuse or child neglect, or a report of an alleged
threat of child abuse or child neglect, that allegedly occurred in
or involved an out-of-home care entity, the agency shall provide
written notice of the allegations contained in and the person
named as the alleged perpetrator in the report to the
administrator, director, or other chief administrative officer of
the out-of-home care entity that is the subject of the report
unless the administrator, director, or other chief administrative
officer is named as an alleged perpetrator in the report. If the
administrator, director, or other chief administrative officer of
an out-of-home care entity is named as an alleged perpetrator in a
report of alleged child abuse or child neglect, or a report of an

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alleged threat of child abuse or child neglect, that allegedly 858
occurred in or involved the out-of-home care entity, the agency 859
shall provide the written notice to the owner or governing board 860
of the out-of-home care entity that is the subject of the report. 861
The agency shall not provide witness statements or police or other 862
investigative reports. 863

(N) No later than three days after the day on which a public 864
children services agency that conducted the investigation as 865
determined pursuant to section 2151.422 of the Revised Code makes 866
a disposition of an investigation involving a report of alleged 867
child abuse or child neglect, or a report of an alleged threat of 868
child abuse or child neglect, that allegedly occurred in or 869
involved an out-of-home care entity, the agency shall send written 870
notice of the disposition of the investigation to the 871
administrator, director, or other chief administrative officer and 872
the owner or governing board of the out-of-home care entity. The 873
agency shall not provide witness statements or police or other 874
investigative reports. 875

Section 2. That existing sections 109.73, 959.99, 1717.06, 876
and 2151.421 of the Revised Code are hereby repealed. 877