



# Ohio Legislative Service Commission

## Bill Analysis

Wendy H. Gridley

### Sub. H.B. 138

129th General Assembly  
(As Passed by the House)

**Reps.** Gerberry, R. Hagan, Fedor, Yuko, Letson, Phillips, Antonio, Beck, Blair, Brenner, Carney, Celeste, Clyde, Combs, Fende, Foley, Garland, Goyal, Luckie, Lundy, Mallory, Milkovich, Murray, O'Brien, Ramos, Slesnick, Szollosi, Williams, Winburn, Batchelder

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## BILL SUMMARY

- Requires an individual to file signed proof of successful completion of training with the county recorder before being appointed by a county humane society as a humane society agent.
- Requires the appointment of a humane society agent to be suspended or revoked under certain circumstances.
- Requires the appointing county humane society to pay the fees for filing the proof of successful completion of training or revocation of an appointment.
- Requires a county recorder to record the signed proof of successful completion of training in a separate set of records or in an official records book.
- Limits the law enforcement authority of humane society agents to enforcing laws that protect animals.

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## CONTENT AND OPERATION

### Humane society agents

#### Proof of successful completion of training

The bill requires an individual to file with the county recorder proof of successful completion of training *before* being appointed by a county humane society as a humane society agent. To qualify for appointment by a county humane society as a humane society agent, continuing law already requires that an individual successfully complete

at least 20 hours of training that complies with rules of the Ohio Peace Officer Training Commission, on issues relating to the investigation and prosecution of cruelty to and neglect of animals, including instruction on traditional animal husbandry methods and training techniques and customary owner-performed practices.<sup>1</sup> The bill adds that the training curriculum may include the standards of care of livestock adopted by the Ohio Livestock Care Standards Board.

Under the bill, the proof of successful completion of training must be signed by the chief executive officer of the organization or entity that provided the training and by the head of the county humane society appointing the agent. Then, the signed proof of successful completion of training is presented to the mayor or probate judge for approval and signing. And lastly, the proof of successful completion of training is filed with the county recorder. Under current law, all agents appointed by a county humane society must be approved by the mayor of the municipality for which the appointments are made, or, if the society exists outside the municipality, by the probate judge of the county for which they are made. The bill makes this appointment approval dependent on whether the individual has successfully completed the required training, has obtained the required signatures, and has filed the signed proof of successful completion with the county recorder.<sup>2</sup>

The bill defines a "humane society agent" as an individual who complies with, and is appointed by a county humane society under, the procedure described above, 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.<sup>3</sup> The bill changes other provisions to use the defined term "humane society agent," rather than humane agent.<sup>4</sup>

### **Proof of successful completion for existing agents**

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

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<sup>1</sup> R.C. 109.73(A)(12) and (D) and 1717.06.

<sup>2</sup> R.C. 1717.06(A) and (B).

<sup>3</sup> R.C. 1717.01(C).

<sup>4</sup> R.C. 109.73(D), 959.131(E), and 1717.06.

humane society agent by operation of law until the proof is on file with the county recorder.<sup>5</sup>

### **Revoking an appointment**

An individual who suspects that a humane society agent has not successfully completed the required training or that an agent's proof of successful completion of training contains false or misleading information may file a complaint with the mayor or probate judge who approved the appointment. The mayor or probate judge must investigate the complaint, and if either 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 humane society to revoke its appointment. The county humane society must file written notice with the county recorder of the revocation of a humane society agent's appointment. Revocation of the appointment must be duly noted and recorded in the county recorder's official records book.<sup>6</sup>

### **Filing fees**

The fee charged by the county recorder for filing proof of successful completion of training, and for recording revocation of an appointment, must be paid by the county humane society appointing the agent.<sup>7</sup>

### **County recorder's recordkeeping requirement**

The bill requires the county recorder to keep in a separate set of records, or to record in an "official records" book, proof of successful completion of training by humane society agents appointed by county humane societies (and revocations of those appointments). Continuing law requires the county recorder to keep separate sets of records, for example, a separate record of deeds, or to record instruments in two separate sets of record books.<sup>8</sup>

### **Other revisions**

The bill removes language that states that a humane society agent may arrest a person found violating any law for the protection of *persons*, but retains the agent's authority to arrest a person for violating a law for the protection of animals or

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<sup>5</sup> R.C. 1717.06(C).

<sup>6</sup> R.C. 1717.06(D).

<sup>7</sup> R.C. 1717.06(B) and (D).

<sup>8</sup> R.C. 317.08.

preventing acts of cruelty to animals.<sup>9</sup> The bill also removes language that gives humane society agents authority to require law enforcement officers to arrest any person found violating the laws in relation to cruelty to *persons*, but retains the authority of the agent have a law enforcement officer to arrest any person found violating laws in relation to cruelty to animals.<sup>10</sup>

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## HISTORY

ACTION	DATE
Introduced	03-02-11
Reported, H. Local Government	05-11-11
Passed House (87-8)	06-07-11

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<sup>9</sup> R.C. 1717.04 and 1717.06(A).

<sup>10</sup> R.C. 1717.09.

