

**As Reported by the House Local Government and Public
Administration Committee**

**128th General Assembly
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Sub. 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, 1717.04, 1717.06, and 1717.09 of the Revised Code to require a person to file proof of successful completion of training with the county recorder prior to being appointed as a humane society agent and to require the revocation of an appointment under certain circumstances.

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

Section 1. That sections 109.73, 317.08, 959.131, 1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code be amended to read as follows:

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

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

(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~~ seven separate 153
sets 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 and durable powers of attorney for	229
health care executed pursuant to section 1337.12 of the Revised	230
Code;	231
<u>(7) Proof of successful completion of training by humane</u>	232
<u>society agents as required in section 1717.06 of the Revised Code.</u>	233
(B) All instruments or memoranda of instruments entitled to	234
record shall be recorded in the proper record in the order in	235
which they are presented for record. The recorder may index, keep,	236

and record in one volume unemployment compensation liens, internal 237
revenue tax liens and other liens in favor of the United States as 238
described in division (A) of section 317.09 of the Revised Code, 239
personal tax liens, mechanic's liens, agricultural product liens, 240
notices of liens, certificates of satisfaction or partial release 241
of estate tax liens, discharges of recognizances, excise and 242
franchise tax liens on corporations, broker's liens, and liens 243
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 244
5311.18 of the Revised Code. 245

The recording of an option to purchase real estate, including 246
any supplement, modification, and amendment of the option, under 247
this section shall serve as notice to any purchaser of an interest 248
in the real estate covered by the option only during the period of 249
the validity of the option as stated in the option. 250

(C) In lieu of keeping the ~~six~~ seven separate sets of records 251
required in divisions (A)(1) to ~~(6)~~(7) 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), (6), and ~~(6)~~(7) and (D) 257
of this section. The second set of records shall contain the 258
instruments 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 kept. "Companion animal" does not include livestock or any wild animal.	268 269 270
(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	296 297

confinement with sufficient quantities of good, wholesome food and 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. 429

A person who has been appointed as a humane society agent 430
prior to the effective date of this amendment shall file proof of 431
successful completion of training, including the required 432
signatures, with the county recorder not later than six months 433
after the effective date of this amendment. If a person who is 434
serving as a humane society agent on the effective date of this 435
amendment has not filed the required proof of completion of 436
training with the county recorder as required in this section, the 437
person is suspended as a humane society agent by operation of law 438
until such proof is on file with the county recorder. 439

An individual who suspects that a humane society agent has 440
not successfully completed the training that is required in this 441
section or that an agent's proof of successful completion of 442
training contains false or misleading information may file a 443
complaint with the mayor or probate judge who approved the 444
appointment. The mayor or probate judge shall investigate the 445
complaint. If the mayor or probate judge finds that the agent has 446
not successfully completed the required training or that the proof 447
of successful completion contains false or misleading information, 448
the mayor or probate judge shall rescind the approval of the 449
appointment and order the applicable humane society to revoke the 450
appointment. 451

An agent of a county humane society only has the specific 452
authority granted to the agent under this section and section 453

1717.08 of the Revised Code. 454

Sec. 1717.09. A member of the Ohio humane society or of a 455
county humane society may require the sheriff of any county, the 456
constable of any township, the marshal or a ~~policeman~~ police 457
officer of any municipal corporation, or any agent of such a 458
society, to arrest any person found violating the laws in relation 459
to cruelty to ~~persons or~~ animals, and to take possession of any 460
animal cruelly treated in their respective counties or municipal 461
corporations, and deliver such animal to the proper officers of 462
the society. 463

Section 2. That existing sections 109.73, 317.08, 959.131, 464
1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code are 465
hereby repealed. 466