

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. S. B. No. 221**

**SENATORS Goodman, Mumper, Ryan, Coughlin, DiDonato, Furney, Hagan,  
Brady, Spada, Randy Gardner, Fingerhut, Harris, Jacobson, Mallory, Prentiss**

---

**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 45  
of domestic violence-related offenses and incidents, and 46  
protection orders and consent agreements issued or approved under 47  
section 2919.26 or 3113.31 of the Revised Code, a minimum of six 48  
hours of crisis intervention training, and a specified amount of 49  
training in the handling of missing children and child abuse and 50  
neglect cases, and the time within which such basic training shall 51

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  
vacancies are available;

(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

52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83

training and certification; 84

(9)(a) The requirements for basic training programs for 85  
bailiffs and deputy bailiffs of courts of record of this state and 86  
for criminal investigators employed by the state public defender 87  
that those persons shall complete before they may carry a firearm 88  
while on duty; 89

(b) The requirements for any training received by a bailiff 90  
or deputy bailiff of a court of record of this state or by a 91  
criminal investigator employed by the state public defender prior 92  
to June 6, 1986, that is to be considered equivalent to the 93  
training described in division (A)(9)(a) of this section. 94

(10) Establishing minimum qualifications and requirements for 95  
certification for dogs utilized by law enforcement agencies; 96

(11) Establishing minimum requirements for certification of 97  
persons who are employed as correction officers in a full-service 98  
jail, five-day facility, or eight-hour holding facility or who 99  
provide correction services in such a jail or facility; 100

(12) Establishing requirements for the training of agents of 101  
a county humane society under section 1717.06 of the Revised Code, 102  
including, without limitation, a requirement that the agents 103  
receive instruction that is within the scope of an overall 104  
curriculum for instruction on the topic of animal husbandry 105  
practices that is consistent with recommendations, if any, of the 106  
Ohio state university college of veterinary medicine. 107

(B) The commission shall appoint an executive director, with 108  
the approval of the attorney general, who shall hold office during 109  
the pleasure of the commission. The executive director shall 110  
perform such duties as may be assigned by the commission. The 111  
executive director shall receive a salary fixed pursuant to 112  
Chapter 124. of the Revised Code and reimbursement for expenses 113  
within the amounts available by appropriation. The executive 114

director may appoint officers, employees, agents, and consultants  
as the executive director considers necessary, prescribe their  
duties, and provide for reimbursement of their expenses within the  
amounts available for reimbursement by appropriation and with the  
approval of the commission.

115  
116  
117  
118  
119

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

120

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

121  
122  
123  
124

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

125  
126  
127

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

128  
129  
130  
131

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

132  
133  
134

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

135  
136  
137  
138

(6) Perform such other acts as are necessary or appropriate  
to carry out the powers and duties of the commission as set forth  
in sections 109.71 to 109.77 of the Revised Code.

139  
140  
141

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

142

(1) "Companion animal" means any animal that is kept inside a

143

residential dwelling and any dog or cat regardless of where it is 144  
kept. "Companion animal" does not include livestock or any wild 145  
animal. 146

(2) "Cruelty," "torment," and "torture" have the same 147  
meanings as in section 1717.01 of the Revised Code. 148

(3) "Residential dwelling" means a structure or shelter or 149  
the portion of a structure or shelter that is used by one or more 150  
humans for the purpose of a habitation. 151

(4) "Practice of veterinary medicine" has the same meaning as 152  
in section 4741.01 of the Revised Code. 153

(5) "Wild animal" has the same meaning as in section 1531.01 154  
of the Revised Code. 155

(6) "Primary enclosure" does not include a carrier designed 156  
for transporting one or more animals, while it actually is being 157  
used for transporting one or more animals. 158

(7) "Federal animal welfare act" means the "Laboratory Animal 159  
Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 160  
2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. 161  
L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act 162  
Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and 163  
the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 164  
(1985), and as it may be subsequently amended. 165

(B) No person shall knowingly torture, torment, needlessly 166  
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 167  
an act of cruelty against a companion animal. 168

(C) No person who confines or who is the custodian or 169  
caretaker of a companion animal shall negligently do any of the 170  
following: 171

(1) Torture, torment, needlessly mutilate or maim, cruelly 172  
beat, poison, needlessly kill, or commit an act of cruelty against 173

<u>the companion animal;</u>	174
<u>(2) Fail to provide the companion animal with sufficient quantities of wholesome food and potable water;</u>	175 176
<u>(3) Fail to provide the companion animal with adequate ventilation and circulation of wholesome air;</u>	177 178
<u>(4) Fail to provide the companion animal with access to adequate shelter from heat, cold, wind, rain, snow, excessive direct sunlight, or other adverse environmental conditions if it is reasonable to expect that without that shelter the companion animal would become sick or suffer;</u>	179 180 181 182 183
<u>(5) Fail to provide the companion animal with adequate exercise;</u>	184 185
<u>(6) Confine the companion animal in a primary enclosure that does not have adequate space in which the companion animal may stand up to its full height, stretch out, turn around, and lie down comfortably.</u>	186 187 188 189 190
<u>(D) Divisions (B) and (C) of this section do not apply to any of the following:</u>	191 192
<u>(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;</u>	193 194 195
<u>(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Chapter 4741. of the Revised Code;</u>	196 197 198
<u>(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.</u>	199 200 201 202

(E) Notwithstanding any section of the Revised Code that 203  
otherwise provides for the distribution of fine moneys, the clerk 204  
of court shall forward all fines the clerk collects that are so 205  
imposed for any violation of this section to the treasurer of the 206  
political subdivision or the state, whose county humane society or 207  
law enforcement agency is to be paid the fine money as determined 208  
under this division. The treasurer to whom the fines are forwarded 209  
shall pay the fine moneys to the county humane society or the 210  
county, township, municipal corporation, or state law enforcement 211  
agency in this state that primarily was responsible for or 212  
involved in the investigation and prosecution of the violation. If 213  
a county humane society receives any fine moneys under this 214  
division, the county humane society shall use the fine moneys to 215  
provide the training that is required for humane agents under 216  
section 1717.06 of the Revised Code. 217

**Sec. 959.132.** (A) As used in this section: 218

(1) "Companion animal" has the same meaning as in section 219  
959.131 of the Revised Code. 220

(2) "Impounding agency" means the county humane society, 221  
animal shelter, or law enforcement agency that, in accordance with 222  
division (B) or (C) of this section, either has impounded a 223  
companion animal or has made regular visits to the place where a 224  
companion animal is kept to determine whether it is provided with 225  
necessities. 226

(3) "Officer" means any law enforcement officer, agent of a 227  
county humane society, dog warden, assistant dog warden, or other 228  
person appointed to act as an animal control officer for a county, 229  
municipal corporation, or township in accordance with state law, 230  
an ordinance, or a resolution. 231

(B) An officer may impound a companion animal if the officer 232  
has probable cause to believe that it or other companion animals 233

that are kept by the same person on the premises are the subject  
of a violation of section 959.131 of the Revised Code and if the  
officer has lawful access to the companion animal at the time of  
the impoundment. The officer shall give written notice of the  
impoundment by posting the notice on the door of the residence on  
the premises at which the companion animal was impounded, by  
giving it in person to the owner, custodian, or caretaker of the  
companion animal, or by otherwise posting the notice in a  
conspicuous place on the premises where the companion animal was  
seized.

234  
235  
236  
237  
238  
239  
240  
241  
242  
243

(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.

244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257

(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

258  
259  
260  
261  
262  
263  
264  
265

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. A hearing that is conducted  
under division (D) of this section shall be combined whenever  
possible with any hearing involving the same pending charges that  
is authorized and conducted under division (E) of this section.

266  
267  
268  
269  
270  
271  
272

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

273  
274  
275  
276  
277

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

278  
279  
280  
281  
282

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

283  
284

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

285  
286  
287  
288

(E)(1) At any time that one or more charges are pending under  
section 959.131 of the Revised Code, an impounding agency may file  
a motion in the court in which the charges are pending requesting  
that the defendant post a deposit to cover the costs of caring,  
during the pendency of the charges, for any impounded companion  
animals seized or removed from the defendant's custody if the  
reasonably necessary projected costs of the care that will be  
provided prior to the final resolution of the charges are

289  
290  
291  
292  
293  
294  
295  
296

estimated to be in excess of one thousand five hundred dollars. 297  
The motion shall be accompanied by an affidavit that sets forth an 298  
estimate of the reasonably necessary costs that the impounding 299  
agency expects to incur in providing that care, which may include, 300  
but are not limited to, the necessary cost of veterinary care, 301  
medications, food, water, and board for the companion animals 302  
during the pendency of the charges. 303

(2) Within ten days after the date on which a motion is filed 304  
under division (E)(1) of this section, the court shall conduct a 305  
hearing. Except as otherwise provided in division (E)(5) of this 306  
section, at the hearing, the impounding agency has the burden of 307  
proving by a preponderance of the evidence that there is probable 308  
cause to find that the defendant is guilty of a violation of 309  
section 959.131 of the Revised Code and that the reasonably 310  
necessary cumulative costs of caring during the pendency of the 311  
charges for the companion animals seized or removed from the 312  
defendant's custody or control are reasonably projected to exceed 313  
one thousand five hundred dollars. 314

(3) If the court finds at the conclusion of the hearing that 315  
probable cause does not exist for finding that the defendant 316  
committed a violation of section 959.131 of the Revised Code and 317  
that the defendant otherwise has a right to possession of the 318  
companion animals, the court shall order the animals to be 319  
returned to the defendant. If the court finds at the conclusion of 320  
the hearing that probable cause exists for finding that the 321  
defendant committed a violation of that section, but that the 322  
reasonably necessary costs for caring during the pendency of the 323  
charges for the companion animals seized or removed from the 324  
defendant's custody or control are reasonably projected to be one 325  
thousand five hundred dollars or less, the court shall deny the 326  
petitioner's motion to require the defendant to pay a deposit. 327

If the court finds at the conclusion of the hearing that 328

probable cause exists for finding the defendant guilty of the 329  
violation with respect to one or more of the impounded companion 330  
animals and for determining that the reasonably necessary 331  
projected costs of caring for the companion animals exceed one 332  
thousand five hundred dollars during the pendency of the charges. 333  
the court shall do one of the following: 334

(a) Order the defendant to post a deposit with the clerk of 335  
the court in a form and in an amount that the court determines is 336  
sufficient to cover the cost of care of the companion animals from 337  
the date of impoundment until the date of the disposition of the 338  
charges; 339

(b) Order one or more of the companion animals to be returned 340  
to the defendant under any conditions and restrictions that the 341  
court determines to be appropriate to ensure that the companion 342  
animals receive humane and adequate care and treatment; 343

(c) Deny the motion of the impounding agency requesting the 344  
defendant to post a deposit, but permit the impounding agency to 345  
retain custody of one or more of the companion animals pending 346  
resolution of the underlying charges. 347

(4) The court may order the defendant to forfeit the right of 348  
possession and ownership in one or more of the companion animals 349  
to the impounding agency if the defendant fails to comply with the 350  
conditions set forth in an order of the court that is rendered 351  
under division (E)(3) of this section. If the order that was not 352  
complied with required the defendant to post a deposit, forfeiture 353  
of the companion animals relieves the defendant of any further 354  
obligation to post the deposit. 355

(5)(a) A hearing that is conducted under division (D) of this 356  
section shall be combined whenever possible with any hearing 357  
involving the same pending charges that is authorized and 358  
conducted under division (E) of this section. However, division 359

(E)(5)(b) of this section applies when both of the hearings are  
conducted and combining them is not possible.

360  
361

(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.

362  
363  
364  
365  
366  
367  
368  
369  
370

(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:

371  
372  
373  
374  
375  
376  
377  
378  
379  
380

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

381  
382

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

383  
384

(c) Return any remaining amount to the defendant.

385

(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

386  
387  
388  
389  
390

animal to the defendant. If the companion animal cannot be  
returned, the court shall order the impounding agency to pay to  
the defendant an amount determined by the court to be equal to the  
reasonable market value of the companion animal at the time that  
it was impounded plus statutory interest as defined in section  
1343.03 of the Revised Code from the date of the impoundment. In  
determining the reasonable market value of the companion animal,  
the court may consider the condition of the companion animal at  
the time that the companion animal was impounded and any change in  
the condition of the companion animal after it was impounded.

391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401

(G) An impounding agency that impounds a companion animal  
under this section shall pay a person who provides veterinary care  
to the companion animal during the impoundment for the cost of the  
veterinary care regardless of whether the impounding agency is  
reimbursed for the payment under this section or section 959.99 of  
the Revised Code.

402  
403  
404  
405  
406  
407

**Sec. 959.99.** (A) Whoever violates section ~~959.01~~, 959.18~~7~~ or  
959.19 of the Revised Code is guilty of a minor misdemeanor.

408  
409

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

410  
411  
412  
413  
414  
415

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

416  
417  
418

(D) Whoever violates division (A) of section 959.13 of the  
Revised Code is guilty of a misdemeanor of the second degree. In  
addition, the court may order the offender to forfeit the animal

419  
420  
421

or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

422  
423  
424  
425  
426  
427  
428  
429

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

430  
431  
432  
433

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

434  
435  
436  
437

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

438  
439  
440  
441  
442  
443  
444  
445

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

446  
447  
448  
449  
450  
451  
452

(4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

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

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

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

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

All appointments of agents under this section shall be approved by the mayor of the municipal corporation for which they are made. If the society exists outside a municipal corporation,

such appointments shall be approved by the probate judge of the  
county for which they are made. ~~Such~~ The mayor or probate judge  
shall keep a record of such appointments.

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

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

the county in which the child resides or in which the abuse or 516  
neglect is occurring or has occurred. 517

(b) Division (A)(1)(a) of this section applies to any person 518  
who is an attorney; physician, including a hospital intern or 519  
resident; dentist; podiatrist; practitioner of a limited branch of 520  
medicine as specified in section 4731.15 of the Revised Code; 521  
registered nurse; licensed practical nurse; visiting nurse; other 522  
health care professional; licensed psychologist; licensed school 523  
psychologist; speech pathologist or audiologist; coroner; 524  
administrator or employee of a child day-care center; 525  
administrator or employee of a residential camp or child day camp; 526  
administrator or employee of a certified child care agency or 527  
other public or private children services agency; school teacher; 528  
school employee; school authority; person engaged in social work 529  
or the practice of professional counseling; agent of a county 530  
humane society; or a person rendering spiritual treatment through 531  
prayer in accordance with the tenets of a well-recognized 532  
religion. 533

(2) An attorney or a physician is not required to make a 534  
report pursuant to division (A)(1) of this section concerning any 535  
communication the attorney or physician receives from a client or 536  
patient in an attorney-client or physician-patient relationship, 537  
if, in accordance with division (A) or (B) of section 2317.02 of 538  
the Revised Code, the attorney or physician could not testify with 539  
respect to that communication in a civil or criminal proceeding, 540  
except that the client or patient is deemed to have waived any 541  
testimonial privilege under division (A) or (B) of section 2317.02 542  
of the Revised Code with respect to that communication and the 543  
attorney or physician shall make a report pursuant to division 544  
(A)(1) of this section with respect to that communication, if all 545  
of the following apply: 546

(a) The client or patient, at the time of the communication, 547

is either a child under eighteen years of age or a mentally  
retarded, developmentally disabled, or physically impaired person  
under twenty-one years of age.

548  
549  
550

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

551  
552  
553  
554  
555  
556

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

557  
558  
559  
560

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

561  
562  
563  
564  
565  
566  
567  
568  
569

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

570  
571  
572  
573

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

574  
575  
576

(2) The child's age and the nature and extent of the child's  
known or suspected injuries, abuse, or neglect or of the known or

577  
578

suspected threat of injury, abuse, or neglect, including any 579  
evidence of previous injuries, abuse, or neglect; 580

(3) Any other information that might be helpful in 581  
establishing the cause of the known or suspected injury, abuse, or 582  
neglect or of the known or suspected threat of injury, abuse, or 583  
neglect. 584

Any person, who is required by division (A) of this section 585  
to report known or suspected child abuse or child neglect, may 586  
take or cause to be taken color photographs of areas of trauma 587  
visible on a child and, if medically indicated, cause to be 588  
performed radiological examinations of the child. 589

(D)(1) Upon the receipt of a report concerning the possible 590  
abuse or neglect of a child or the possible threat of abuse or 591  
neglect of a child, the municipal or county peace officer who 592  
receives the report shall refer the report to the appropriate 593  
public children services agency. 594

(2) On receipt of a report pursuant to this division or 595  
division (A) or (B) of this section, the public children services 596  
agency shall comply with section 2151.422 of the Revised Code. 597

(E) No township, municipal, or county peace officer shall 598  
remove a child about whom a report is made pursuant to this 599  
section from the child's parents, stepparents, or guardian or any 600  
other persons having custody of the child without consultation 601  
with the public children services agency, unless, in the judgment 602  
of the officer, and, if the report was made by physician, the 603  
physician, immediate removal is considered essential to protect 604  
the child from further abuse or neglect. The agency that must be 605  
consulted shall be the agency conducting the investigation of the 606  
report as determined pursuant to section 2151.422 of the Revised 607  
Code. 608

(F)(1) Except as provided in section 2151.422 of the Revised 609

Code, the public children services agency shall investigate, 610  
within twenty-four hours, each report of known or suspected child 611  
abuse or child neglect and of a known or suspected threat of child 612  
abuse or child neglect that is referred to it under this section 613  
to determine the circumstances surrounding the injuries, abuse, or 614  
neglect or the threat of injury, abuse, or neglect, the cause of 615  
the injuries, abuse, neglect, or threat, and the person or persons 616  
responsible. The investigation shall be made in cooperation with 617  
the law enforcement agency and in accordance with the memorandum 618  
of understanding prepared under division (J) of this section. A 619  
failure to make the investigation in accordance with the 620  
memorandum is not grounds for, and shall not result in, the 621  
dismissal of any charges or complaint arising from the report or 622  
the suppression of any evidence obtained as a result of the report 623  
and does not give, and shall not be construed as giving, any 624  
rights or any grounds for appeal or post-conviction relief to any 625  
person. The public children services agency shall report each case 626  
to a central registry which the department of job and family 627  
services shall maintain in order to determine whether prior 628  
reports have been made in other counties concerning the child or 629  
other principals in the case. The public children services agency 630  
shall submit a report of its investigation, in writing, to the law 631  
enforcement agency. 632

(2) The public children services agency shall make any 633  
recommendations to the county prosecuting attorney or city 634  
director of law that it considers necessary to protect any 635  
children that are brought to its attention. 636

(G)(1)(a) Except as provided in division (H)(3) of this 637  
section, anyone or any hospital, institution, school, health 638  
department, or agency participating in the making of reports under 639  
division (A) of this section, anyone or any hospital, institution, 640  
school, health department, or agency participating in good faith 641

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.

642  
643  
644  
645  
646  
647  
648

(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  
section.

649  
650  
651  
652  
653  
654

(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.

655  
656  
657  
658  
659  
660  
661  
662  
663

(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.

664  
665  
666  
667  
668  
669  
670  
671  
672

(2) No person shall permit or encourage the unauthorized

673

dissemination of the contents of any report made under this 674  
section. 675

(3) A person who knowingly makes or causes another person to 676  
make a false report under division (B) of this section that 677  
alleges that any person has committed an act or omission that 678  
resulted in a child being an abused child or a neglected child is 679  
guilty of a violation of section 2921.14 of the Revised Code. 680

(4) If a report is made pursuant to division (A) or (B) of 681  
this section and the child who is the subject of the report dies 682  
for any reason at any time after the report is made, but before 683  
the child attains eighteen years of age, the public children 684  
services agency or municipal or county peace officer to which the 685  
report was made or referred, on the request of the child fatality 686  
review board, shall submit a summary sheet of information 687  
providing a summary of the report to the review board of the 688  
county in which the deceased child resided at the time of death. 689  
On the request of the review board, the agency or peace officer 690  
may, at its discretion, make the report available to the review 691  
board. 692

(5) A public children services agency shall advise a person 693  
alleged to have inflicted abuse or neglect on a child who is the 694  
subject of a report made pursuant to this section in writing of 695  
the disposition of the investigation. The agency shall not provide 696  
to the person any information that identifies the person who made 697  
the report, statements of witnesses, or police or other 698  
investigative reports. 699

(I) Any report that is required by this section shall result 700  
in protective services and emergency supportive services being 701  
made available by the public children services agency on behalf of 702  
the children about whom the report is made, in an effort to 703  
prevent further neglect or abuse, to enhance their welfare, and, 704  
whenever possible, to preserve the family unit intact. The agency 705

required to provide the services shall be the agency conducting  
the investigation of the report pursuant to section 2151.422 of  
the Revised Code.

706  
707  
708

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

709  
710  
711

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

712  
713  
714

(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;

715  
716  
717  
718  
719

(c) The county peace officer;

720

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

721

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

722  
723

(f) The prosecuting attorney of the county;

724

(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;

725  
726  
727

(h) The county humane society.

728

(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  
goals the elimination of all unnecessary interviews of children

729  
730  
731  
732  
733  
734  
735

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.

736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747

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

748  
749

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

750  
751

(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.

752  
753  
754  
755  
756  
757  
758  
759

(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:

760  
761  
762  
763  
764

(a) Whether the agency has initiated an investigation of the

765  
766

report; 767

(b) Whether the agency is continuing to investigate the 768  
report; 769

(c) Whether the agency is otherwise involved with the child 770  
who is the subject of the report; 771

(d) The general status of the health and safety of the child 772  
who is the subject of the report; 773

(e) Whether the report has resulted in the filing of a 774  
complaint in juvenile court or of criminal charges in another 775  
court. 776

(2) A person may request the information specified in 777  
division (K)(1) of this section only if, at the time the report is 778  
made, the person's name, address, and telephone number are 779  
provided to the person who receives the report. 780

When a municipal or county peace officer or employee of a 781  
public children services agency receives a report pursuant to 782  
division (A) or (B) of this section the recipient of the report 783  
shall inform the person of the right to request the information 784  
described in division (K)(1) of this section. The recipient of the 785  
report shall include in the initial child abuse or child neglect 786  
report that the person making the report was so informed and, if 787  
provided at the time of the making of the report, shall include 788  
the person's name, address, and telephone number in the report. 789  
790

Each request is subject to verification of the identity of 791  
the person making the report. If that person's identity is 792  
verified, the agency shall provide the person with the information 793  
described in division (K)(1) of this section a reasonable number 794  
of times, except that the agency shall not disclose any 795  
confidential information regarding the child who is the subject of 796  
the report other than the information described in those 797

divisions.

798

(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.

799

800

801

(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.

802

803

804

805

806

(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.

807

808

809

810

811

812

813

814

(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 alleged threat of child abuse or child neglect, that allegedly

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

occurred in or involved the out-of-home care entity, the agency  
shall provide the written notice to the owner or governing board  
of the out-of-home care entity that is the subject of the report.  
The agency shall not provide witness statements or police or other  
investigative reports.

830  
831  
832  
833  
834

(N) No later than three days after the day on which a public  
children services agency that conducted the investigation as  
determined pursuant to section 2151.422 of the Revised Code makes  
a disposition of an investigation involving 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 send written  
notice of the disposition of the investigation to the  
administrator, director, or other chief administrative officer and  
the owner or governing board of the out-of-home care entity. The  
agency shall not provide witness statements or police or other  
investigative reports.

835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846

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

847  
848