

## HOUSE BILL 147 SUMMARY

### Sub HB 147 Summary:

- Changes requirements for training of a Humane Society Agent to 1717.061
  - Training must be filed with sheriff
  - Appointment revocable if training is not completed
- Humane Society Agent Appointment
  - Requirements under section 1717.061
  - Appointment is not final until approved by mayor(municipal corporation), probate judge(operations outside of municipal corporation)
  - Proof of training shall be filed with county sheriff
  - Agents-at-large must be approved by Probate judge of the Franklin County court of common pleas.
- Approval for current agents
  - Requires an individual who is serving as a humane society agent to obtain and present proof of successful completion of training within 6 months of passage to the current active approving authority for approval. The approving authority, not later than two business days later must notify the appropriate county sheriff and board of county commissioners, and file a copy with the sheriff.
  - Requires the probate judge of a county in which a humane society agent operates to, not later than 90 days after the bill's effective date, send written notice to the humane society informing the humane society about provisions in the bill related to the filing of annual enforcement activity reports, and the presentation of an existing humane society agent's proof of successful completion of training.
  - requires approving authorities to maintain as a public record a copy of the proof of successful completion of training for each humane society agent acting within the authority's jurisdiction. Also, requires the county sheriff to maintain as a public record a copy of the proof for each humane society agent that is operating in the county
- Humane Society Agent Removal
  - Humane society notifies the probate judge, county sheriff, and board of county commissioners when approved agent ceases duties

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- Probate judges may revoke appointment for “just cause” under specified procedure
- Procedure
  - Motion for revocation is filed with the probate court through sworn affidavit
  - Movant shall specify the conduct that specifies just cause
  - Either Clerk serves humane society agent with summons, copy of motion, and any accompanying memorandum
  - Or, Requires the probate judge, upon a review of the facts, to dismiss the motion without a hearing
  - Humane society agent may waive right to hearing
    - If waived, probate judge shall revoke approval
  - HS Agent has right to counsel
  - Movant has burden to prove just cause
    - If probate judge rules that just cause is not proven, motion denied
    - If probate judge rules that just cause is proven, motion granted
- Non prosecution agreements:
  - Prohibits a humane society from entering into a non-prosecution agreement unless the agreement has been reviewed and approved by the judge that has presided over the probable cause hearing
  - Requires the judge to consider whether the bond amount is reasonable.
  - Prohibits a judge from approving an agreement that requires a person to provide financial compensation that is in excess of what is necessary and reasonable for the animal's care.
  - Renders a non-prosecution agreement void and unenforceable unless it has been approved by the judge.
- Seizure
  - Expands seizure and impoundment procedure to involve all animals, when seized under domestic animal laws.
  - Requires that a seizure and impoundment notice be given to the animal's owner, keeper, or harbinger not later than 24 hours after the animal was seized and impounded.

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- Current law requires such a notice for companion animals only, but is silent about timing of the notice.
  - Requires the court to determine the amount of a bond or cash deposit that is "necessary and reasonable" to provide for the animal's care during impoundment.
    - Under current law, the court determines the amount "needed," or when renewing the bond, the amount "sufficient" for the care.
- Complaints against HS Agent
  - Requires the individual filing the complaint to have reasonable cause to believe that a humane society agent has not successfully completed the required training or has provided proof of training that contains false or misleading information.
  - Requires the complaint to be an affidavit sworn to by the individual.
  - Requires the authority to inform the humane society after having received a specific complaint. If the authority finds that the agent has not provided signed proof of successful completion of training, requires the authority to provide written notification to the humane society informing the society that the agent has a 30-day right to cure period. If the agent has not provided signed proof by the end of that period, the authority must rescind the approval of the appointment and order the humane society to revoke the appointment.
  - If the authority finds that the agent knowingly provided proof of successful completion of training that contains false or misleading information, requires the authority to rescind the approval of the appointment and order the humane society to revoke the appointment.
- HS agent authority
  - HS's Cannot prosecute or make arrests for cruelty to humans.
  - Requires annual activity report to be submitted to county sheriff from humane society
  - These records are public records, except for confidential
  - Defines Humane Society Agent as a public servant, makes them subject to bribery law.
  - Specifies that all HS agents have only the specific authority granted to them under the ORC
- Increases monthly salary of humane agents.

## HOUSE BILL 147 SUMMARY

- County Humane Society may appoint attorney to prosecute animal cruelty cases
  - Cannot prosecute child abuse cases
  - Cannot prosecute any cases related to humans
- Allow HS agents and appointed attorneys to be paid out of the general fund or dog and kennel fund of the county
- Requires a humane society to notify the approving authority and the county sheriff when all approved humane society agents have ceased to perform the duties of the appointment and no agents are operating within the jurisdiction.