

As Introduced

**128th General Assembly
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H. B. No. 175

Representative Gerberry

**Cosponsors: Representatives Hagan, Newcomb, Luckie, Murray, Fende,
Brown**

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A B I L L

To amend sections 109.73, 317.08, 959.131, 1717.01, 1
and 1717.06 of the Revised Code to require a 2
person to file proof of successful completion of 3
training with the county recorder prior to being 4
appointed as a humane society agent and to require 5
the revocation of an appointment under certain 6
circumstances. 7

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

Section 1. That sections 109.73, 317.08, 959.131, 1717.01, 8
and 1717.06 of the Revised Code be amended to read as follows: 9

Sec. 109.73. (A) The Ohio peace officer training commission 10
shall recommend rules to the attorney general with respect to all 11
of the following: 12

(1) The approval, or revocation of approval, of peace officer 13
training schools administered by the state, counties, municipal 14
corporations, public school districts, technical college 15
districts, and the department of natural resources; 16

(2) Minimum courses of study, attendance requirements, and 17
equipment and facilities to be required at approved state, county, 18

municipal, and department of natural resources peace officer 19
training schools; 20

(3) Minimum qualifications for instructors at approved state, 21
county, municipal, and department of natural resources peace 22
officer training schools; 23

(4) The requirements of minimum basic training that peace 24
officers appointed to probationary terms shall complete before 25
being eligible for permanent appointment, which requirements shall 26
include a minimum of fifteen hours of training in the handling of 27
the offense of domestic violence, other types of domestic 28
violence-related offenses and incidents, and protection orders and 29
consent agreements issued or approved under section 2919.26 or 30
3113.31 of the Revised Code; a minimum of six hours of crisis 31
intervention training; and a specified amount of training in the 32
handling of missing children and child abuse and neglect cases; 33
and the time within which such basic training shall be completed 34
following appointment to a probationary term; 35

(5) The requirements of minimum basic training that peace 36
officers not appointed for probationary terms but appointed on 37
other than a permanent basis shall complete in order to be 38
eligible for continued employment or permanent appointment, which 39
requirements shall include a minimum of fifteen hours of training 40
in the handling of the offense of domestic violence, other types 41
of domestic violence-related offenses and incidents, and 42
protection orders and consent agreements issued or approved under 43
section 2919.26 or 3113.31 of the Revised Code, a minimum of six 44
hours of crisis intervention training, and a specified amount of 45
training in the handling of missing children and child abuse and 46
neglect cases, and the time within which such basic training shall 47
be completed following appointment on other than a permanent 48
basis; 49

(6) Categories or classifications of advanced in-service 50

training programs for peace officers, including programs in the 51
handling of the offense of domestic violence, other types of 52
domestic violence-related offenses and incidents, and protection 53
orders and consent agreements issued or approved under section 54
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 55
and in the handling of missing children and child abuse and 56
neglect cases, and minimum courses of study and attendance 57
requirements with respect to such categories or classifications; 58

(7) Permitting persons, who are employed as members of a 59
campus police department appointed under section 1713.50 of the 60
Revised Code; who are employed as police officers by a qualified 61
nonprofit corporation police department pursuant to section 62
1702.80 of the Revised Code; who are appointed and commissioned as 63
bank, savings and loan association, savings bank, credit union, or 64
association of banks, savings and loan associations, savings 65
banks, or credit unions police officers, as railroad police 66
officers, or as hospital police officers pursuant to sections 67
4973.17 to 4973.22 of the Revised Code; or who are appointed and 68
commissioned as amusement park police officers pursuant to section 69
4973.17 of the Revised Code, to attend approved peace officer 70
training schools, including the Ohio peace officer training 71
academy, and to receive certificates of satisfactory completion of 72
basic training programs, if the private college or university that 73
established the campus police department; qualified nonprofit 74
corporation police department; bank, savings and loan association, 75
savings bank, credit union, or association of banks, savings and 76
loan associations, savings banks, or credit unions; railroad 77
company; hospital; or amusement park sponsoring the police 78
officers pays the entire cost of the training and certification 79
and if trainee vacancies are available; 80

(8) Permitting undercover drug agents to attend approved 81
peace officer training schools, other than the Ohio peace officer 82

training academy, and to receive certificates of satisfactory 83
completion of basic training programs, if, for each undercover 84
drug agent, the county, township, or municipal corporation that 85
employs that undercover drug agent pays the entire cost of the 86
training and certification; 87

(9)(a) The requirements for basic training programs for 88
bailiffs and deputy bailiffs of courts of record of this state and 89
for criminal investigators employed by the state public defender 90
that those persons shall complete before they may carry a firearm 91
while on duty; 92

(b) The requirements for any training received by a bailiff 93
or deputy bailiff of a court of record of this state or by a 94
criminal investigator employed by the state public defender prior 95
to June 6, 1986, that is to be considered equivalent to the 96
training described in division (A)(9)(a) of this section. 97

(10) Establishing minimum qualifications and requirements for 98
certification for dogs utilized by law enforcement agencies; 99

(11) Establishing minimum requirements for certification of 100
persons who are employed as correction officers in a full-service 101
jail, five-day facility, or eight-hour holding facility or who 102
provide correction services in such a jail or facility; 103

(12) Establishing requirements for the training of agents of 104
a county humane society under section 1717.06 of the Revised Code, 105
including, without limitation, a requirement that the agents 106
receive instruction on traditional animal husbandry methods and 107
training techniques, including customary owner-performed 108
practices. 109

(B) The commission shall appoint an executive director, with 110
the approval of the attorney general, who shall hold office during 111
the pleasure of the commission. The executive director shall 112
perform such duties assigned by the commission. The executive 113

director shall receive a salary fixed pursuant to Chapter 124. of 114
the Revised Code and reimbursement for expenses within the amounts 115
available by appropriation. The executive director may appoint 116
officers, employees, agents, and consultants as the executive 117
director considers necessary, prescribe their duties, and provide 118
for reimbursement of their expenses within the amounts available 119
for reimbursement by appropriation and with the approval of the 120
commission. 121

(C) The commission may do all of the following: 122

(1) Recommend studies, surveys, and reports to be made by the 123
executive director regarding the carrying out of the objectives 124
and purposes of sections 109.71 to 109.77 of the Revised Code; 125

(2) Visit and inspect any peace officer training school that 126
has been approved by the executive director or for which 127
application for approval has been made; 128

(3) Make recommendations, from time to time, to the executive 129
director, the attorney general, and the general assembly regarding 130
the carrying out of the purposes of sections 109.71 to 109.77 of 131
the Revised Code; 132

(4) Report to the attorney general from time to time, and to 133
the governor and the general assembly at least annually, 134
concerning the activities of the commission; 135

(5) Establish fees for the services the commission offers 136
under sections 109.71 to 109.79 of the Revised Code, including, 137
but not limited to, fees for training, certification, and testing; 138

(6) Perform such other acts as are necessary or appropriate 139
to carry out the powers and duties of the commission as set forth 140
in sections 109.71 to 109.77 of the Revised Code. 141

(D) In establishing the requirements, under division (A)(12) 142
of this section, the commission may consider any portions of the 143

curriculum for instruction on the topic of animal husbandry 144
practices, if any, of the Ohio state university college of 145
veterinary medicine. No person or entity that fails to provide 146
instruction on traditional animal husbandry methods and training 147
techniques, including customary owner-performed practices, shall 148
qualify to train a humane society agent for appointment under 149
section 1717.06 of the Revised Code. 150

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 151
of this section, the county recorder shall keep ~~six~~ seven separate 152
sets of records as follows: 153

(1) A record of deeds, in which shall be recorded all deeds 154
and other instruments of writing for the absolute and 155
unconditional sale or conveyance of lands, tenements, and 156
hereditaments; all notices as provided in sections 5301.47 to 157
5301.56 of the Revised Code; all judgments or decrees in actions 158
brought under section 5303.01 of the Revised Code; all 159
declarations and bylaws, and all amendments to declarations and 160
bylaws, as provided in Chapter 5311. of the Revised Code; 161
affidavits as provided in sections 5301.252 and 5301.56 of the 162
Revised Code; all certificates as provided in section 5311.17 of 163
the Revised Code; all articles dedicating archaeological preserves 164
accepted by the director of the Ohio historical society under 165
section 149.52 of the Revised Code; all articles dedicating nature 166
preserves accepted by the director of natural resources under 167
section 1517.05 of the Revised Code; all agreements for the 168
registration of lands as archaeological or historic landmarks 169
under section 149.51 or 149.55 of the Revised Code; all 170
conveyances of conservation easements and agricultural easements 171
under section 5301.68 of the Revised Code; all instruments 172
extinguishing agricultural easements under section 901.21 or 173
5301.691 of the Revised Code or pursuant to terms of such an 174
easement granted to a charitable organization under section 175

5301.68 of the Revised Code; all instruments or orders described	176
in division (B)(2)(b) of section 5301.56 of the Revised Code; all	177
no further action letters issued under section 122.654 or 3746.11	178
of the Revised Code; all covenants not to sue issued under section	179
3746.12 of the Revised Code, including all covenants not to sue	180
issued pursuant to section 122.654 of the Revised Code; any	181
restrictions on the use of property contained in a no further	182
action letter issued under section 122.654 of the Revised Code,	183
any restrictions on the use of property identified pursuant to	184
division (C)(3)(a) of section 3746.10 of the Revised Code, and any	185
restrictions on the use of property contained in a deed or other	186
instrument as provided in division (E) or (F) of section 3737.882	187
of the Revised Code; any easement executed or granted under	188
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	189
any environmental covenant entered into in accordance with	190
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of	191
trust, as described in division (A) of section 5301.255 of the	192
Revised Code, that describe specific real property; and all	193
agreements entered into under division (A) of section 1506.44 of	194
the Revised Code;	195
(2) A record of mortgages, in which shall be recorded all of	196
the following:	197
(a) All mortgages, including amendments, supplements,	198
modifications, and extensions of mortgages, or other instruments	199
of writing by which lands, tenements, or hereditaments are or may	200
be mortgaged or otherwise conditionally sold, conveyed, affected,	201
or encumbered;	202
(b) All executory installment contracts for the sale of land	203
executed after September 29, 1961, that by their terms are not	204
required to be fully performed by one or more of the parties to	205
them within one year of the date of the contracts;	206
(c) All options to purchase real estate, including	207

supplements, modifications, and amendments of the options, but no	208
option of that nature shall be recorded if it does not state a	209
specific day and year of expiration of its validity;	210
(d) Any tax certificate sold under section 5721.33 of the	211
Revised Code, or memorandum of it, that is presented for filing of	212
record.	213
(3) A record of powers of attorney, including all memoranda	214
of trust, as described in division (A) of section 5301.255 of the	215
Revised Code, that do not describe specific real property;	216
(4) A record of plats, in which shall be recorded all plats	217
and maps of town lots, of the subdivision of town lots, and of	218
other divisions or surveys of lands, any center line survey of a	219
highway located within the county, the plat of which shall be	220
furnished by the director of transportation or county engineer,	221
and all drawings and amendments to drawings, as provided in	222
Chapter 5311. of the Revised Code;	223
(5) A record of leases, in which shall be recorded all	224
leases, memoranda of leases, and supplements, modifications, and	225
amendments of leases and memoranda of leases;	226
(6) A record of declarations executed pursuant to section	227
2133.02 of the Revised Code and durable powers of attorney for	228
health care executed pursuant to section 1337.12 of the Revised	229
Code;	230
<u>(7) Proof of successful completion of training by humane</u>	231
<u>society agents as required in section 1717.06 of the Revised Code.</u>	232
(B) All instruments or memoranda of instruments entitled to	233
record shall be recorded in the proper record in the order in	234
which they are presented for record. The recorder may index, keep,	235
and record in one volume unemployment compensation liens, internal	236
revenue tax liens and other liens in favor of the United States as	237
described in division (A) of section 317.09 of the Revised Code,	238

personal tax liens, mechanic's liens, agricultural product liens, 239
notices of liens, certificates of satisfaction or partial release 240
of estate tax liens, discharges of recognizances, excise and 241
franchise tax liens on corporations, broker's liens, and liens 242
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 243
5311.18 of the Revised Code. 244

The recording of an option to purchase real estate, including 245
any supplement, modification, and amendment of the option, under 246
this section shall serve as notice to any purchaser of an interest 247
in the real estate covered by the option only during the period of 248
the validity of the option as stated in the option. 249

(C) In lieu of keeping the ~~six~~ seven separate sets of records 250
required in divisions (A)(1) to ~~(6)~~(7) of this section and the 251
records required in division (D) of this section, a county 252
recorder may record all the instruments required to be recorded by 253
this section in two separate sets of record books. One set shall 254
be called the "official records" and shall contain the instruments 255
listed in divisions (A)(1), (2), (3), (5), (6), and ~~(6)~~(7) and (D) 256
of this section. The second set of records shall contain the 257
instruments listed in division (A)(4) of this section. 258

(D) Except as provided in division (C) of this section, the 259
county recorder shall keep a separate set of records containing 260
all corrupt activity lien notices filed with the recorder pursuant 261
to section 2923.36 of the Revised Code and a separate set of 262
records containing all medicaid fraud lien notices filed with the 263
recorder pursuant to section 2933.75 of the Revised Code. 264

Sec. 959.131. (A) As used in this section: 265

(1) "Companion animal" means any animal that is kept inside a 266
residential dwelling and any dog or cat regardless of where it is 267
kept. "Companion animal" does not include livestock or any wild 268
animal. 269

(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.	270 271
(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.	272 273 274
(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	275 276
(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	277 278
(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 the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.	279 280 281 282 283 284 285
(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.	286 287 288
(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	289 290 291
(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;	292 293 294
(2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access	295 296 297 298 299

to shelter from heat, cold, wind, rain, snow, or excessive direct 300
sunlight, if it can reasonably be expected that the companion 301
animal would become sick or suffer in any other way as a result of 302
or due to the deprivation, confinement, or impoundment or 303
confinement in any of those specified manners. 304

(D) Divisions (B) and (C) of this section do not apply to any 305
of the following: 306

(1) A companion animal used in scientific research conducted 307
by an institution in accordance with the federal animal welfare 308
act and related regulations; 309

(2) The lawful practice of veterinary medicine by a person 310
who has been issued a license, temporary permit, or registration 311
certificate to do so under Chapter 4741. of the Revised Code; 312

(3) Dogs being used or intended for use for hunting or field 313
trial purposes, provided that the dogs are being treated in 314
accordance with usual and commonly accepted practices for the care 315
of hunting dogs; 316

(4) The use of common training devices, if the companion 317
animal is being treated in accordance with usual and commonly 318
accepted practices for the training of animals; 319

(5) The administering of medicine to a companion animal that 320
was properly prescribed by a person who has been issued a license, 321
temporary permit, or registration certificate under Chapter 4741. 322
of the Revised Code. 323

(E) Notwithstanding any section of the Revised Code that 324
otherwise provides for the distribution of fine moneys, the clerk 325
of court shall forward all fines the clerk collects that are so 326
imposed for any violation of this section to the treasurer of the 327
political subdivision or the state, whose county humane society or 328
law enforcement agency is to be paid the fine money as determined 329
under this division. The treasurer to whom the fines are forwarded 330

shall pay the fine moneys to the county humane society or the 331
county, township, municipal corporation, or state law enforcement 332
agency in this state that primarily was responsible for or 333
involved in the investigation and prosecution of the violation. If 334
a county humane society receives any fine moneys under this 335
division, the county humane society shall use the fine moneys to 336
provide the training that is required for humane society agents 337
under section 1717.06 of the Revised Code. 338

Sec. 1717.01. As used in ~~sections 1717.01 to 1717.14,~~ 339
~~inclusive, of the Revised Code,~~ this chapter and in every law 340
relating to animals: 341

(A) "Animal" includes every living dumb creature~~+~~. 342

(B) "Cruelty," "torment," and "torture" include every act, 343
omission, or neglect by which unnecessary or unjustifiable pain or 344
suffering is caused, permitted, or allowed to continue, when there 345
is a reasonable remedy or relief~~+~~. 346

(C) "Humane society agent" or "agent" means an individual who 347
is appointed by a county humane society under section 1717.06 of 348
the Revised Code, and approved by the applicable mayor or probate 349
judge under that section, for the purpose of investigating any 350
person who is accused of an act of cruelty to persons or animals 351
regardless of the title that is given to the individual. 352

(D) "Owner" and "person" include corporations. For the 353
purpose of this section the knowledge and acts of the agents and 354
employees of a corporation, in regard to animals transported, 355
owned, or employed by, or in the custody of, such agents and 356
employees, are the knowledge and acts of the corporation. 357

Sec. 1717.06. A county humane society organized under section 358
1717.05 of the Revised Code may appoint agents~~7~~ who are residents 359
of the county or municipal corporation for which the appointment 360

is made, ~~for the purpose of prosecuting any person guilty of an~~ 361
~~act of cruelty to persons or animals.~~ Such agents may arrest any 362
person found violating this chapter or any other law for 363
protecting persons or animals or preventing acts of cruelty 364
thereto. Upon making an arrest, the agent forthwith shall convey 365
the person arrested before some court or magistrate having 366
jurisdiction of the offense, and there make complaint against the 367
person on oath or affirmation of the offense. 368

All appointments of agents under this section shall be 369
approved by the mayor of the municipal corporation for which they 370
are made, provided that an individual has successfully completed 371
the training that is required in this section and that signed 372
proof of successful completion is on file with the applicable 373
county recorder in accordance with section 317.08 of the Revised 374
Code. If the society exists outside a municipal corporation, such 375
appointments shall be approved by the probate judge of the county 376
for which they are made, provided that an individual has 377
successfully completed the training that is required in this 378
section and that signed proof of successful completion is on file 379
with the applicable county recorder in accordance with section 380
317.08 of the Revised Code. The mayor or probate judge shall keep 381
a record of such appointments. 382

In order to qualify for appointment as a humane society agent 383
under this section, a person first shall successfully complete a 384
minimum of twenty hours of training on issues relating to the 385
investigation and prosecution of cruelty to and neglect of 386
animals. The training shall comply with rules recommended by the 387
peace officer training commission under section 109.73 of the 388
Revised Code and shall include, without limitation, instruction 389
regarding animal husbandry practices as described in division 390
(A)(12) of that section. A person who has been appointed as a 391
humane society agent under this section prior to ~~the effective~~ 392

~~date of this amendment April 9, 2003,~~ may continue to act as a 393
humane society agent for a period of time on and after ~~the~~ 394
~~effective date of this amendment April 9, 2003,~~ without completing 395
the training. However, on or before December 31, 2004, a person 396
who has been appointed as a humane society agent under this 397
section prior to ~~the effective date of this amendment April 9,~~ 398
~~2003,~~ shall successfully complete the training described in this 399
paragraph and submit proof of its successful completion to the 400
appropriate ~~appointing~~ mayor or probate judge who approved the 401
appointment in order to continue to act as a humane society agent 402
after December 31, 2004. 403

Proof of successful completion of the training that is 404
required in this section shall be signed by the chief executive 405
officer of the organization or entity that provided the training 406
and the mayor or probate judge who will approve the appointment. 407
Prior to being appointed as a humane society agent, a person shall 408
file the signed proof of successful completion of training with 409
the county recorder in accordance with section 317.08 of the 410
Revised Code. 411

A person who has been appointed as a humane society agent 412
prior to the effective date of this amendment shall file proof of 413
successful completion of training, including the required 414
signatures, with the county recorder not later than six months 415
after the effective date of this amendment. If a person who is 416
serving as a humane society agent on the effective date of this 417
amendment has not filed the required proof of completion of 418
training with the county recorder as required in this section, the 419
person is suspended as a humane society agent by operation of law 420
until such proof is on file with the county recorder. 421

An individual who suspects that a humane society agent has 422
not successfully completed the training that is required in this 423
section or that an agent's proof of successful completion of 424

training contains false or misleading information may file a 425
complaint with the mayor or probate judge who approved the 426
appointment. The mayor or probate judge shall investigate the 427
complaint. If the mayor or probate judge finds that the agent has 428
not successfully completed the required training or that the proof 429
of successful completion contains false or misleading information, 430
the mayor or probate judge shall rescind the approval of the 431
appointment and order the applicable humane society to revoke the 432
appointment. 433

An agent of a county humane society only has the specific 434
authority granted to the agent under this section and section 435
1717.08 of the Revised Code. 436

Section 2. That existing sections 109.73, 317.08, 959.131, 437
1717.01, and 1717.06 of the Revised Code are hereby repealed. 438