



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 175*

128th General Assembly

(As Reported by H. Local Government and Public Administration)

Reps. Gerberry, Hagan, Newcomb, Luckie, Murray, Fende, Brown

BILL SUMMARY

- Requires a person to file proof of successful completion of training with the county recorder before being appointed as a humane society agent.
- Requires the revocation of an appointment of a humane society agent under certain circumstances.

CONTENT AND OPERATION

Humane society agents

(R.C. 109.73, 959.131, 1717.01, 1717.04, 1717.06, and 1717.09)

Under continuing law, the Ohio Peace Officer Training Commission must recommend rules to the Attorney General with respect to establishing requirements for the training of county humane society agents, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices. In establishing the requirements, the commission can 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. Continuing law prohibits a person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, from qualifying to train a humane society agent.

* This analysis was prepared before the report of the House Local Government and Public Administration Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

Under current law, a county humane society organized under Ohio law can appoint agents, who are residents of the county or municipal corporation for which the appointment is made, for the purpose of prosecuting any person guilty of an act of cruelty to persons or animals. The agents can arrest any person found violating animal protection laws and bring a complaint against the person in a court having jurisdiction. Currently, the mayor of the municipal corporation for which they are made must approve all appointments of agents. Or, if the society exists outside a municipal corporation, the probate judge of the county for which they are made must approve the appointments. The mayor or probate judge must keep a record of the appointments.

In order to qualify for appointment as a humane society agent under current law, a person first must successfully complete a minimum of 20 hours of training on issues relating to the investigation and prosecution of cruelty to and neglect of animals. The training must comply with rules recommended by the Peace Officer Training Commission.

Current law prohibits cruelty against companion animals¹ and provides that fines collected for violations must be paid to the county humane society or the county, township, municipal corporation, or state law enforcement agency that primarily was responsible for or involved in the investigation and prosecution of the violation. The moneys must be used to provide the training that is required for humane society agents.

The bill removes language that states that a humane society agent's² purpose is to prosecute any person guilty of an act of cruelty to persons or animals. The bill also removes obsolete law that gives county humane agents authority to arrest persons found violating law for the protection of persons.

Additionally, the bill provides that approval of agents' appointments by the mayor of the municipal corporation or the probate judge of the county can occur if an individual has successfully completed the required training and if signed proof of successful completion is on file with the applicable county recorder. Proof of successful completion of the required training must be signed by the chief executive officer of the organization or entity that provided the training and the mayor or probate judge who will approve the appointment. Before being appointed as a humane society agent, a

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.

² The bill defines "humane society agent" or "agent" to mean an individual who is appointed by a county humane society and approved by the applicable mayor or probate judge, for the purpose of investigating any person who is accused of an act of cruelty to animals regardless of the title that is given to the individual.

person must file the signed proof of successful completion of training with the county recorder.

The bill specifies that a person who has been appointed as a humane society agent before the bill's effective date must file proof of successful completion of training, including the required signatures, with the county recorder not later than six months after the bill's effective date. If a person who is serving as a humane society agent on the bill's effective date has not filed the required proof of completion of training with the county recorder as required, the person is suspended as a humane society agent until the proof is on file with the county recorder.

The bill provides that an individual who suspects that a humane society agent has not successfully completed the required training or that an agent's proof of successful training completion contains false or misleading information can file a complaint with the mayor or probate judge who approved the appointment. The mayor or probate judge must investigate the complaint. If the mayor or probate judge finds that the agent has not successfully completed the required training or that the proof of successful completion contains false or misleading information, the mayor or probate judge must rescind the approval of the appointment and order the applicable humane society to revoke the appointment.

Recordation with the county recorder

(R.C. 317.08; R.C. 317.32, not in the bill)

Under ongoing law, the county recorder must keep certain separate sets of records. The bill requires the county recorder to keep a separate set of records proving successful completion of training by humane society agents. In lieu of keeping the separate set of records, the county recorder can record all the instruments required to be recorded in two separate sets of record books, one containing the records of plats and the other containing all other records (including those pertaining to humane society agents).

Continuing law specifies the fees a county recorder must charge and collect for a variety of recorded documents. The fees generally include a base fee for the recorder's services and a housing trust fund fee. Seemingly, the recordation of a proof of successful completion of training by county humane agents would cost an initial \$28 fee for the first two pages and \$8 for each additional page (*see* R.C. 317.32(A), not in the bill).

HISTORY

ACTION

DATE

Introduced
Reported, H. Local Gov't & Public Administration

05-12-09

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