

**As Reported by the House State and Local Government
Committee**

**130th General Assembly
Regular Session
2013-2014**

Am. H. B. No. 57

Representative Gerberry

**Cosponsors: Representatives Fedor, Strahorn, Mallory, Phillips, Hagan, R.,
Cera, Lundy, Letson, Clyde, Brown**

—

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 an individual 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 or suspension of an appointment under certain circumstances. 1
2
3
4
5
6
7
8

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: 9
10
11

Sec. 109.73. (A) The Ohio peace officer training commission shall recommend rules to the attorney general with respect to all of the following: 12
13
14

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

districts, and the department of natural resources;	18
(2) Minimum courses of study, attendance requirements, and	19
equipment and facilities to be required at approved state, county,	20
municipal, and department of natural resources peace officer	21
training schools;	22
(3) Minimum qualifications for instructors at approved state,	23
county, municipal, and department of natural resources peace	24
officer training schools;	25
(4) The requirements of minimum basic training that peace	26
officers appointed to probationary terms shall complete before	27
being eligible for permanent appointment, which requirements shall	28
include training in the handling of the offense of domestic	29
violence, other types of domestic violence-related offenses and	30
incidents, and protection orders and consent agreements issued or	31
approved under section 2919.26 or 3113.31 of the Revised Code;	32
crisis intervention training; and training in the handling of	33
missing children and child abuse and neglect cases; and training	34
in handling violations of section 2905.32 of the Revised Code; and	35
the time within which such basic training shall be completed	36
following appointment to a probationary term;	37
(5) The requirements of minimum basic training that peace	38
officers not appointed for probationary terms but appointed on	39
other than a permanent basis shall complete in order to be	40
eligible for continued employment or permanent appointment, which	41
requirements shall include training in the handling of the offense	42
of domestic violence, other types of domestic violence-related	43
offenses and incidents, and protection orders and consent	44
agreements issued or approved under section 2919.26 or 3113.31 of	45
the Revised Code, crisis intervention training, and training in	46
the handling of missing children and child abuse and neglect	47
cases, and training in handling violations of section 2905.32 of	48
the Revised Code, and the time within which such basic training	49

shall be completed following appointment on other than a permanent 50
basis; 51

(6) Categories or classifications of advanced in-service 52
training programs for peace officers, including programs in the 53
handling of the offense of domestic violence, other types of 54
domestic violence-related offenses and incidents, and protection 55
orders and consent agreements issued or approved under section 56
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 57
and in the handling of missing children and child abuse and 58
neglect cases, and in handling violations of section 2905.32 of 59
the Revised Code, and minimum courses of study and attendance 60
requirements with respect to such categories or classifications; 61

(7) Permitting persons, who are employed as members of a 62
campus police department appointed under section 1713.50 of the 63
Revised Code; who are employed as police officers by a qualified 64
nonprofit corporation police department pursuant to section 65
1702.80 of the Revised Code; who are appointed and commissioned as 66
bank, savings and loan association, savings bank, credit union, or 67
association of banks, savings and loan associations, savings 68
banks, or credit unions police officers, as railroad police 69
officers, or as hospital police officers pursuant to sections 70
4973.17 to 4973.22 of the Revised Code; or who are appointed and 71
commissioned as amusement park police officers pursuant to section 72
4973.17 of the Revised Code, to attend approved peace officer 73
training schools, including the Ohio peace officer training 74
academy, and to receive certificates of satisfactory completion of 75
basic training programs, if the private college or university that 76
established the campus police department; qualified nonprofit 77
corporation police department; bank, savings and loan association, 78
savings bank, credit union, or association of banks, savings and 79
loan associations, savings banks, or credit unions; railroad 80
company; hospital; or amusement park sponsoring the police 81

officers pays the entire cost of the training and certification 82
and if trainee vacancies are available; 83

(8) Permitting undercover drug agents to attend approved 84
peace officer training schools, other than the Ohio peace officer 85
training academy, and to receive certificates of satisfactory 86
completion of basic training programs, if, for each undercover 87
drug agent, the county, township, or municipal corporation that 88
employs that undercover drug agent pays the entire cost of the 89
training and certification; 90

(9)(a) The requirements for basic training programs for 91
bailiffs and deputy bailiffs of courts of record of this state and 92
for criminal investigators employed by the state public defender 93
that those persons shall complete before they may carry a firearm 94
while on duty; 95

(b) The requirements for any training received by a bailiff 96
or deputy bailiff of a court of record of this state or by a 97
criminal investigator employed by the state public defender prior 98
to June 6, 1986, that is to be considered equivalent to the 99
training described in division (A)(9)(a) of this section. 100

(10) Establishing minimum qualifications and requirements for 101
certification for dogs utilized by law enforcement agencies; 102

(11) Establishing minimum requirements for certification of 103
persons who are employed as correction officers in a full-service 104
jail, five-day facility, or eight-hour holding facility or who 105
provide correction services in such a jail or facility; 106

(12) Establishing requirements for the training of agents of 107
a county humane society under section 1717.06 of the Revised Code, 108
including, without limitation, a requirement that the agents 109
receive instruction on traditional animal husbandry methods and 110
training techniques, including customary owner-performed 111
practices. 112

(B) The commission shall appoint an executive director, with 113
the approval of the attorney general, who shall hold office during 114
the pleasure of the commission. The executive director shall 115
perform such duties assigned by the commission. The executive 116
director shall receive a salary fixed pursuant to Chapter 124. of 117
the Revised Code and reimbursement for expenses within the amounts 118
available by appropriation. The executive director may appoint 119
officers, employees, agents, and consultants as the executive 120
director considers necessary, prescribe their duties, and provide 121
for reimbursement of their expenses within the amounts available 122
for reimbursement by appropriation and with the approval of the 123
commission. 124

(C) The commission may do all of the following: 125

(1) Recommend studies, surveys, and reports to be made by the 126
executive director regarding the carrying out of the objectives 127
and purposes of sections 109.71 to 109.77 of the Revised Code; 128

(2) Visit and inspect any peace officer training school that 129
has been approved by the executive director or for which 130
application for approval has been made; 131

(3) Make recommendations, from time to time, to the executive 132
director, the attorney general, and the general assembly regarding 133
the carrying out of the purposes of sections 109.71 to 109.77 of 134
the Revised Code; 135

(4) Report to the attorney general from time to time, and to 136
the governor and the general assembly at least annually, 137
concerning the activities of the commission; 138

(5) Establish fees for the services the commission offers 139
under sections 109.71 to 109.79 of the Revised Code, including, 140
but not limited to, fees for training, certification, and testing; 141

(6) Perform such other acts as are necessary or appropriate 142
to carry out the powers and duties of the commission as set forth 143

in sections 109.71 to 109.77 of the Revised Code. 144

(D) In establishing the requirements, under division (A)(12) 145
of this section, the commission may consider any portions of the 146
curriculum for instruction on the topic of animal husbandry 147
practices, if any, of the Ohio state university college of 148
veterinary medicine and the standards of care of livestock adopted 149
by the Ohio livestock care standards board. No person or entity 150
that fails to provide instruction on traditional animal husbandry 151
methods and training techniques, including customary 152
owner-performed practices, shall qualify to train a humane society 153
agent for appointment under section 1717.06 of the Revised Code. 154

Sec. 317.08. (A) Except as provided in divisions (C) and (D) 155
of this section, the county recorder shall keep ~~six~~ seven separate 156
sets of records as follows: 157

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

conveyances of conservation easements and agricultural easements	175
under section 5301.68 of the Revised Code; all instruments	176
extinguishing agricultural easements under section 901.21 or	177
5301.691 of the Revised Code or pursuant to terms of such an	178
easement granted to a charitable organization under section	179
5301.68 of the Revised Code; all instruments or orders described	180
in division (B)(2)(b) of section 5301.56 of the Revised Code; all	181
no further action letters issued under section 122.654 or 3746.11	182
of the Revised Code; all covenants not to sue issued under section	183
3746.12 of the Revised Code, including all covenants not to sue	184
issued pursuant to section 122.654 of the Revised Code; any	185
restrictions on the use of property contained in a no further	186
action letter issued under section 122.654 of the Revised Code,	187
any restrictions on the use of property identified pursuant to	188
division (C)(3)(a) of section 3746.10 of the Revised Code, and any	189
restrictions on the use of property contained in a deed or other	190
instrument as provided in division (E) or (F) of section 3737.882	191
of the Revised Code; any easement executed or granted under	192
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	193
any environmental covenant entered into in accordance with	194
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of	195
trust, as described in division (A) of section 5301.255 of the	196
Revised Code, that describe specific real property; and all	197
agreements entered into under division (A) of section 1506.44 of	198
the Revised Code;	199
(2) A record of mortgages, in which shall be recorded all of	200
the following:	201
(a) All mortgages, including amendments, supplements,	202
modifications, and extensions of mortgages, or other instruments	203
of writing by which lands, tenements, or hereditaments are or may	204
be mortgaged or otherwise conditionally sold, conveyed, affected,	205
or encumbered;	206

(b) All executory installment contracts for the sale of land	207
executed after September 29, 1961, that by their terms are not	208
required to be fully performed by one or more of the parties to	209
them within one year of the date of the contracts;	210
(c) All options to purchase real estate, including	211
supplements, modifications, and amendments of the options, but no	212
option of that nature shall be recorded if it does not state a	213
specific day and year of expiration of its validity;	214
(d) Any tax certificate sold under section 5721.33 of the	215
Revised Code, or memorandum of it, that is presented for filing of	216
record.	217
(3) A record of powers of attorney, including all memoranda	218
of trust, as described in division (A) of section 5301.255 of the	219
Revised Code, that do not describe specific real property;	220
(4) A record of plats, in which shall be recorded all plats	221
and maps of town lots, of the subdivision of town lots, and of	222
other divisions or surveys of lands, any center line survey of a	223
highway located within the county, the plat of which shall be	224
furnished by the director of transportation or county engineer,	225
and all drawings and amendments to drawings, as provided in	226
Chapter 5311. of the Revised Code;	227
(5) A record of leases, in which shall be recorded all	228
leases, memoranda of leases, and supplements, modifications, and	229
amendments of leases and memoranda of leases;	230
(6) A record of declarations executed pursuant to section	231
2133.02 of the Revised Code and durable powers of attorney for	232
health care executed pursuant to section 1337.12 of the Revised	233
Code;	234
<u>(7) Proof of successful completion of training by humane</u>	235
<u>society agents and notices of revocation of agents' appointments</u>	236
<u>as required in section 1717.06 of the Revised Code.</u>	237

(B) All instruments or memoranda of instruments entitled to 238
record shall be recorded in the proper record in the order in 239
which they are presented for record. The recorder may index, keep, 240
and record in one volume unemployment compensation liens, internal 241
revenue tax liens and other liens in favor of the United States as 242
described in division (A) of section 317.09 of the Revised Code, 243
personal tax liens, mechanic's liens, agricultural product liens, 244
notices of liens, certificates of satisfaction or partial release 245
of estate tax liens, discharges of recognizances, excise and 246
franchise tax liens on corporations, broker's liens, and liens 247
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 248
5311.18 of the Revised Code. 249

The recording of an option to purchase real estate, including 250
any supplement, modification, and amendment of the option, under 251
this section shall serve as notice to any purchaser of an interest 252
in the real estate covered by the option only during the period of 253
the validity of the option as stated in the option. 254

(C) In lieu of keeping the ~~six~~ seven separate sets of records 255
required in divisions (A)(1) to ~~(6)~~ (7) of this section and the 256
records required in division (D) of this section, a county 257
recorder may record all the instruments required to be recorded by 258
this section in two separate sets of record books. One set shall 259
be called the "official records" and shall contain the instruments 260
listed in divisions (A)(1), (2), (3), (5), (6), and ~~(6)~~ (7) and (D) 261
of this section. The second set of records shall contain the 262
instruments listed in division (A)(4) of this section. 263

(D) Except as provided in division (C) of this section, the 264
county recorder shall keep a separate set of records containing 265
all corrupt activity lien notices filed with the recorder pursuant 266
to section 2923.36 of the Revised Code and a separate set of 267
records containing all medicaid fraud lien notices filed with the 268
recorder pursuant to section 2933.75 of the Revised Code. 269

Sec. 959.131. (A) As used in this section:	270
(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.	271 272 273 274
(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.	275 276
(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.	277 278 279
(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	280 281
(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	282 283
(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.	284 285 286 287 288 289 290
(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.	291 292 293
(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	294 295 296
(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;	297 298 299

(2) Deprive the companion animal of necessary sustenance, 300
confine the companion animal without supplying it during the 301
confinement with sufficient quantities of good, wholesome food and 302
water, or impound or confine the companion animal without 303
affording it, during the impoundment or confinement, with access 304
to shelter from heat, cold, wind, rain, snow, or excessive direct 305
sunlight, if it can reasonably be expected that the companion 306
animal would become sick or suffer in any other way as a result of 307
or due to the deprivation, confinement, or impoundment or 308
confinement in any of those specified manners. 309

(D) Divisions (B) and (C) of this section do not apply to any 310
of the following: 311

(1) A companion animal used in scientific research conducted 312
by an institution in accordance with the federal animal welfare 313
act and related regulations; 314

(2) The lawful practice of veterinary medicine by a person 315
who has been issued a license, temporary permit, or registration 316
certificate to do so under Chapter 4741. of the Revised Code; 317

(3) Dogs being used or intended for use for hunting or field 318
trial purposes, provided that the dogs are being treated in 319
accordance with usual and commonly accepted practices for the care 320
of hunting dogs; 321

(4) The use of common training devices, if the companion 322
animal is being treated in accordance with usual and commonly 323
accepted practices for the training of animals; 324

(5) The administering of medicine to a companion animal that 325
was properly prescribed by a person who has been issued a license, 326
temporary permit, or registration certificate under Chapter 4741. 327
of the Revised Code. 328

(E) Notwithstanding any section of the Revised Code that 329
otherwise provides for the distribution of fine moneys, the clerk 330

of court shall forward all fines the clerk collects that are so 331
imposed for any violation of this section to the treasurer of the 332
political subdivision or the state, whose county humane society or 333
law enforcement agency is to be paid the fine money as determined 334
under this division. The treasurer to whom the fines are forwarded 335
shall pay the fine moneys to the county humane society or the 336
county, township, municipal corporation, or state law enforcement 337
agency in this state that primarily was responsible for or 338
involved in the investigation and prosecution of the violation. If 339
a county humane society receives any fine moneys under this 340
division, the county humane society shall use the fine moneys to 341
provide the training that is required for humane society agents 342
under section 1717.06 of the Revised Code. 343

Sec. 1717.01. As used in ~~sections 1717.01 to 1717.14,~~ 344
~~inclusive, of the Revised Code,~~ this chapter and in every law 345
relating to animals: 346

(A) "Animal" includes every living dumb creature~~+~~. 347

(B) "Cruelty," "torment," and "torture" include every act, 348
omission, or neglect by which unnecessary or unjustifiable pain or 349
suffering is caused, permitted, or allowed to continue, when there 350
is a reasonable remedy or relief~~+~~. 351

(C) "Humane society agent" or "agent" means an individual who 352
complies with, and is appointed by a county humane society under, 353
section 1717.06 of the Revised Code for the purpose of 354
investigating any person who is accused of an act of cruelty to 355
animals regardless of the title that is given to the individual. 356

(D) "Owner" and "person" include corporations. For the 357
purpose of this section the knowledge and acts of the agents and 358
employees of a corporation, in regard to animals transported, 359
owned, or employed by, or in the custody of, such agents and 360
employees, are the knowledge and acts of the corporation. 361

Sec. 1717.04. The Ohio humane society may appoint agents, in 362
any county where no active county humane society exists under 363
section 1717.05 of the Revised Code, to represent it and to 364
receive and account for all funds coming to it from fines or 365
otherwise, and may also appoint agents at large to prosecute its 366
work throughout the state. Such agents may arrest any person found 367
violating any law for the protection of ~~persons or~~ animals, or the 368
prevention of cruelty thereto. Upon making ~~such an~~ an arrest, the 369
agent forthwith shall convey the person arrested before some court 370
or magistrate having jurisdiction of the offense, and there make 371
complaint against ~~him~~ the person. 372

Such agents shall not make such arrests within a municipal 373
corporation unless their appointment has been approved by the 374
mayor of the municipal corporation, or within a county beyond the 375
limits of a municipal corporation unless their appointment has 376
been approved by the probate judge of the county. ~~Such~~ The mayor 377
or probate judge shall keep a record of such appointments. 378

Sec. 1717.06. (A)(1) A county humane society organized under 379
section 1717.05 of the Revised Code may appoint agents, ~~who are~~ 380
~~residents of the county or municipal corporation for which the~~ 381
~~appointment is made, for the purpose of prosecuting any person~~ 382
~~guilty of an act of cruelty to persons or animals.~~ Such agents may 383
arrest any person found violating this chapter or any other law 384
for protecting ~~persons or~~ animals or preventing acts of cruelty 385
thereto. Upon making an arrest, the agent forthwith shall convey 386
the person arrested before some court or magistrate having 387
jurisdiction of the offense, and there make complaint against the 388
person on oath or affirmation of the offense. 389

(2) All appointments of agents under this section shall be 390
approved by the mayor of the municipal corporation for which they 391
are made. If the society exists outside a municipal corporation, 392

such appointments shall be approved by the probate judge of the 393
county for which they are made. The mayor or probate judge shall 394
keep a record of such ~~appointments~~ approvals. 395

(B) In order to qualify for appointment as a humane society 396
agent under this section, ~~a person first shall successfully an~~ 397
individual shall do all of the following: 398

(1) Successfully complete a minimum of twenty hours of 399
training on issues relating to the investigation and prosecution 400
of cruelty to and neglect of animals. The training shall comply 401
with rules recommended by the peace officer training commission 402
under section 109.73 of the Revised Code and shall include, 403
without limitation, instruction regarding animal husbandry 404
practices as described in division (A)(12) of that section. A 405
~~person~~ Proof of successful completion of training shall be signed 406
by the chief executive officer of the organization or entity that 407
provided the training and by the chief officer of the county 408
humane society appointing the agent. An individual who has been 409
appointed as a humane society agent under this section prior to 410
~~the effective date of this amendment~~ April 9, 2003, may continue 411
to act as a humane society agent for a period of time on and after 412
~~the effective date of this amendment~~ April 9, 2003, without 413
completing the training. However, on or before December 31, 2004, 414
~~a person~~ an individual who has been appointed as a humane society 415
agent under this section prior to ~~the effective date of this~~ 416
~~amendment~~ April 9, 2003, shall successfully complete the training 417
described in this ~~paragraph~~ division and submit proof of its 418
successful completion to the appropriate ~~appointing~~ mayor or 419
probate judge who approved the appointment in order to continue to 420
act as a humane society agent after December 31, 2004. 421

(2) Present proof of successful completion of training that 422
is signed as required by division (B)(1) of this section to the 423
appropriate mayor or probate judge for approval. Proof of 424

successful completion of training shall be signed by the 425
appropriate mayor or probate judge before the proof is filed under 426
division (B)(3) of this section. 427

(3) File proof of successful completion of training that is 428
signed as required by divisions (B)(1) and (2) of this section 429
with the county recorder in accordance with section 317.08 of the 430
Revised Code. 431

An appointment is not final until the day on which proof of 432
successful completion of training is filed with the county 433
recorder under this division. The fee charged by the county 434
recorder for filing proof of successful completion of training 435
shall be paid by the county humane society appointing the agent. 436

(C) An individual who is serving as a humane society agent on 437
the effective date of this amendment shall file proof of 438
successful completion of training, including the required 439
signatures, with the county recorder not later than six months 440
after the effective date of this amendment. If that individual has 441
not filed the required proof of successful completion of training 442
with the county recorder as required in this section, the 443
individual is suspended as a humane society agent by operation of 444
law until such proof is on file with the county recorder. 445

(D) An individual who suspects that a humane society agent 446
has not successfully completed the training that is required in 447
this section or that an agent's proof of successful completion of 448
training contains false or misleading information may file a 449
complaint with the mayor or probate judge who approved the 450
appointment. The mayor or probate judge shall investigate the 451
complaint. If the mayor or probate judge finds that the agent has 452
not successfully completed the required training or that the proof 453
of successful completion contains false or misleading information, 454
the mayor or probate judge shall rescind the approval of the 455
appointment and order the applicable humane society to revoke the 456

appointment. The applicable county humane society shall file 457
written notice with the county recorder of the revocation under 458
this division of a humane society agent's appointment. Revocation 459
of the appointment shall be duly noted and recorded in the records 460
kept under section 317.08 of the Revised Code, and the county 461
humane society shall pay the fee for that filing. 462

(E) An agent of a county humane society only has the specific 463
authority granted to the agent under this section and section 464
1717.08 of the Revised Code. 465

Sec. 1717.09. A member of the Ohio humane society or of a 466
county humane society may require the sheriff of any county, the 467
constable of any township, the marshal or a ~~policeman~~ police 468
officer of any municipal corporation, or any agent of such a 469
society, to arrest any person found violating the laws in relation 470
to cruelty to ~~persons~~ or animals, and to take possession of any 471
animal cruelly treated in their respective counties or municipal 472
corporations, and deliver ~~such~~ the animal to the proper officers 473
of the society. 474

Section 2. That existing sections 109.73, 317.08, 959.131, 475
1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code are 476
hereby repealed. 477