

**As Passed by the House**

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**Am. Sub. H. B. No. 175**

**Representative Gerberry**

**Cosponsors: Representatives Hagan, Newcomb, Luckie, Murray, Fende,  
Brown, Bolon, Chandler, Combs, DeBose, Domenick, Dyer, Harris, Heard,  
Letson, Mallory, Patten, Pryor, Ujvagi, Weddington, Williams, B., Yates, Yuko**

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**A B I L L**

To amend sections 109.73, 317.08, 959.131, 1717.01, 1  
1717.04, 1717.06, and 1717.09 of the Revised Code 2  
to require a person to file proof of successful 3  
completion of training with the county recorder 4  
prior to being appointed as a humane society agent 5  
and to require the revocation of an appointment 6  
under certain 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  
1717.04, 1717.06, and 1717.09 of the Revised Code be amended to 9  
read as follows: 10

**Sec. 109.73.** (A) The Ohio peace officer training commission 11  
shall recommend rules to the attorney general with respect to all 12  
of the following: 13

(1) The approval, or revocation of approval, of peace officer 14  
training schools administered by the state, counties, municipal 15  
corporations, public school districts, technical college 16  
districts, and the department of natural resources; 17

(2) Minimum courses of study, attendance requirements, and 18  
equipment and facilities to be required at approved state, county, 19  
municipal, and department of natural resources peace officer 20  
training schools; 21

(3) Minimum qualifications for instructors at approved state, 22  
county, municipal, and department of natural resources peace 23  
officer training schools; 24

(4) The requirements of minimum basic training that peace 25  
officers appointed to probationary terms shall complete before 26  
being eligible for permanent appointment, which requirements shall 27  
include a minimum of fifteen hours of training in the handling of 28  
the offense of domestic violence, other types of domestic 29  
violence-related offenses and incidents, and protection orders and 30  
consent agreements issued or approved under section 2919.26 or 31  
3113.31 of the Revised Code; a minimum of six hours of crisis 32  
intervention training; and a specified amount of training in the 33  
handling of missing children and child abuse and neglect cases; 34  
and the time within which such basic training shall be completed 35  
following appointment to a probationary term; 36

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

basis;	50
(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;	51 52 53 54 55 56 57 58 59
(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; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 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; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park sponsoring the police officers pays the entire cost of the training and certification and if trainee vacancies are available;	60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81

(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;

(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;

(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.

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

(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;

(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.

(B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during

the pleasure of the commission. The executive director shall 113  
perform such duties assigned by the commission. The executive 114  
director shall receive a salary fixed pursuant to Chapter 124. of 115  
the Revised Code and reimbursement for expenses within the amounts 116  
available by appropriation. The executive director may appoint 117  
officers, employees, agents, and consultants as the executive 118  
director considers necessary, prescribe their duties, and provide 119  
for reimbursement of their expenses within the amounts available 120  
for reimbursement by appropriation and with the approval of the 121  
commission. 122

(C) The commission may do all of the following: 123

(1) Recommend studies, surveys, and reports to be made by the 124  
executive director regarding the carrying out of the objectives 125  
and purposes of sections 109.71 to 109.77 of the Revised Code; 126

(2) Visit and inspect any peace officer training school that 127  
has been approved by the executive director or for which 128  
application for approval has been made; 129

(3) Make recommendations, from time to time, to the executive 130  
director, the attorney general, and the general assembly regarding 131  
the carrying out of the purposes of sections 109.71 to 109.77 of 132  
the Revised Code; 133

(4) Report to the attorney general from time to time, and to 134  
the governor and the general assembly at least annually, 135  
concerning the activities of the commission; 136

(5) Establish fees for the services the commission offers 137  
under sections 109.71 to 109.79 of the Revised Code, including, 138  
but not limited to, fees for training, certification, and testing; 139

(6) Perform such other acts as are necessary or appropriate 140  
to carry out the powers and duties of the commission as set forth 141  
in sections 109.71 to 109.77 of the Revised Code. 142

(D) In establishing the requirements, under division (A)(12) 143  
of this section, the commission may consider any portions of the 144  
curriculum for instruction on the topic of animal husbandry 145  
practices, if any, of the Ohio state university college of 146  
veterinary medicine. No person or entity that fails to provide 147  
instruction on traditional animal husbandry methods and training 148  
techniques, including customary owner-performed practices, shall 149  
qualify to train a humane society agent for appointment under 150  
section 1717.06 of the Revised Code. 151

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 152  
of this section, the county recorder shall keep six separate sets 153  
of records as follows: 154

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

5301.691 of the Revised Code or pursuant to terms of such an 175  
easement granted to a charitable organization under section 176  
5301.68 of the Revised Code; all instruments or orders described 177  
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 178  
no further action letters issued under section 122.654 or 3746.11 179  
of the Revised Code; all covenants not to sue issued under section 180  
3746.12 of the Revised Code, including all covenants not to sue 181  
issued pursuant to section 122.654 of the Revised Code; any 182  
restrictions on the use of property contained in a no further 183  
action letter issued under section 122.654 of the Revised Code, 184  
any restrictions on the use of property identified pursuant to 185  
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 186  
restrictions on the use of property contained in a deed or other 187  
instrument as provided in division (E) or (F) of section 3737.882 188  
of the Revised Code; any easement executed or granted under 189  
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 190  
any environmental covenant entered into in accordance with 191  
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 192  
trust, as described in division (A) of section 5301.255 of the 193  
Revised Code, that describe specific real property; and all 194  
agreements entered into under division (A) of section 1506.44 of 195  
the Revised Code; 196

(2) A record of mortgages, in which shall be recorded all of 197  
the following: 198

(a) All mortgages, including amendments, supplements, 199  
modifications, and extensions of mortgages, or other instruments 200  
of writing by which lands, tenements, or hereditaments are or may 201  
be mortgaged or otherwise conditionally sold, conveyed, affected, 202  
or encumbered; 203

(b) All executory installment contracts for the sale of land 204  
executed after September 29, 1961, that by their terms are not 205  
required to be fully performed by one or more of the parties to 206

them within one year of the date of the contracts;	207
(c) All options to purchase real estate, including	208
supplements, modifications, and amendments of the options, but no	209
option of that nature shall be recorded if it does not state a	210
specific day and year of expiration of its validity;	211
(d) Any tax certificate sold under section 5721.33 of the	212
Revised Code, or memorandum of it, that is presented for filing of	213
record.	214
(3) A record of powers of attorney, including all memoranda	215
of trust, as described in division (A) of section 5301.255 of the	216
Revised Code, that do not describe specific real property;	217
(4) A record of plats, in which shall be recorded all plats	218
and maps of town lots, of the subdivision of town lots, and of	219
other divisions or surveys of lands, any center line survey of a	220
highway located within the county, the plat of which shall be	221
furnished by the director of transportation or county engineer,	222
and all drawings and amendments to drawings, as provided in	223
Chapter 5311. of the Revised Code;	224
(5) A record of leases, in which shall be recorded all	225
leases, memoranda of leases, and supplements, modifications, and	226
amendments of leases and memoranda of leases;	227
(6) A record of declarations executed pursuant to section	228
2133.02 of the Revised Code, <del>and</del> durable powers of attorney for	229
health care executed pursuant to section 1337.12 of the Revised	230
Code, <u>and 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  
250

(C) In lieu of keeping the six separate sets of records 251  
required in divisions (A)(1) to (6) of this section and the 252  
records required in division (D) of this section, a county 253  
recorder may record all the instruments required to be recorded by 254  
this section in two separate sets of record books. One set shall 255  
be called the "official records" and shall contain the instruments 256  
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 257  
section. The second set of records shall contain the instruments 258  
listed in division (A)(4) of this section. 259

(D) Except as provided in division (C) of this section, the 260  
county recorder shall keep a separate set of records containing 261  
all corrupt activity lien notices filed with the recorder pursuant 262  
to section 2923.36 of the Revised Code and a separate set of 263  
records containing all medicaid fraud lien notices filed with the 264  
recorder pursuant to section 2933.75 of the Revised Code. 265

**Sec. 959.131.** (A) As used in this section: 266

(1) "Companion animal" means any animal that is kept inside a 267  
residential dwelling and any dog or cat regardless of where it is 268

kept. "Companion animal" does not include livestock or any wild animal.	269 270
(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.	271 272
(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.	273 274 275
(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	276 277
(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	278 279
(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.	280 281 282 283 284 285 286
(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.	287 288 289
(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	290 291 292
(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;	293 294 295
(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	296 297 298

water, or impound or confine the companion animal without 299  
affording it, during the impoundment or confinement, with access 300  
to shelter from heat, cold, wind, rain, snow, or excessive direct 301  
sunlight, if it can reasonably be expected that the companion 302  
animal would become sick or suffer in any other way as a result of 303  
or due to the deprivation, confinement, or impoundment or 304  
confinement in any of those specified manners. 305

(D) Divisions (B) and (C) of this section do not apply to any 306  
of the following: 307

(1) A companion animal used in scientific research conducted 308  
by an institution in accordance with the federal animal welfare 309  
act and related regulations; 310

(2) The lawful practice of veterinary medicine by a person 311  
who has been issued a license, temporary permit, or registration 312  
certificate to do so under Chapter 4741. of the Revised Code; 313

(3) Dogs being used or intended for use for hunting or field 314  
trial purposes, provided that the dogs are being treated in 315  
accordance with usual and commonly accepted practices for the care 316  
of hunting dogs; 317

(4) The use of common training devices, if the companion 318  
animal is being treated in accordance with usual and commonly 319  
accepted practices for the training of animals; 320

(5) The administering of medicine to a companion animal that 321  
was properly prescribed by a person who has been issued a license, 322  
temporary permit, or registration certificate under Chapter 4741. 323  
of the Revised Code. 324

(E) Notwithstanding any section of the Revised Code that 325  
otherwise provides for the distribution of fine moneys, the clerk 326  
of court shall forward all fines the clerk collects that are so 327  
imposed for any violation of this section to the treasurer of the 328  
political subdivision or the state, whose county humane society or 329

law enforcement agency is to be paid the fine money as determined 330  
under this division. The treasurer to whom the fines are forwarded 331  
shall pay the fine moneys to the county humane society or the 332  
county, township, municipal corporation, or state law enforcement 333  
agency in this state that primarily was responsible for or 334  
involved in the investigation and prosecution of the violation. If 335  
a county humane society receives any fine moneys under this 336  
division, the county humane society shall use the fine moneys to 337  
provide the training that is required for humane society agents 338  
under section 1717.06 of the Revised Code. 339

**Sec. 1717.01.** As used in ~~sections 1717.01 to 1717.14,~~ 340  
~~inclusive, of the Revised Code,~~ this chapter and in every law 341  
relating to animals: 342

(A) "Animal" includes every living dumb creature~~+~~. 343

(B) "Cruelty," "torment," and "torture" include every act, 344  
omission, or neglect by which unnecessary or unjustifiable pain or 345  
suffering is caused, permitted, or allowed to continue, when there 346  
is a reasonable remedy or relief~~+~~. 347

(C) "Humane society agent" or "agent" means an individual who 348  
is appointed by a county humane society under section 1717.06 of 349  
the Revised Code, and approved by the applicable mayor or probate 350  
judge under that section, for the purpose of investigating any 351  
person who is accused of an act of cruelty to animals regardless 352  
of the title that is given to the individual. 353

(D) "Owner" and "person" include corporations. For the 354  
purpose of this section the knowledge and acts of the agents and 355  
employees of a corporation, in regard to animals transported, 356  
owned, or employed by, or in the custody of, such agents and 357  
employees, are the knowledge and acts of the corporation. 358

**Sec. 1717.04.** The Ohio humane society may appoint agents, in 359

any county where no active county humane society exists under 360  
section 1717.05 of the Revised Code, to represent it and to 361  
receive and account for all funds coming to it from fines or 362  
otherwise, and may also appoint agents at large to prosecute its 363  
work throughout the state. Such agents may arrest any person found 364  
violating any law for the protection of ~~persons or~~ animals, or the 365  
prevention of cruelty thereto. Upon making such arrest the agent 366  
forthwith shall convey the person arrested before some court or 367  
magistrate having jurisdiction of the offense, and there make 368  
complaint against ~~him~~ the person. 369

Such agents shall not make such arrests within a municipal 370  
corporation unless their appointment has been approved by the 371  
mayor of the municipal corporation, or within a county beyond the 372  
limits of a municipal corporation unless their appointment has 373  
been approved by the probate judge of the county. Such mayor or 374  
probate judge shall keep a record of such appointments. 375

**Sec. 1717.06.** A county humane society organized under section 376  
1717.05 of the Revised Code may appoint agents, who are residents 377  
of the county or municipal corporation for which the appointment 378  
is made, ~~for the purpose of prosecuting any person guilty of an~~ 379  
~~act of cruelty to persons or animals~~. Such agents may arrest any 380  
person found violating this chapter or any other law for 381  
protecting ~~persons or~~ animals or preventing acts of cruelty 382  
thereto. Upon making an arrest, the agent forthwith shall convey 383  
the person arrested before some court or magistrate having 384  
jurisdiction of the offense, and there make complaint against the 385  
person on oath or affirmation of the offense. 386

All appointments of agents under this section shall be 387  
approved by the mayor of the municipal corporation for which they 388  
are made, provided that an individual has successfully completed 389  
the training that is required in this section and that signed 390

proof of successful completion is on file with the applicable 391  
county recorder in accordance with section 317.08 of the Revised 392  
Code. If the society exists outside a municipal corporation, such 393  
appointments shall be approved by the probate judge of the county 394  
for which they are made, provided that an individual has 395  
successfully completed the training that is required in this 396  
section and that signed proof of successful completion is on file 397  
with the applicable county recorder in accordance with section 398  
317.08 of the Revised Code. The mayor or probate judge shall keep 399  
a record of such appointments. 400

In order to qualify for appointment as a humane society agent 401  
under this section, a person first shall successfully complete a 402  
minimum of twenty hours of training on issues relating to the 403  
investigation and prosecution of cruelty to and neglect of 404  
animals. The training shall comply with rules recommended by the 405  
peace officer training commission under section 109.73 of the 406  
Revised Code and shall include, without limitation, instruction 407  
regarding animal husbandry practices as described in division 408  
(A)(12) of that section. A person who has been appointed as a 409  
humane society agent under this section prior to ~~the effective~~ 410  
~~date of this amendment~~ April 9, 2003, may continue to act as a 411  
humane society agent for a period of time on and after ~~the~~ 412  
~~effective date of this amendment~~ April 9, 2003, without completing 413  
the training. However, on or before December 31, 2004, a person 414  
who has been appointed as a humane society agent under this 415  
section prior to ~~the effective date of this amendment~~ April 9, 416  
2003, shall successfully complete the training described in this 417  
paragraph and submit proof of its successful completion to the 418  
appropriate ~~appointing~~ mayor or probate judge who approved the 419  
appointment in order to continue to act as a humane society agent 420  
after December 31, 2004. 421

Proof of successful completion of the training that is 422

required in this section shall be signed by the chief executive 423  
officer of the organization or entity that provided the training 424  
and the mayor or probate judge who will approve the appointment. 425  
Prior to being appointed as a humane society agent, a person shall 426  
file the signed proof of successful completion of training with 427  
the county recorder in accordance with section 317.08 of the 428  
Revised Code. For this recording, the county recorder shall charge 429  
and collect the fee provided in division (A) of section 317.32 of 430  
the Revised Code. 431

A person who has been appointed as a humane society agent 432  
prior to the effective date of this amendment shall file proof of 433  
successful completion of training, including the required 434  
signatures, with the county recorder not later than six months 435  
after the effective date of this amendment. For this recording, 436  
the county recorder shall charge and collect the fee provided in 437  
division (A) of section 317.32 of the Revised Code. If a person 438  
who is serving as a humane society agent on the effective date of 439  
this amendment has not filed the required proof of completion of 440  
training with the county recorder as required in this section, the 441  
person is suspended as a humane society agent by operation of law 442  
until such proof is on file with the county recorder. 443

An individual who suspects that a humane society agent has 444  
not successfully completed the training that is required in this 445  
section or that an agent's proof of successful completion of 446  
training contains false or misleading information may file a 447  
complaint with the mayor or probate judge who approved the 448  
appointment. The mayor or probate judge shall investigate the 449  
complaint. If the mayor or probate judge finds that the agent has 450  
not successfully completed the required training or that the proof 451  
of successful completion contains false or misleading information, 452  
the mayor or probate judge shall rescind the approval of the 453  
appointment and order the applicable humane society to revoke the 454

appointment. 455

An agent of a county humane society only has the specific 456  
authority granted to the agent under this section and section 457  
1717.08 of the Revised Code. 458

**Sec. 1717.09.** A member of the Ohio humane society or of a 459  
county humane society may require the sheriff of any county, the 460  
constable of any township, the marshal or a ~~policeman~~ police 461  
officer of any municipal corporation, or any agent of such a 462  
society, to arrest any person found violating the laws in relation 463  
to cruelty to ~~persons~~ or animals, and to take possession of any 464  
animal cruelly treated in their respective counties or municipal 465  
corporations, and deliver such animal to the proper officers of 466  
the society. 467

**Section 2.** That existing sections 109.73, 317.08, 959.131, 468  
1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code are 469  
hereby repealed. 470