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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
Senator Schuring**

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A B I L L

To amend sections 109.73, 317.08, 317.321, 959.131, 1
1711.15, 1717.01, 1717.04, 1717.06, and 1717.09 2
and to enact section 1717.061 of the Revised Code 3
to require a person to file proof of successful 4
completion of training with the county recorder 5
prior to being appointed as a humane society 6
agent, to require the revocation of an appointment 7
under certain circumstances, to provide that the 8
sovereign immunity provided for humane society 9
agents under current law does not apply under 10
certain circumstances, to increase the maximum 11
portion of recording fees that may be earmarked 12
for county recorders' equipment funds, and to 13
authorize a board of county commissioners that 14
provides financial assistance to a county 15
agricultural society to provide such assistance 16
from the county's permanent improvement fund. 17

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

Section 1. That sections 109.73, 317.08, 317.321, 959.131, 1711.15, 1717.01, 1717.04, 1717.06, and 1717.09 be amended and section 1717.061 of the Revised Code be enacted 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 equipment and facilities to be required at approved state, county, municipal, and department of natural resources peace officer training schools;

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

(4) The requirements of minimum basic training that peace officers appointed to probationary terms shall complete before being eligible for permanent appointment, which requirements shall include training 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; crisis intervention training; and training in the handling of missing children and child abuse and neglect cases; and the time within which such basic training shall be completed following appointment to a probationary term;

(5) The requirements of minimum basic training that peace

officers not appointed for probationary terms but appointed on 48
other than a permanent basis shall complete in order to be 49
eligible for continued employment or permanent appointment, which 50
requirements shall include training in the handling of the offense 51
of domestic violence, other types of domestic violence-related 52
offenses and incidents, and protection orders and consent 53
agreements issued or approved under section 2919.26 or 3113.31 of 54
the Revised Code, crisis intervention training, and training in 55
the handling of missing children and child abuse and neglect 56
cases, and the time within which such basic training shall be 57
completed following appointment on other than a permanent basis; 58

(6) Categories or classifications of advanced in-service 59
training programs for peace officers, including programs in the 60
handling of the offense of domestic violence, other types of 61
domestic violence-related offenses and incidents, and protection 62
orders and consent agreements issued or approved under section 63
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 64
and in the handling of missing children and child abuse and 65
neglect cases, and minimum courses of study and attendance 66
requirements with respect to such categories or classifications; 67

(7) Permitting persons, who are employed as members of a 68
campus police department appointed under section 1713.50 of the 69
Revised Code; who are employed as police officers by a qualified 70
nonprofit corporation police department pursuant to section 71
1702.80 of the Revised Code; who are appointed and commissioned as 72
bank, savings and loan association, savings bank, credit union, or 73
association of banks, savings and loan associations, savings 74
banks, or credit unions police officers, as railroad police 75
officers, or as hospital police officers pursuant to sections 76
4973.17 to 4973.22 of the Revised Code; or who are appointed and 77
commissioned as amusement park police officers pursuant to section 78
4973.17 of the Revised Code, to attend approved peace officer 79

training schools, including the Ohio peace officer training 80
academy, and to receive certificates of satisfactory completion of 81
basic training programs, if the private college or university that 82
established the campus police department; qualified nonprofit 83
corporation police department; bank, savings and loan association, 84
savings bank, credit union, or association of banks, savings and 85
loan associations, savings banks, or credit unions; railroad 86
company; hospital; or amusement park sponsoring the police 87
officers pays the entire cost of the training and certification 88
and if trainee vacancies are available; 89

(8) Permitting undercover drug agents to attend approved 90
peace officer training schools, other than the Ohio peace officer 91
training academy, and to receive certificates of satisfactory 92
completion of basic training programs, if, for each undercover 93
drug agent, the county, township, or municipal corporation that 94
employs that undercover drug agent pays the entire cost of the 95
training and certification; 96

(9)(a) The requirements for basic training programs for 97
bailiffs and deputy bailiffs of courts of record of this state and 98
for criminal investigators employed by the state public defender 99
that those persons shall complete before they may carry a firearm 100
while on duty; 101

(b) The requirements for any training received by a bailiff 102
or deputy bailiff of a court of record of this state or by a 103
criminal investigator employed by the state public defender prior 104
to June 6, 1986, that is to be considered equivalent to the 105
training described in division (A)(9)(a) of this section. 106

(10) Establishing minimum qualifications and requirements for 107
certification for dogs utilized by law enforcement agencies; 108

(11) Establishing minimum requirements for certification of 109
persons who are employed as correction officers in a full-service 110

jail, five-day facility, or eight-hour holding facility or who 111
provide correction services in such a jail or facility; 112

(12) Establishing requirements for the training of agents of 113
a county humane society under section 1717.06 of the Revised Code, 114
including, without limitation, a requirement that the agents 115
receive instruction on traditional animal husbandry methods and 116
training techniques, including customary owner-performed 117
practices. 118

(B) The commission shall appoint an executive director, with 119
the approval of the attorney general, who shall hold office during 120
the pleasure of the commission. The executive director shall 121
perform such duties assigned by the commission. The executive 122
director shall receive a salary fixed pursuant to Chapter 124. of 123
the Revised Code and reimbursement for expenses within the amounts 124
available by appropriation. The executive director may appoint 125
officers, employees, agents, and consultants as the executive 126
director considers necessary, prescribe their duties, and provide 127
for reimbursement of their expenses within the amounts available 128
for reimbursement by appropriation and with the approval of the 129
commission. 130

(C) The commission may do all of the following: 131

(1) Recommend studies, surveys, and reports to be made by the 132
executive director regarding the carrying out of the objectives 133
and purposes of sections 109.71 to 109.77 of the Revised Code; 134

(2) Visit and inspect any peace officer training school that 135
has been approved by the executive director or for which 136
application for approval has been made; 137

(3) Make recommendations, from time to time, to the executive 138
director, the attorney general, and the general assembly regarding 139
the carrying out of the purposes of sections 109.71 to 109.77 of 140
the Revised Code; 141

(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;

(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;

(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.

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

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

(1) A record of deeds, in which shall be recorded all deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments; all notices as provided in sections 5301.47 to 5301.56 of the Revised Code; all judgments or decrees in actions brought under section 5303.01 of the Revised Code; all declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code; affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code; all certificates as provided in section 5311.17 of

the Revised Code; all articles dedicating archaeological preserves 173
accepted by the director of the Ohio historical society under 174
section 149.52 of the Revised Code; all articles dedicating nature 175
preserves accepted by the director of natural resources under 176
section 1517.05 of the Revised Code; all agreements for the 177
registration of lands as archaeological or historic landmarks 178
under section 149.51 or 149.55 of the Revised Code; all 179
conveyances of conservation easements and agricultural easements 180
under section 5301.68 of the Revised Code; all instruments 181
extinguishing agricultural easements under section 901.21 or 182
5301.691 of the Revised Code or pursuant to terms of such an 183
easement granted to a charitable organization under section 184
5301.68 of the Revised Code; all instruments or orders described 185
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 186
no further action letters issued under section 122.654 or 3746.11 187
of the Revised Code; all covenants not to sue issued under section 188
3746.12 of the Revised Code, including all covenants not to sue 189
issued pursuant to section 122.654 of the Revised Code; any 190
restrictions on the use of property contained in a no further 191
action letter issued under section 122.654 of the Revised Code, 192
any restrictions on the use of property identified pursuant to 193
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 194
restrictions on the use of property contained in a deed or other 195
instrument as provided in division (E) or (F) of section 3737.882 196
of the Revised Code; any easement executed or granted under 197
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 198
any environmental covenant entered into in accordance with 199
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 200
trust, as described in division (A) of section 5301.255 of the 201
Revised Code, that describe specific real property; and all 202
agreements entered into under division (A) of section 1506.44 of 203
the Revised Code; 204

(2) A record of mortgages, in which shall be recorded all of 205

the following:	206
(a) All mortgages, including amendments, supplements,	207
modifications, and extensions of mortgages, or other instruments	208
of writing by which lands, tenements, or hereditaments are or may	209
be mortgaged or otherwise conditionally sold, conveyed, affected,	210
or encumbered;	211
(b) All executory installment contracts for the sale of land	212
executed after September 29, 1961, that by their terms are not	213
required to be fully performed by one or more of the parties to	214
them within one year of the date of the contracts;	215
(c) All options to purchase real estate, including	216
supplements, modifications, and amendments of the options, but no	217
option of that nature shall be recorded if it does not state a	218
specific day and year of expiration of its validity;	219
(d) Any tax certificate sold under section 5721.33 of the	220
Revised Code, or memorandum of it, that is presented for filing of	221
record.	222
(3) A record of powers of attorney, including all memoranda	223
of trust, as described in division (A) of section 5301.255 of the	224
Revised Code, that do not describe specific real property;	225
(4) A record of plats, in which shall be recorded all plats	226
and maps of town lots, of the subdivision of town lots, and of	227
other divisions or surveys of lands, any center line survey of a	228
highway located within the county, the plat of which shall be	229
furnished by the director of transportation or county engineer,	230
and all drawings and amendments to drawings, as provided in	231
Chapter 5311. of the Revised Code;	232
(5) A record of leases, in which shall be recorded all	233
leases, memoranda of leases, and supplements, modifications, and	234
amendments of leases and memoranda of leases;	235

(6) A record of declarations executed pursuant to section 236
2133.02 of the Revised Code, ~~and~~ durable powers of attorney for 237
health care executed pursuant to section 1337.12 of the Revised 238
Code, and proof of successful completion of training by humane 239
society agents as required in section 1717.06 of the Revised Code. 240

(B) All instruments or memoranda of instruments entitled to 241
record shall be recorded in the proper record in the order in 242
which they are presented for record. The recorder may index, keep, 243
and record in one volume unemployment compensation liens, internal 244
revenue tax liens and other liens in favor of the United States as 245
described in division (A) of section 317.09 of the Revised Code, 246
personal tax liens, mechanic's liens, agricultural product liens, 247
notices of liens, certificates of satisfaction or partial release 248
of estate tax liens, discharges of recognizances, excise and 249
franchise tax liens on corporations, broker's liens, and liens 250
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 251
5311.18 of the Revised Code. 252

The recording of an option to purchase real estate, including 253
any supplement, modification, and amendment of the option, under 254
this section shall serve as notice to any purchaser of an interest 255
in the real estate covered by the option only during the period of 256
the validity of the option as stated in the option. 257

(C) In lieu of keeping the six separate sets of records 259
required in divisions (A)(1) to (6) of this section and the 260
records required in division (D) of this section, a county 261
recorder may record all the instruments required to be recorded by 262
this section in two separate sets of record books. One set shall 263
be called the "official records" and shall contain the instruments 264
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 265
section. The second set of records shall contain the instruments 266
listed in division (A)(4) of this section. 267

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

Sec. 317.321. (A) Not later than the first day of October of any year, the county recorder may submit to the board of county commissioners a proposal for the acquisition or maintenance of micrographic or other equipment or for contract services. The proposal shall be in writing and shall include at least the following:

(1) A request that an amount not to exceed ~~four~~ seven dollars of the fee collected for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury and designated as "general fund moneys to supplement the equipment needs of the county recorder";

(2) The number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section

1309.525 or 5310.15 of the Revised Code that will be designated as 299
"general fund moneys to supplement the equipment needs of the 300
county recorder" if the request submitted under division (A)(1) of 301
this section is approved by the board of county commissioners. 302

The proposal may include a description or summary of the 303
micrographic or other equipment, or maintenance thereof, that the 304
county recorder proposes to acquire, or the nature of contract 305
services that the county recorder proposes to utilize. If the 306
county recorder has no immediate plans for the acquisition of 307
equipment or services, the proposal shall explain the general 308
needs of the office for equipment and shall state that the intent 309
of the proposal is to reserve funds for the office's future 310
equipment needs. 311

(B) The board of county commissioners shall receive the 312
proposal and the clerk shall enter it on the journal. At the same 313
time, the board shall establish a date, not sooner than fifteen 314
nor later than thirty days after the board's receipt of the 315
proposal, on which to meet with the recorder to review the 316
proposal. 317

(C) Not later than the fifteenth day of December of any year 318
in which a proposal is submitted under division (A) of this 319
section, the board of county commissioners shall approve, reject, 320
or modify the proposal and notify the county recorder of its 321
action on the proposal. If the board rejects or modifies the 322
proposal, it shall make a written finding that the request is for 323
a purpose other than for acquiring, leasing, or otherwise 324
obtaining micrographic or other equipment or contracts for use by 325
the county recorder or that the amount requested is excessive as 326
determined by the board. If the board approves the proposal, it 327
shall request the establishment of a special fund under section 328
5705.12 of the Revised Code for any fees designated as "general 329
fund moneys to supplement the equipment needs of the county 330

recorder."	331
(D) The acquisition or maintenance of micrographic or other equipment and the acquisition of contract services shall be specifically governed by sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, and 5705.38, and by division (D) of section 5705.41 of the Revised Code.	332 333 334 335 336
Sec. 959.131. (A) As used in this section:	337
(1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.	338 339 340 341
(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.	342 343
(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.	344 345 346
(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	347 348
(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	349 350
(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.	351 352 353 354 355 356 357
(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.	358 359 360

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

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

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

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

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

(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;

(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;

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

(5) The administering of medicine to a companion animal that 392
was properly prescribed by a person who has been issued a license, 393
temporary permit, or registration certificate under Chapter 4741. 394
of the Revised Code. 395

(E) Notwithstanding any section of the Revised Code that 396
otherwise provides for the distribution of fine moneys, the clerk 397
of court shall forward all fines the clerk collects that are so 398
imposed for any violation of this section to the treasurer of the 399
political subdivision or the state, whose county humane society or 400
law enforcement agency is to be paid the fine money as determined 401
under this division. The treasurer to whom the fines are forwarded 402
shall pay the fine moneys to the county humane society or the 403
county, township, municipal corporation, or state law enforcement 404
agency in this state that primarily was responsible for or 405
involved in the investigation and prosecution of the violation. If 406
a county humane society receives any fine moneys under this 407
division, the county humane society shall use the fine moneys to 408
provide the training that is required for humane society agents 409
under section 1717.06 of the Revised Code. 410

Sec. 1711.15. In any county in which there is a duly 411
organized county agricultural society, the board of county 412
commissioners or the county agricultural society itself may 413
purchase or lease, for a term of not less than twenty years, real 414
estate on which to hold fairs under the management and control of 415
the county agricultural society, and may erect suitable buildings 416
on the real estate and otherwise improve it. 417

In counties in which there is a county agricultural society 418
that has purchased, or leased, for a term of not less than twenty 419
years, real estate as a site on which to hold fairs or in which 420
the title to the site is vested in fee in the county, the board of 421
county commissioners may erect or repair buildings or otherwise 422

improve the site and pay the rental of it, or contribute to or pay 423
any other form of indebtedness of the society, if the director of 424
agriculture has certified to the board that the county 425
agricultural society is complying with all laws and rules 426
governing the operation of county agricultural societies. The 427
board may appropriate from the county's general fund or permanent 428
improvement fund any amount that it considers necessary for any of 429
those purposes. 430

Sec. 1717.01. As used in ~~sections 1717.01 to 1717.14,~~ 431
~~inclusive, of the Revised Code,~~ this chapter and in every law 432
relating to animals: 433

(A) "Animal" includes every living dumb creature~~+~~. 434

(B) "Cruelty," "torment," and "torture" include every act, 435
omission, or neglect by which unnecessary or unjustifiable pain or 436
suffering is caused, permitted, or allowed to continue, when there 437
is a reasonable remedy or relief~~+~~. 438

(C) "Humane society agent" or "agent" means an individual who 439
is appointed by a county humane society under section 1717.06 of 440
the Revised Code, and approved by the applicable mayor or probate 441
judge under that section, for the purpose of investigating any 442
person who is accused of an act of cruelty to animals regardless 443
of the title that is given to the individual. 444

(D) "Owner" and "person" include corporations. For the 445
purpose of this section the knowledge and acts of the agents and 446
employees of a corporation, in regard to animals transported, 447
owned, or employed by, or in the custody of, such agents and 448
employees, are the knowledge and acts of the corporation. 449

Sec. 1717.04. The Ohio humane society may appoint agents, in 450
any county where no active county humane society exists under 451
section 1717.05 of the Revised Code, to represent it and to 452

receive and account for all funds coming to it from fines or 453
otherwise, and may also appoint agents at large to prosecute its 454
work throughout the state. Such agents may arrest any person found 455
violating any law for the protection of ~~persons or~~ animals, or the 456
prevention of cruelty thereto. Upon making such arrest the agent 457
forthwith shall convey the person arrested before some court or 458
magistrate having jurisdiction of the offense, and there make 459
complaint against ~~him~~ the person. 460

Such agents shall not make such arrests within a municipal 461
corporation unless their appointment has been approved by the 462
mayor of the municipal corporation, or within a county beyond the 463
limits of a municipal corporation unless their appointment has 464
been approved by the probate judge of the county. Such mayor or 465
probate judge shall keep a record of such appointments. 466

Sec. 1717.06. A county humane society organized under section 467
1717.05 of the Revised Code may appoint agents, who are residents 468
of the county or municipal corporation for which the appointment 469
is made, ~~for the purpose of prosecuting any person guilty of an~~ 470
~~act of cruelty to persons or animals.~~ Such agents may arrest any 471
person found violating this chapter or any other law for 472
protecting ~~persons or~~ animals or preventing acts of cruelty 473
thereto. Upon making an arrest, the agent forthwith shall convey 474
the person arrested before some court or magistrate having 475
jurisdiction of the offense, and there make complaint against the 476
person on oath or affirmation of the offense. 477

All appointments of agents under this section shall be 478
approved by the mayor of the municipal corporation for which they 479
are made, provided that an individual has successfully completed 480
the training that is required in this section and that signed 481
proof of successful completion is on file with the applicable 482
county recorder in accordance with section 317.08 of the Revised 483

Code. If the society exists outside a municipal corporation, such 484
appointments shall be approved by the probate judge of the county 485
for which they are made, provided that an individual has 486
successfully completed the training that is required in this 487
section and that signed proof of successful completion is on file 488
with the applicable county recorder in accordance with section 489
317.08 of the Revised Code. The mayor or probate judge shall keep 490
a record of such appointments. 491

In order to qualify for appointment as a humane society agent 492
under this section, a person first shall successfully complete a 493
minimum of twenty hours of training on issues relating to the 494
investigation and prosecution of cruelty to and neglect of 495
animals. The training shall comply with rules recommended by the 496
peace officer training commission under section 109.73 of the 497
Revised Code and shall include, without limitation, instruction 498
regarding animal husbandry practices as described in division 499
(A)(12) of that section. A person who has been appointed as a 500
humane society agent under this section prior to ~~the effective~~ 501
~~date of this amendment~~ April 9, 2003, may continue to act as a 502
humane society agent for a period of time on and after ~~the~~ 503
~~effective date of this amendment~~ April 9, 2003, without completing 504
the training. However, on or before December 31, 2004, a person 505
who has been appointed as a humane society agent under this 506
section prior to ~~the effective date of this amendment~~ April 9, 507
2003, shall successfully complete the training described in this 508
paragraph and submit proof of its successful completion to the 509
appropriate ~~appointing~~ mayor or probate judge who approved the 510
appointment in order to continue to act as a humane society agent 511
after December 31, 2004. 512

Proof of successful completion of the training that is 513
required in this section shall be signed by the chief executive 514
officer of the organization or entity that provided the training 515

and the mayor or probate judge who will approve the appointment. 516
Prior to being appointed as a humane society agent, a person shall 517
file the signed proof of successful completion of training with 518
the county recorder in accordance with section 317.08 of the 519
Revised Code. For this recording, the county recorder shall charge 520
and collect the fee provided in division (A) of section 317.32 of 521
the Revised Code. 522

A person who has been appointed as a humane society agent 523
prior to the effective date of this amendment shall file proof of 524
successful completion of training, including the required 525
signatures, with the county recorder not later than six months 526
after the effective date of this amendment. For this recording, 527
the county recorder shall charge and collect the fee provided in 528
division (A) of section 317.32 of the Revised Code. If a person 529
who is serving as a humane society agent on the effective date of 530
this amendment has not filed the required proof of completion of 531
training with the county recorder as required in this section, the 532
person is suspended as a humane society agent by operation of law 533
until such proof is on file with the county recorder. 534

An individual who suspects that a humane society agent has 535
not successfully completed the training that is required in this 536
section or that an agent's proof of successful completion of 537
training contains false or misleading information may file a 538
complaint with the mayor or probate judge who approved the 539
appointment. The mayor or probate judge shall investigate the 540
complaint. If the mayor or probate judge finds that the agent has 541
not successfully completed the required training or that the proof 542
of successful completion contains false or misleading information, 543
the mayor or probate judge shall rescind the approval of the 544
appointment and order the applicable humane society to revoke the 545
appointment. 546

An agent of a county humane society only has the specific 547

authority granted to the agent under this section and section 548
1717.08 of the Revised Code. 549

Sec. 1717.061. (A) Except as provided in division (B) of this 550
section, the immunity provided under section 2744.03 of the 551
Revised Code does not apply to a humane society agent who 552
investigates an act of cruelty to an animal if either of the 553
following applies: 554

(1) The agent has not successfully completed the training 555
that is required in section 1717.06 of the Revised Code and has 556
not filed with the applicable county recorder signed proof of 557
successful completion of the training in accordance with section 558
317.08 of the Revised Code. 559

(2) The agent has not been trained in and is not 560
knowledgeable about the proper care of the species of animal that 561
is the subject of the investigation. 562

(B) Division (A)(1) of this section does not apply to a 563
person who has been appointed as a humane society agent prior to 564
the effective date of this section until six months after the 565
effective date of this section. 566

Sec. 1717.09. A member of the Ohio humane society or of a 567
county humane society may require the sheriff of any county, the 568
constable of any township, the marshal or a ~~policeman~~ police 569
officer of any municipal corporation, or any agent of such a 570
society, to arrest any person found violating the laws in relation 571
to cruelty to ~~persons~~ or animals, and to take possession of any 572
animal cruelly treated in their respective counties or municipal 573
corporations, and deliver such animal to the proper officers of 574
the society. 575

Section 2. That existing sections 109.73, 317.08, 317.321, 576
959.131, 1711.15, 1717.01, 1717.04, 1717.06, and 1717.09 of the 577

Revised Code are hereby repealed.

578