

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 147

Representative Hambley

Cosponsors: Representatives Hill, Lipps, O'Brien

A BILL

To amend sections 109.73, 935.19, 935.20, 959.131, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 1717.07, 1717.09, 1717.10, 2151.421, 2921.02, and 2931.18, to enact sections 1717.061, 1717.062, 1717.16, and 1717.17, and to repeal section 1717.14 of the Revised Code to make changes to humane society law and to make humane society agents subject to bribery law.

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

Section 1. That sections 109.73, 935.19, 935.20, 959.131, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 1717.07, 1717.09, 1717.10, 2151.421, 2921.02, and 2931.18 be amended and sections 1717.061, 1717.062, 1717.16, and 1717.17 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 19
college districts, and the department of natural resources; 20

(2) Minimum courses of study, attendance requirements, and 21
equipment and facilities to be required at approved state, 22
county, municipal, and department of natural resources peace 23
officer training schools; 24

(3) Minimum qualifications for instructors at approved 25
state, county, municipal, and department of natural resources 26
peace officer training schools; 27

(4) The requirements of minimum basic training that peace 28
officers appointed to probationary terms shall complete before 29
being eligible for permanent appointment, which requirements 30
shall include training in the handling of the offense of 31
domestic violence, other types of domestic violence-related 32
offenses and incidents, and protection orders and consent 33
agreements issued or approved under section 2919.26 or 3113.31 34
of the Revised Code; crisis intervention training; and training 35
in the handling of missing children and child abuse and neglect 36
cases; and training in handling violations of section 2905.32 of 37
the Revised Code; and the time within which such basic training 38
shall be completed following appointment to a probationary term; 39

(5) The requirements of minimum basic training that peace 40
officers not appointed for probationary terms but appointed on 41
other than a permanent basis shall complete in order to be 42
eligible for continued employment or permanent appointment, 43
which requirements shall include training in the handling of the 44
offense of domestic violence, other types of domestic violence- 45
related offenses and incidents, and protection orders and 46
consent agreements issued or approved under section 2919.26 or 47
3113.31 of the Revised Code, crisis intervention training, and 48

training in the handling of missing children and child abuse and neglect cases, and training in handling violations of section 2905.32 of the Revised Code, and the time within which such basic training shall be completed following appointment on other than a permanent basis;

(6) Categories or classifications of advanced in-service training programs for peace officers, including programs 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, in crisis intervention, and in the handling of missing children and child abuse and neglect cases, and in handling violations of section 2905.32 of the Revised Code, and minimum courses of study and attendance requirements with respect to such categories or classifications;

(7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code, to attend approved peace officer training schools, including the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if the private college or university that established the campus police

department; qualified nonprofit corporation police department; 80
bank, savings and loan association, savings bank, credit union, 81
or association of banks, savings and loan associations, savings 82
banks, or credit unions; railroad company; hospital; or 83
amusement park sponsoring the police officers pays the entire 84
cost of the training and certification and if trainee vacancies 85
are available; 86

(8) Permitting undercover drug agents to attend approved 87
peace officer training schools, other than the Ohio peace 88
officer training academy, and to receive certificates of 89
satisfactory completion of basic training programs, if, for each 90
undercover drug agent, the county, township, or municipal 91
corporation that employs that undercover drug agent pays the 92
entire cost of the training and certification; 93

(9) (a) The requirements for basic training programs for 94
bailiffs and deputy bailiffs of courts of record of this state 95
and for criminal investigators employed by the state public 96
defender that those persons shall complete before they may carry 97
a firearm while on duty; 98

(b) The requirements for any training received by a 99
bailiff or deputy bailiff of a court of record of this state or 100
by a criminal investigator employed by the state public defender 101
prior to June 6, 1986, that is to be considered equivalent to 102
the training described in division (A) (9) (a) of this section. 103

(10) Establishing minimum qualifications and requirements 104
for certification for dogs utilized by law enforcement agencies; 105

(11) Establishing minimum requirements for certification 106
of persons who are employed as correction officers in a full- 107
service jail, five-day facility, or eight-hour holding facility 108

or who provide correction services in such a jail or facility; 109

(12) Establishing requirements for the training of humane 110
society agents ~~of a county humane society~~ under section ~~1717.06~~ 111
1717.061 of the Revised Code, including, without limitation, a 112
requirement that the agents receive instruction on traditional 113
animal husbandry methods and training techniques, including 114
customary owner-performed practices. 115

(B) The commission shall appoint an executive director, 116
with the approval of the attorney general, who shall hold office 117
during the pleasure of the commission. The executive director 118
shall perform such duties assigned by the commission. The 119
executive director shall receive a salary fixed pursuant to 120
Chapter 124. of the Revised Code and reimbursement for expenses 121
within the amounts available by appropriation. The executive 122
director may appoint officers, employees, agents, and 123
consultants as the executive director considers necessary, 124
prescribe their duties, and provide for reimbursement of their 125
expenses within the amounts available for reimbursement by 126
appropriation and with the approval of the commission. 127

(C) The commission may do all of the following: 128

(1) Recommend studies, surveys, and reports to be made by 129
the executive director regarding the carrying out of the 130
objectives and purposes of sections 109.71 to 109.77 of the 131
Revised Code; 132

(2) Visit and inspect any peace officer training school 133
that has been approved by the executive director or for which 134
application for approval has been made; 135

(3) Make recommendations, from time to time, to the 136
executive director, the attorney general, and the general 137

assembly regarding the carrying out of the purposes of sections 138
109.71 to 109.77 of the Revised Code; 139

(4) Report to the attorney general from time to time, and 140
to the governor and the general assembly at least annually, 141
concerning the activities of the commission; 142

(5) Establish fees for the services the commission offers 143
under sections 109.71 to 109.79 of the Revised Code, including, 144
but not limited to, fees for training, certification, and 145
testing; 146

(6) Perform such other acts as are necessary or 147
appropriate to carry out the powers and duties of the commission 148
as set forth in sections 109.71 to 109.77 of the Revised Code. 149

(D) In establishing the requirements, under division (A) 150
(12) of this section, the commission may consider any portions 151
of the curriculum for instruction on the topic of animal 152
husbandry practices, if any, of the Ohio state university 153
college of veterinary medicine. No person or entity that fails 154
to provide instruction on traditional animal husbandry methods 155
and training techniques, including customary owner-performed 156
practices, shall qualify to train a humane agent for appointment 157
under ~~section~~ sections 1717.04 and 1717.06 of the Revised Code. 158

Sec. 935.19. (A) (1) The director of agriculture or the 159
director's designee may enter at all reasonable times any 160
premises at which a dangerous wild animal or restricted snake is 161
confined, with the consent of the owner of the premises, for the 162
purpose of determining compliance with this chapter and rules. 163

(2) If the director or the director's designee is denied 164
access to any such premises, and if the director reasonably 165
suspects that the person who possesses the dangerous wild animal 166

or restricted snake is not in compliance with this chapter or 167
rules, the director may apply to a court of competent 168
jurisdiction in the county in which the premises is located for 169
a search warrant authorizing access to the premises for the 170
purposes of this section. 171

(3) The court shall issue the search warrant for the 172
purposes requested if there is probable cause to believe that 173
the person is not in compliance with this chapter or rules. The 174
finding of probable cause may be based on hearsay, provided that 175
there is a substantial basis for believing that the source of 176
the hearsay is credible and that there is a factual basis for 177
the information furnished. 178

(B) The director may designate any of the following to 179
conduct inspections under this section: 180

(1) Employees of the department of agriculture; 181

(2) Natural resources law enforcement officers with the 182
consent of the director of natural resources; 183

(3) Employees of the department of health with the consent 184
of the director of health; 185

(4) Employees of a board of health with the consent of the 186
board; 187

(5) ~~Agents of a humane~~ Humane society agents appointed 188
under section 1717.04 or 1717.06 of the Revised Code with the 189
consent of the humane society. 190

(C) If a person designated under division (B) of this 191
section determines, while conducting an inspection, that a 192
violation of this chapter or rules has occurred, is occurring, 193
or may occur, the person shall immediately notify the director 194

of agriculture. The director may proceed as provided in section 195
935.24 of the Revised Code. 196

Sec. 935.20. (A) On and after January 1, 2014, the 197
director of agriculture immediately shall cause an investigation 198
to be conducted if the director has reason to believe that one 199
of the following may be occurring: 200

(1) A dangerous wild animal is possessed by a person who 201
has not been issued a wildlife shelter permit, wildlife 202
propagation permit, or rescue facility permit under this 203
chapter. 204

(2) A restricted snake is possessed by a person that has 205
not been issued a restricted snake possession permit or 206
restricted snake propagation permit under this chapter. 207

(3) A dangerous wild animal or restricted snake is being 208
treated or kept in a manner that is in violation of this chapter 209
or rules. 210

For purposes of the investigation, the director or the 211
director's designee may order the animal or snake that is the 212
subject of the notification to be quarantined or may order the 213
transfer of the animal or snake to a facility that is on the 214
list maintained by the director under this section. If the 215
director's designee orders the animal or snake to be quarantined 216
or transferred, the designee shall provide a copy of the order 217
to the director. 218

(B) The director shall attempt to notify the person owning 219
or possessing an animal or snake that has been ordered to be 220
quarantined or transferred under division (A) of this section. 221
The notice shall be delivered in person or by certified mail. 222
The director also may post a copy of a quarantine order at two 223

conspicuous locations on the premises where the animal or snake 224
is quarantined. The director shall maintain a copy of an order 225
issued under this section and evidence that the director 226
attempted to notify the person owning or possessing the animal 227
or snake. 228

(C) A quarantine or transfer order issued under this 229
section shall contain all of the following: 230

(1) The name and address of the person owning or 231
possessing the animal or snake, if known; 232

(2) A description of the quarantined or transferred animal 233
or snake; 234

(3) A description of the premises affected by the 235
quarantine or transfer; 236

(4) The reason for the quarantine or transfer; 237

(5) Any terms and conditions of the quarantine or 238
transfer; 239

(6) A notice that a person adversely affected by the order 240
may request a hearing to review the order. 241

(D) A person that is adversely affected by a quarantine or 242
transfer order pertaining to a dangerous wild animal or 243
restricted snake owned or possessed by the person, within thirty 244
days after the order is issued, may request in writing an 245
adjudication in accordance with Chapter 119. of the Revised 246
Code. A request for an adjudication does not stay a quarantine 247
or transfer order. 248

(E) The owner of or person possessing a dangerous wild 249
animal or restricted snake that was quarantined or transferred 250
under division (A) of this section shall be responsible for all 251

reasonable costs associated with the quarantine or transfer, 252
including the costs of transportation, housing, food, and 253
veterinary care for the animal or snake. If such an owner or 254
person is unable to pay for the reasonable costs, the director 255
shall certify the costs to the county auditor to be assessed 256
against any property of the owner or person and thereby made a 257
lien upon it and collected as other taxes. All money from the 258
collection of liens under this division shall be credited in 259
accordance with division (J) of this section. 260

(F) If the state veterinarian determines that a dangerous 261
wild animal or restricted snake that was quarantined or 262
transferred under division (A) of this section is infected with 263
or exposed to a dangerously contagious or infectious disease or 264
is seriously injured, the state veterinarian shall so notify the 265
director. The director may order the animal or snake to be 266
humanely euthanized by a veterinarian if the state veterinarian 267
has indicated that euthanization is medically necessary. 268

(G) A quarantine or transfer order issued under this 269
section shall remain in effect until one of the following 270
occurs: 271

(1) The director, after reviewing the results of the 272
investigation conducted under division (A) of this section, 273
issues a written notice of release. 274

(2) A court of competent jurisdiction orders the 275
quarantine or transfer order to be terminated in a proceeding 276
conducted under division (H) of this section. 277

(3) A court of competent jurisdiction orders the seizure 278
of the dangerous wild animal or restricted snake in a proceeding 279
conducted under division (H) of this section. 280

(H) If, after reviewing the results of an investigation 281
concerning a dangerous wild animal or restricted snake conducted 282
under division (A) of this section and after resolution of any 283
proceeding conducted under division (D) of this section, the 284
director determines that a circumstance described in division 285
(A) (1), (2), or (3) of this section is or was occurring, the 286
director shall initiate, in a court of competent jurisdiction, a 287
proceeding for the permanent seizure of the animal or snake, as 288
applicable. If the court affirms the director's determination 289
that a circumstance described in division (A) (1), (2), or (3) of 290
this section is or was occurring, the court shall order the 291
animal or snake seized and shall order the method of disposition 292
of the animal or snake. The court may order the person owning or 293
possessing the animal or snake to pay all reasonable costs 294
associated with the seizure and, if applicable, the costs 295
associated with the quarantine or transfer of the animal or 296
snake, including the costs of transportation, housing, food, and 297
veterinary care of the animal or snake. If the court does not 298
affirm the director's determination, the court shall order the 299
quarantine or transfer order to be terminated and the animal or 300
snake to be returned to the person owning or possessing it, if 301
applicable. 302

(I) The director may authorize any of the following to 303
conduct an investigation and order the quarantine or transfer of 304
a dangerous wild animal or restricted snake under division (A) 305
of this section: 306

(1) Employees of the department of agriculture; 307

(2) Natural resources law enforcement officers with the 308
consent of the director of natural resources; 309

(3) Employees of the department of health with the consent 310

of the director of health;	311
(4) Employees of a board of health with the consent of the board;	312 313
(5) Agents of a humane <u>Humane society agents</u> appointed under section <u>1717.04</u> or 1717.06 of the Revised Code with the consent of the humane society;	314 315 316
(6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed;	317 318 319 320
(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol.	321 322 323
(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:	324 325 326 327
(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the dangerous and restricted animal fund created in section 935.25 of the Revised Code;	328 329 330 331 332 333
(2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund, which is hereby created in each health district, that shall be used exclusively for the administration and enforcement of this chapter and rules;	334 335 336 337 338

(3) If the animal or snake was quarantined or transferred 339
by an agent of a humane society, a special fund, which is hereby 340
created in each county that has a humane society, that shall be 341
used exclusively for the administration and enforcement of this 342
chapter and rules; 343

(4) If the animal or snake was quarantined or transferred 344
by a law enforcement officer who is not a state highway patrol 345
trooper, the special fund that is created in the political 346
subdivision that employs the law enforcement officer in division 347
(D) of section 935.16 of the Revised Code. 348

(K) The director shall maintain a list of facilities 349
inside and outside the state that the director determines are 350
eligible to accept dangerous wild animals and restricted snakes 351
for the purposes of this section. 352

Sec. 959.131. (A) As used in this section: 353

(1) "Companion animal" means any animal that is kept 354
inside a residential dwelling and any dog or cat regardless of 355
where it is kept, including a pet store as defined in section 356
956.01 of the Revised Code. "Companion animal" does not include 357
livestock or any wild animal. 358

(2) "Cruelty," "torment," and "torture" have the same 359
meanings as in section 1717.01 of the Revised Code. 360

(3) "Residential dwelling" means a structure or shelter or 361
the portion of a structure or shelter that is used by one or 362
more humans for the purpose of a habitation. 363

(4) "Practice of veterinary medicine" has the same meaning 364
as in section 4741.01 of the Revised Code. 365

(5) "Wild animal" has the same meaning as in section 366

1531.01 of the Revised Code.	367
(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.	368 369 370 371 372 373 374 375
(7) "Dog kennel" means an animal rescue for dogs that is registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel.	376 377 378
(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code.	379 380
(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.	381 382 383
(10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.	384 385 386 387 388
(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.	389 390
(12) "Serious physical harm" means any of the following:	391
(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;	392 393
(b) Physical harm that involves either partial or total	394

permanent incapacity; 395

(c) Physical harm that involves acute pain of a duration 396
that results in substantial suffering or that involves any 397
degree of prolonged or intractable pain; 398

(d) Physical harm that results from a person who confines 399
or who is the custodian or caretaker of a companion animal 400
depriving the companion animal of good, wholesome food and water 401
that proximately causes the death of the companion animal. 402

(B) No person shall knowingly torture, torment, needlessly 403
mutilate or maim, cruelly beat, poison, needlessly kill, or 404
commit an act of cruelty against a companion animal. 405

(C) No person shall knowingly cause serious physical harm 406
to a companion animal. 407

(D) No person who confines or who is the custodian or 408
caretaker of a companion animal shall negligently do any of the 409
following: 410

(1) Torture, torment, or commit an act of cruelty against 411
the companion animal; 412

(2) Deprive the companion animal of necessary sustenance 413
or confine the companion animal without supplying it during the 414
confinement with sufficient quantities of good, wholesome food 415
and water if it can reasonably be expected that the companion 416
animal would become sick or suffer in any other way as a result 417
of or due to the deprivation or confinement; 418

(3) Impound or confine the companion animal without 419
affording it, during the impoundment or confinement, with access 420
to shelter from heat, cold, wind, rain, snow, or excessive 421
direct sunlight if it can reasonably be expected that the 422

companion animal would become sick or suffer in any other way as 423
a result of or due to the lack of adequate shelter. 424

(E) No owner, manager, or employee of a dog kennel who 425
confines or is the custodian or caretaker of a companion animal 426
shall knowingly do any of the following: 427

(1) Torture, torment, needlessly mutilate or maim, cruelly 428
beat, poison, needlessly kill, or commit an act of cruelty 429
against the companion animal; 430

(2) Deprive the companion animal of necessary sustenance 431
or confine the companion animal without supplying it during the 432
confinement with sufficient quantities of good, wholesome food 433
and water if it is reasonably expected that the companion animal 434
would die or experience unnecessary or unjustifiable pain or 435
suffering as a result of the deprivation or confinement; 436

(3) Impound or confine the companion animal without 437
affording it, during the impoundment or confinement, with access 438
to shelter from heat, cold, wind, rain, snow, or excessive 439
direct sunlight if it is reasonably expected that the companion 440
animal would die or experience unnecessary or unjustifiable pain 441
or suffering as a result of or due to the lack of adequate 442
shelter. 443

(F) No owner, manager, or employee of a dog kennel who 444
confines or is the custodian or caretaker of a companion animal 445
shall negligently do any of the following: 446

(1) Torture, torment, or commit an act of cruelty against 447
the companion animal; 448

(2) Deprive the companion animal of necessary sustenance 449
or confine the companion animal without supplying it during the 450
confinement with sufficient quantities of good, wholesome food 451

and water if it can reasonably be expected that the companion 452
animal would become sick or suffer in any other way as a result 453
of or due to the deprivation or confinement; 454

(3) Impound or confine the companion animal without 455
affording it, during the impoundment or confinement, with access 456
to shelter from heat, cold, wind, rain, snow, or excessive 457
direct sunlight if it can reasonably be expected that the 458
companion animal would become sick or suffer in any other way as 459
a result of or due to the lack of adequate shelter. 460

(G) Divisions (B), (C), (D), (E), and (F) of this section 461
do not apply to any of the following: 462

(1) A companion animal used in scientific research 463
conducted by an institution in accordance with the federal 464
animal welfare act and related regulations; 465

(2) The lawful practice of veterinary medicine by a person 466
who has been issued a license, temporary permit, or registration 467
certificate to do so under Chapter 4741. of the Revised Code; 468

(3) Dogs being used or intended for use for hunting or 469
field trial purposes, provided that the dogs are being treated 470
in accordance with usual and commonly accepted practices for the 471
care of hunting dogs; 472

(4) The use of common training devices, if the companion 473
animal is being treated in accordance with usual and commonly 474
accepted practices for the training of animals; 475

(5) The administering of medicine to a companion animal 476
that was properly prescribed by a person who has been issued a 477
license, temporary permit, or registration certificate under 478
Chapter 4741. of the Revised Code. 479

(H) Notwithstanding any section of the Revised Code that otherwise provides for the distribution of fine moneys, the clerk of court shall forward all fines the clerk collects that are so imposed for any violation of this section to the treasurer of the political subdivision or the state, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The treasurer to whom the fines are forwarded shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane society agents under section ~~1717.06~~ 1717.061 of the Revised Code or to provide additional training for humane society agents.

Sec. 1717.01. As used in sections 1717.01 to ~~1717.14~~ 1717.17, inclusive, of the Revised Code, and in every law relating to animals:

(A) "Animal" includes every living dumb creature;

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

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

Sec. 1717.02. The objects of the Ohio humane society, and 510
all societies organized under section 1717.05 of the Revised 511
Code, shall be the inculcation of humane principles and the 512
enforcement of laws for the prevention of cruelty, especially to 513
~~children and~~ animals. To promote those objects such societies 514
may acquire property, real or personal, by purchase or gift. All 515
property acquired by such a society, by gift, devise, or 516
bequest, for special purposes, shall be vested in its board of 517
trustees, which shall consist of three members elected by the 518
society. The board shall manage such property and apply it in 519
accordance with the terms of the gift, devise, or bequest, and 520
may sell it and reinvest the proceeds. 521

Sec. 1717.03. The state society for the prevention of 522
cruelty to animals shall remain a body corporate, under the name 523
of "the Ohio humane society," with the powers, privileges, 524
immunities, and duties possessed before March 21, 1887, by the 525
state society for the prevention of cruelty to animals, 526
specified by sections 1717.01 to ~~1717.14~~ 1717.17, inclusive, of 527
the Revised Code, as to county humane societies. 528

Branches of the Ohio humane society consisting of not less 529
than ten members each may be organized in any part of the state 530
to prosecute the work of the societies in their several 531
localities, under rules and regulations prescribed by the Ohio 532
humane society. Humane societies organized in any county under 533
section 1717.05 of the Revised Code may become branches of the 534
Ohio humane society by resolution adopted at a meeting called 535
for that purpose, a copy of which resolution shall be forwarded 536
to the secretary of state. 537

The Ohio humane society may elect such officers, and make 538
such rules, regulations, and bylaws, as are deemed expedient by 539

its members for their own government and the proper management 540
of its affairs. 541

Sec. 1717.04. (A) The Ohio humane society may appoint 542
agents, in any county where no active county humane society 543
exists under section 1717.05 of the Revised Code, to represent 544
it within a specified jurisdiction of a county or of a municipal 545
corporation and to receive and account for all funds coming to 546
it from fines or otherwise, and may also appoint agents at large 547
to prosecute its work throughout the state. ~~Such~~ The agents may 548
arrest any person found violating any law for the protection of 549
~~persons or~~ animals, or the prevention of cruelty thereto. Upon 550
making such arrest the agent forthwith shall convey the person 551
arrested before ~~some~~ a court or magistrate having jurisdiction 552
of the offense, and there make complaint against ~~him~~ the person. 553

The appointment of an agent under this section is subject 554
to the requirements of section 1717.061 of the Revised Code, and 555
is not final until proof of training as required under that 556
section has been filed with the appropriate county sheriff and 557
until the appointment has been approved under division (B) of 558
this section. An individual appointed as an agent at large shall 559
file proof of training with the sheriff of Franklin county. 560

~~Such agents shall not make such arrests within a municipal~~ 561
~~corporation unless their appointment has been~~ (B) The 562
appointment of an agent under this section does not take effect 563
until it has been approved by the mayor of the municipal 564
~~corporation, or within a county beyond the limits of a municipal~~ 565
~~corporation unless their appointment has been~~ for which it is 566
made. If the society operates outside a municipal corporation, 567
the appointment does not take effect until it has been approved 568
by the probate judge of the county for which it is made, or in 569

the case of an individual appointed as an at large agent, 570
approved by the probate judge of the Franklin county court of 571
common pleas. Such mayor or probate judge shall keep a record of 572
~~such~~ the appointments. 573

A humane society shall notify the mayor, the probate 574
judge, the county sheriff, and the board of county commissioners 575
when an approved humane society agent has ceased to perform the 576
duties of the appointment. 577

(C) A humane society agent only has the specific authority 578
granted to the agent under this section and section 1717.08 of 579
the Revised Code. 580

Sec. 1717.06. (A) A county humane society organized under 581
section 1717.05 of the Revised Code may appoint agents, ~~who are~~ 582
~~residents of the county or municipal corporation for which the~~ 583
~~appointment is made,~~ for the purpose of prosecuting any person 584
guilty of an act of cruelty to ~~persons or~~ animals. Such agents 585
may arrest any person found violating this chapter or any other 586
law for protecting ~~persons or~~ animals or preventing acts of 587
cruelty thereto. Upon making an arrest the agent forthwith shall 588
convey the person arrested before ~~some~~ a court or magistrate 589
having jurisdiction of the offense, and there make complaint 590
against the person on oath or affirmation of the offense. 591

The appointment of an agent under this section is subject 592
to the requirements of section 1717.061 of the Revised Code, and 593
is not final until proof of training as required under that 594
section has been filed with the appropriate county sheriff and 595
until the appointment has been approved under division (B) of 596
this section. 597

~~All appointments of agents~~ (B) The appointment of an agent 598

under this section ~~shall be~~ does not take effect unless it has 599
been approved by the mayor of the municipal corporation for 600
which ~~they are~~ it is made. If the society exists outside a 601
municipal corporation, ~~such appointments shall be the~~ 602
appointment does not take effect until it has been approved by 603
the probate judge of the county for which ~~they are~~ it is made. 604
The mayor or probate judge shall keep a record of ~~such the~~ 605
appointments. 606

~~In order to qualify for appointment as a humane agent~~ 607
~~under this section, a person first shall successfully complete a~~ 608
~~minimum of twenty hours of training on issues relating to the~~ 609
~~investigation and prosecution of cruelty to and neglect of~~ 610
~~animals. The training shall comply with rules recommended by the~~ 611
~~peace officer training commission under section 109.73 of the~~ 612
~~Revised Code and shall include, without limitation, instruction~~ 613
~~regarding animal husbandry practices as described in division~~ 614
~~(A) (12) of that section. A person who has been appointed as a~~ 615
~~humane agent under this section prior to the effective date of~~ 616
~~this amendment may continue to act as a humane agent for a~~ 617
~~period of time on and after the effective date of this amendment~~ 618
~~without completing the training. However, on or before December~~ 619
~~31, 2004, a person who has been appointed as a humane agent~~ 620
~~under this section prior to the effective date of this amendment~~ 621
~~shall successfully complete the training described in this~~ 622
~~paragraph and submit proof of its successful completion to the~~ 623
~~appropriate appointing mayor or probate judge in order to~~ 624
~~continue to act as a humane agent after December 31, 2004.~~ 625

A humane society shall notify the mayor, the probate 626
judge, the county sheriff, and the board of county commissioners 627
when an approved humane society agent has ceased to perform the 628
duties of the appointment. 629

An agent of a county humane society only has the specific authority granted to the agent under this section and section 1717.08 of the Revised Code.

Sec. 1717.061. (A) In order to qualify for appointment as a humane society agent under section 1717.04 or 1717.06 of the Revised Code, an individual shall do all of the following:

(1) Successfully complete a minimum of twenty hours of training on issues relating to the investigation and prosecution of cruelty to and neglect of animals. The training shall comply with rules recommended by the peace officer training commission under section 109.73 of the Revised Code and shall include, without limitation, instruction regarding animal husbandry practices as described in division (A)(12) of that section.

(2) Present proof of successful completion of training, that has been signed by the chief executive officer of the organization or entity that provided the training and by the chief officer of the humane society appointing the agent, to the current active approving authority for approval. Proof of successful completion of training shall be signed by the appropriate approving authority before the proof is filed under division (A)(3) of this section.

(3) File proof of successful completion of training, which is signed as required by divisions (A)(1) and (2) of this section, with the county sheriff.

(B) An individual who is serving as a humane society agent on the effective date of this section shall file proof of successful completion of training, including the required signatures, with the county sheriff not later than six months after the effective date of this section. An individual who has

not filed the required proof of successful completion of 659
training with the county sheriff, as required by this division, 660
is suspended as a humane society agent by operation of law until 661
the individual files proof with the county sheriff. 662

Sec. 1717.062. An individual who suspects that a humane 663
society agent has not successfully completed the training that 664
is required under section 1717.061 of the Revised Code or who 665
suspects that an agent's proof of successful completion of 666
training contains false or misleading information may file a 667
complaint with the current acting authority that is responsible 668
for considering approval of agent appointments within the 669
jurisdiction. The authority shall investigate the complaint. If 670
the authority finds that the agent has not successfully 671
completed the required training or that the proof of successful 672
completion contains false or misleading information, the 673
authority shall rescind the approval of the appointment and 674
order the applicable humane society to revoke the appointment. 675
The applicable humane society shall file written notice with the 676
county sheriff of the revocation under this division of a humane 677
society agent's appointment. 678

Sec. 1717.07. Upon the approval by the mayor of a 679
municipal corporation of the appointment of an agent under 680
section 1717.04 or 1717.06 of the Revised Code, the legislative 681
authority of such municipal corporation shall pay monthly to 682
such agent, from the general revenue fund of the municipal 683
corporation, ~~such the salary as that~~ the legislative authority 684
~~deems considers~~ just and reasonable. Upon the approval by the 685
probate judge of a county of such an appointment, the board of 686
county commissioners of ~~such the~~ county shall pay monthly to 687
~~such the~~ agent, from the general ~~revenue~~ fund of the county, 688
~~such or from the dog and kennel fund of the county, the~~ salary 689

~~as that~~ the board ~~deems~~ considers just and reasonable. Such 690
board and such legislative authority may agree upon the amount 691
each is to pay ~~such the~~ agent monthly. The salary to be paid 692
monthly to ~~such the~~ agent by the legislative authority of a 693
village shall be not less than ~~five twenty-five~~ dollars; by the 694
legislative authority of a city, not less than ~~twenty one~~ 695
hundred twenty-five dollars; and by the board of county 696
commissioners of a county, not less than ~~twenty five one hundred~~ 697
fifty dollars. Beginning January 1, 2019, and on the first day 698
of January every five years thereafter, these salary amounts 699
shall increase by five dollars. Not more than one such agent in 700
each county shall receive remuneration from the board under this 701
section. 702

Sec. 1717.09. A member of the Ohio humane society or of a 703
county humane society may require the sheriff of any county, the 704
constable of any township, the marshal or a ~~policeman~~ police 705
officer of any municipal corporation, or any agent of such a 706
society, to arrest any person found violating the laws in 707
relation to cruelty to ~~persons or~~ animals, and to take 708
possession of any animal cruelly treated in their respective 709
counties or municipal corporations, and deliver such animal to 710
the proper officers of the society. 711

Sec. 1717.10. For all services rendered in carrying out 712
sections 1717.01 to ~~1717.14~~ 1717.17, inclusive, of the Revised 713
Code, a sheriff, constable, marshal, or ~~policeman~~ police officer 714
shall be paid such fees as ~~he~~ the sheriff, constable, marshal, 715
or police officer is allowed for like services in other cases. 716
Such fees must be charged as costs, and reimbursed to the humane 717
society by the person convicted. 718

Sec. 1717.16. (A) Annually, a county humane society shall 719

submit enforcement activity reports to the county sheriff. The 720
Ohio humane society shall submit the annual enforcement activity 721
reports to the sheriff of Franklin county. 722

(B) Records of an enforcement activity by a humane society 723
agent are public records under section 149.43 of the Revised 724
Code, except that any such records that are confidential law 725
enforcement investigatory records, as defined in division (A) (2) 726
of section 149.43 of the Revised Code, are not public records. 727

Sec. 1717.17. A probate judge of the county in which a 728
humane society agent operates may revoke the approval of an 729
appointment for just cause, under the following procedure. A 730
movant may commence the procedure by filing with the probate 731
court a motion to revoke the appointment. The movant shall 732
describe in the motion, or in a memorandum accompanying the 733
motion, the conduct that constitutes just cause for the motion. 734
The clerk of the probate court shall serve the humane society 735
agent with a summons and a copy of the motion and any 736
accompanying memorandum in accordance with the Rules of Civil 737
Procedure. The summons shall state the time and place at which 738
the probate court will conduct a hearing on the motion. The 739
humane society agent may waive the right to a hearing. If the 740
humane society agent waives the right to a hearing, the probate 741
judge shall revoke the humane society agent's approval of 742
appointment as prayed for in the motion. If the humane society 743
agent does not waive the right to a hearing, the probate judge 744
shall conduct a hearing on the motion. The humane society agent 745
is entitled to the assistance of counsel at the hearing. The 746
Rules of Evidence govern conduct of the hearing. At the hearing, 747
the movant has the burden of proving, by a preponderance of the 748
evidence, that just cause exists for the revocation of the 749
humane society agent's appointment. If, after the hearing, the 750

probate judge finds that the movant has not sustained the burden 751
of proof, the probate judge shall deny the motion. If, after the 752
hearing, the probate judge finds that the movant has sustained 753
the burden of proof, the probate judge shall grant the motion 754
and revoke the humane society agent's approval of appointment. 755

Sec. 2151.421. (A) (1) (a) No person described in division 756
(A) (1) (b) of this section who is acting in an official or 757
professional capacity and knows, or has reasonable cause to 758
suspect based on facts that would cause a reasonable person in a 759
similar position to suspect, that a child under eighteen years 760
of age, or a person under twenty-one years of age with a 761
developmental disability or physical impairment, has suffered or 762
faces a threat of suffering any physical or mental wound, 763
injury, disability, or condition of a nature that reasonably 764
indicates abuse or neglect of the child shall fail to 765
immediately report that knowledge or reasonable cause to suspect 766
to the entity or persons specified in this division. Except as 767
provided in section 5120.173 of the Revised Code, the person 768
making the report shall make it to the public children services 769
agency or a municipal or county peace officer in the county in 770
which the child resides or in which the abuse or neglect is 771
occurring or has occurred. In the circumstances described in 772
section 5120.173 of the Revised Code, the person making the 773
report shall make it to the entity specified in that section. 774

(b) Division (A) (1) (a) of this section applies to any 775
person who is an attorney; health care professional; 776
practitioner of a limited branch of medicine as specified in 777
section 4731.15 of the Revised Code; licensed school 778
psychologist; independent marriage and family therapist or 779
marriage and family therapist; coroner; administrator or 780
employee of a child day-care center; administrator or employee 781

of a residential camp, child day camp, or private, nonprofit 782
therapeutic wilderness camp; administrator or employee of a 783
certified child care agency or other public or private children 784
services agency; school teacher; school employee; school 785
authority; agent of the Ohio humane society or of a county 786
humane society; person, other than a cleric, rendering spiritual 787
treatment through prayer in accordance with the tenets of a 788
well-recognized religion; employee of a county department of job 789
and family services who is a professional and who works with 790
children and families; superintendent or regional administrator 791
employed by the department of youth services; superintendent, 792
board member, or employee of a county board of developmental 793
disabilities; investigative agent contracted with by a county 794
board of developmental disabilities; employee of the department 795
of developmental disabilities; employee of a facility or home 796
that provides respite care in accordance with section 5123.171 797
of the Revised Code; employee of an entity that provides 798
homemaker services; a person performing the duties of an 799
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 800
third party employed by a public children services agency to 801
assist in providing child or family related services; court 802
appointed special advocate; or guardian ad litem. 803

(c) If two or more health care professionals, after 804
providing health care services to a child, determine or suspect 805
that the child has been or is being abused or neglected, the 806
health care professionals may designate one of the health care 807
professionals to report the abuse or neglect. A single report 808
made under this division shall meet the reporting requirements 809
of division (A) (1) of this section. 810

(2) Except as provided in division (A) (3) of this section, 811
an attorney or a physician is not required to make a report 812

pursuant to division (A) (1) of this section concerning any 813
communication the attorney or physician receives from a client 814
or patient in an attorney-client or physician-patient 815
relationship, if, in accordance with division (A) or (B) of 816
section 2317.02 of the Revised Code, the attorney or physician 817
could not testify with respect to that communication in a civil 818
or criminal proceeding. 819

(3) The client or patient in an attorney-client or 820
physician-patient relationship described in division (A) (2) of 821
this section is deemed to have waived any testimonial privilege 822
under division (A) or (B) of section 2317.02 of the Revised Code 823
with respect to any communication the attorney or physician 824
receives from the client or patient in that attorney-client or 825
physician-patient relationship, and the attorney or physician 826
shall make a report pursuant to division (A) (1) of this section 827
with respect to that communication, if all of the following 828
apply: 829

(a) The client or patient, at the time of the 830
communication, is a child under eighteen years of age or is a 831
person under twenty-one years of age with a developmental 832
disability or physical impairment. 833

(b) The attorney or physician knows, or has reasonable 834
cause to suspect based on facts that would cause a reasonable 835
person in similar position to suspect that the client or patient 836
has suffered or faces a threat of suffering any physical or 837
mental wound, injury, disability, or condition of a nature that 838
reasonably indicates abuse or neglect of the client or patient. 839

(c) The abuse or neglect does not arise out of the 840
client's or patient's attempt to have an abortion without the 841
notification of her parents, guardian, or custodian in 842

accordance with section 2151.85 of the Revised Code. 843

(4) (a) No cleric and no person, other than a volunteer, 844
designated by any church, religious society, or faith acting as 845
a leader, official, or delegate on behalf of the church, 846
religious society, or faith who is acting in an official or 847
professional capacity, who knows, or has reasonable cause to 848
believe based on facts that would cause a reasonable person in a 849
similar position to believe, that a child under eighteen years 850
of age, or a person under twenty-one years of age with a 851
developmental disability or physical impairment, has suffered or 852
faces a threat of suffering any physical or mental wound, 853
injury, disability, or condition of a nature that reasonably 854
indicates abuse or neglect of the child, and who knows, or has 855
reasonable cause to believe based on facts that would cause a 856
reasonable person in a similar position to believe, that another 857
cleric or another person, other than a volunteer, designated by 858
a church, religious society, or faith acting as a leader, 859
official, or delegate on behalf of the church, religious 860
society, or faith caused, or poses the threat of causing, the 861
wound, injury, disability, or condition that reasonably 862
indicates abuse or neglect shall fail to immediately report that 863
knowledge or reasonable cause to believe to the entity or 864
persons specified in this division. Except as provided in 865
section 5120.173 of the Revised Code, the person making the 866
report shall make it to the public children services agency or a 867
municipal or county peace officer in the county in which the 868
child resides or in which the abuse or neglect is occurring or 869
has occurred. In the circumstances described in section 5120.173 870
of the Revised Code, the person making the report shall make it 871
to the entity specified in that section. 872

(b) Except as provided in division (A) (4) (c) of this 873

section, a cleric is not required to make a report pursuant to 874
division (A) (4) (a) of this section concerning any communication 875
the cleric receives from a penitent in a cleric-penitent 876
relationship, if, in accordance with division (C) of section 877
2317.02 of the Revised Code, the cleric could not testify with 878
respect to that communication in a civil or criminal proceeding. 879

(c) The penitent in a cleric-penitent relationship 880
described in division (A) (4) (b) of this section is deemed to 881
have waived any testimonial privilege under division (C) of 882
section 2317.02 of the Revised Code with respect to any 883
communication the cleric receives from the penitent in that 884
cleric-penitent relationship, and the cleric shall make a report 885
pursuant to division (A) (4) (a) of this section with respect to 886
that communication, if all of the following apply: 887

(i) The penitent, at the time of the communication, is a 888
child under eighteen years of age or is a person under twenty- 889
one years of age with a developmental disability or physical 890
impairment. 891

(ii) The cleric knows, or has reasonable cause to believe 892
based on facts that would cause a reasonable person in a similar 893
position to believe, as a result of the communication or any 894
observations made during that communication, the penitent has 895
suffered or faces a threat of suffering any physical or mental 896
wound, injury, disability, or condition of a nature that 897
reasonably indicates abuse or neglect of the penitent. 898

(iii) The abuse or neglect does not arise out of the 899
penitent's attempt to have an abortion performed upon a child 900
under eighteen years of age or upon a person under twenty-one 901
years of age with a developmental disability or physical 902
impairment without the notification of her parents, guardian, or 903

custodian in accordance with section 2151.85 of the Revised Code. 904
905

(d) Divisions (A) (4) (a) and (c) of this section do not 906
apply in a cleric-penitent relationship when the disclosure of 907
any communication the cleric receives from the penitent is in 908
violation of the sacred trust. 909

(e) As used in divisions (A) (1) and (4) of this section, 910
"cleric" and "sacred trust" have the same meanings as in section 911
2317.02 of the Revised Code. 912

(B) Anyone who knows, or has reasonable cause to suspect 913
based on facts that would cause a reasonable person in similar 914
circumstances to suspect, that a child under eighteen years of 915
age, or a person under twenty-one years of age with a 916
developmental disability or physical impairment, has suffered or 917
faces a threat of suffering any physical or mental wound, 918
injury, disability, or other condition of a nature that 919
reasonably indicates abuse or neglect of the child may report or 920
cause reports to be made of that knowledge or reasonable cause 921
to suspect to the entity or persons specified in this division. 922
Except as provided in section 5120.173 of the Revised Code, a 923
person making a report or causing a report to be made under this 924
division shall make it or cause it to be made to the public 925
children services agency or to a municipal or county peace 926
officer. In the circumstances described in section 5120.173 of 927
the Revised Code, a person making a report or causing a report 928
to be made under this division shall make it or cause it to be 929
made to the entity specified in that section. 930

(C) Any report made pursuant to division (A) or (B) of 931
this section shall be made forthwith either by telephone or in 932
person and shall be followed by a written report, if requested 933

by the receiving agency or officer. The written report shall 934
contain: 935

(1) The names and addresses of the child and the child's 936
parents or the person or persons having custody of the child, if 937
known; 938

(2) The child's age and the nature and extent of the 939
child's injuries, abuse, or neglect that is known or reasonably 940
suspected or believed, as applicable, to have occurred or of the 941
threat of injury, abuse, or neglect that is known or reasonably 942
suspected or believed, as applicable, to exist, including any 943
evidence of previous injuries, abuse, or neglect; 944

(3) Any other information, including, but not limited to, 945
results and reports of any medical examinations, tests, or 946
procedures performed under division (D) of this section, that 947
might be helpful in establishing the cause of the injury, abuse, 948
or neglect that is known or reasonably suspected or believed, as 949
applicable, to have occurred or of the threat of injury, abuse, 950
or neglect that is known or reasonably suspected or believed, as 951
applicable, to exist. 952

(D) (1) Any person, who is required by division (A) of this 953
section to report child abuse or child neglect that is known or 954
reasonably suspected or believed to have occurred, may take or 955
cause to be taken color photographs of areas of trauma visible 956
on a child and, if medically necessary for the purpose of 957
diagnosing or treating injuries that are suspected to have 958
occurred as a result of child abuse or child neglect, perform or 959
cause to be performed radiological examinations and any other 960
medical examinations of, and tests or procedures on, the child. 961

(2) The results and any available reports of examinations, 962

tests, or procedures made under division (D) (1) of this section 963
shall be included in a report made pursuant to division (A) of 964
this section. Any additional reports of examinations, tests, or 965
procedures that become available shall be provided to the public 966
children services agency, upon request. 967

(3) If a health care professional provides health care 968
services in a hospital, children's advocacy center, or emergency 969
medical facility to a child about whom a report has been made 970
under division (A) of this section, the health care professional 971
may take any steps that are reasonably necessary for the release 972
or discharge of the child to an appropriate environment. Before 973
the child's release or discharge, the health care professional 974
may obtain information, or consider information obtained, from 975
other entities or individuals that have knowledge about the 976
child. Nothing in division (D) (3) of this section shall be 977
construed to alter the responsibilities of any person under 978
sections 2151.27 and 2151.31 of the Revised Code. 979

(4) A health care professional may conduct medical 980
examinations, tests, or procedures on the siblings of a child 981
about whom a report has been made under division (A) of this 982
section and on other children who reside in the same home as the 983
child, if the professional determines that the examinations, 984
tests, or procedures are medically necessary to diagnose or 985
treat the siblings or other children in order to determine 986
whether reports under division (A) of this section are warranted 987
with respect to such siblings or other children. The results of 988
the examinations, tests, or procedures on the siblings and other 989
children may be included in a report made pursuant to division 990
(A) of this section. 991

(5) Medical examinations, tests, or procedures conducted 992

under divisions (D) (1) and (4) of this section and decisions 993
regarding the release or discharge of a child under division (D) 994
(3) of this section do not constitute a law enforcement 995
investigation or activity. 996

(E) (1) When a municipal or county peace officer receives a 997
report concerning the possible abuse or neglect of a child or 998
the possible threat of abuse or neglect of a child, upon receipt 999
of the report, the municipal or county peace officer who 1000
receives the report shall refer the report to the appropriate 1001
public children services agency. 1002

(2) When a public children services agency receives a 1003
report pursuant to this division or division (A) or (B) of this 1004
section, upon receipt of the report, the public children 1005
services agency shall do both of the following: 1006

(a) Comply with section 2151.422 of the Revised Code; 1007

(b) If the county served by the agency is also served by a 1008
children's advocacy center and the report alleges sexual abuse 1009
of a child or another type of abuse of a child that is specified 1010
in the memorandum of understanding that creates the center as 1011
being within the center's jurisdiction, comply regarding the 1012
report with the protocol and procedures for referrals and 1013
investigations, with the coordinating activities, and with the 1014
authority or responsibility for performing or providing 1015
functions, activities, and services stipulated in the 1016
interagency agreement entered into under section 2151.428 of the 1017
Revised Code relative to that center. 1018

(F) No township, municipal, or county peace officer shall 1019
remove a child about whom a report is made pursuant to this 1020
section from the child's parents, stepparents, or guardian or 1021

any other persons having custody of the child without 1022
consultation with the public children services agency, unless, 1023
in the judgment of the officer, and, if the report was made by 1024
physician, the physician, immediate removal is considered 1025
essential to protect the child from further abuse or neglect. 1026
The agency that must be consulted shall be the agency conducting 1027
the investigation of the report as determined pursuant to 1028
section 2151.422 of the Revised Code. 1029

(G) (1) Except as provided in section 2151.422 of the 1030
Revised Code or in an interagency agreement entered into under 1031
section 2151.428 of the Revised Code that applies to the 1032
particular report, the public children services agency shall 1033
investigate, within twenty-four hours, each report of child 1034
abuse or child neglect that is known or reasonably suspected or 1035
believed to have occurred and of a threat of child abuse or 1036
child neglect that is known or reasonably suspected or believed 1037
to exist that is referred to it under this section to determine 1038
the circumstances surrounding the injuries, abuse, or neglect or 1039
the threat of injury, abuse, or neglect, the cause of the 1040
injuries, abuse, neglect, or threat, and the person or persons 1041
responsible. The investigation shall be made in cooperation with 1042
the law enforcement agency and in accordance with the memorandum 1043
of understanding prepared under division (K) of this section. A 1044
representative of the public children services agency shall, at 1045
the time of initial contact with the person subject to the 1046
investigation, inform the person of the specific complaints or 1047
allegations made against the person. The information shall be 1048
given in a manner that is consistent with division (I) (1) of 1049
this section and protects the rights of the person making the 1050
report under this section. 1051

A failure to make the investigation in accordance with the 1052

memorandum is not grounds for, and shall not result in, the 1053
dismissal of any charges or complaint arising from the report or 1054
the suppression of any evidence obtained as a result of the 1055
report and does not give, and shall not be construed as giving, 1056
any rights or any grounds for appeal or post-conviction relief 1057
to any person. The public children services agency shall report 1058
each case to the uniform statewide automated child welfare 1059
information system that the department of job and family 1060
services shall maintain in accordance with section 5101.13 of 1061
the Revised Code. The public children services agency shall 1062
submit a report of its investigation, in writing, to the law 1063
enforcement agency. 1064

(2) The public children services agency shall make any 1065
recommendations to the county prosecuting attorney or city 1066
director of law that it considers necessary to protect any 1067
children that are brought to its attention. 1068

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 1069
(I) (3) of this section, any person, health care professional, 1070
hospital, institution, school, health department, or agency 1071
shall be immune from any civil or criminal liability for injury, 1072
death, or loss to person or property that otherwise might be 1073
incurred or imposed as a result of any of the following: 1074

(i) Participating in the making of reports pursuant to 1075
division (A) of this section or in the making of reports in good 1076
faith, pursuant to division (B) of this section; 1077

(ii) Participating in medical examinations, tests, or 1078
procedures under division (D) of this section; 1079

(iii) Providing information used in a report made pursuant 1080
to division (A) of this section or providing information in good 1081

faith used in a report made pursuant to division (B) of this 1082
section; 1083

(iv) Participating in a judicial proceeding resulting from 1084
a report made pursuant to division (A) of this section or 1085
participating in good faith in a proceeding resulting from a 1086
report made pursuant to division (B) of this section. 1087

(b) Immunity under division (H)(1)(a)(ii) of this section 1088
shall not apply when a health care provider has deviated from 1089
the standard of care applicable to the provider's profession. 1090

(c) Notwithstanding section 4731.22 of the Revised Code, 1091
the physician-patient privilege shall not be a ground for 1092
excluding evidence regarding a child's injuries, abuse, or 1093
neglect, or the cause of the injuries, abuse, or neglect in any 1094
judicial proceeding resulting from a report submitted pursuant 1095
to this section. 1096

(2) In any civil or criminal action or proceeding in which 1097
it is alleged and proved that participation in the making of a 1098
report under this section was not in good faith or participation 1099
in a judicial proceeding resulting from a report made under this 1100
section was not in good faith, the court shall award the 1101
prevailing party reasonable attorney's fees and costs and, if a 1102
civil action or proceeding is voluntarily dismissed, may award 1103
reasonable attorney's fees and costs to the party against whom 1104
the civil action or proceeding is brought. 1105

(I)(1) Except as provided in divisions (I)(4) and (O) of 1106
this section, a report made under this section is confidential. 1107
The information provided in a report made pursuant to this 1108
section and the name of the person who made the report shall not 1109
be released for use, and shall not be used, as evidence in any 1110

civil action or proceeding brought against the person who made 1111
the report. Nothing in this division shall preclude the use of 1112
reports of other incidents of known or suspected abuse or 1113
neglect in a civil action or proceeding brought pursuant to 1114
division (N) of this section against a person who is alleged to 1115
have violated division (A)(1) of this section, provided that any 1116
information in a report that would identify the child who is the 1117
subject of the report or the maker of the report, if the maker 1118
of the report is not the defendant or an agent or employee of 1119
the defendant, has been redacted. In a criminal proceeding, the 1120
report is admissible in evidence in accordance with the Rules of 1121
Evidence and is subject to discovery in accordance with the 1122
Rules of Criminal Procedure. 1123

(2) (a) Except as provided in division (I)(2)(b) of this 1124
section, no person shall permit or encourage the unauthorized 1125
dissemination of the contents of any report made under this 1126
section. 1127

(b) A health care professional that obtains the same 1128
information contained in a report made under this section from a 1129
source other than the report may disseminate the information, if 1130
its dissemination is otherwise permitted by law. 1131

(3) A person who knowingly makes or causes another person 1132
to make a false report under division (B) of this section that 1133
alleges that any person has committed an act or omission that 1134
resulted in a child being an abused child or a neglected child 1135
is guilty of a violation of section 2921.14 of the Revised Code. 1136

(4) If a report is made pursuant to division (A) or (B) of 1137
this section and the child who is the subject of the report dies 1138
for any reason at any time after the report is made, but before 1139
the child attains eighteen years of age, the public children 1140

services agency or municipal or county peace officer to which 1141
the report was made or referred, on the request of the child 1142
fatality review board or the director of health pursuant to 1143
guidelines established under section 3701.70 of the Revised 1144
Code, shall submit a summary sheet of information providing a 1145
summary of the report to the review board of the county in which 1146
the deceased child resided at the time of death or to the 1147
director. On the request of the review board or director, the 1148
agency or peace officer may, at its discretion, make the report 1149
available to the review board or director. If the county served 1150
by the public children services agency is also served by a 1151
children's advocacy center and the report of alleged sexual 1152
abuse of a child or another type of abuse of a child is 1153
specified in the memorandum of understanding that creates the 1154
center as being within the center's jurisdiction, the agency or 1155
center shall perform the duties and functions specified in this 1156
division in accordance with the interagency agreement entered 1157
into under section 2151.428 of the Revised Code relative to that 1158
advocacy center. 1159

(5) A public children services agency shall advise a 1160
person alleged to have inflicted abuse or neglect on a child who 1161
is the subject of a report made pursuant to this section, 1162
including a report alleging sexual abuse of a child or another 1163
type of abuse of a child referred to a children's advocacy 1164
center pursuant to an interagency agreement entered into under 1165
section 2151.428 of the Revised Code, in writing of the 1166
disposition of the investigation. The agency shall not provide 1167
to the person any information that identifies the person who 1168
made the report, statements of witnesses, or police or other 1169
investigative reports. 1170

(J) Any report that is required by this section, other 1171

than a report that is made to the state highway patrol as 1172
described in section 5120.173 of the Revised Code, shall result 1173
in protective services and emergency supportive services being 1174
made available by the public children services agency on behalf 1175
of the children about whom the report is made, in an effort to 1176
prevent further neglect or abuse, to enhance their welfare, and, 1177
whenever possible, to preserve the family unit intact. The 1178
agency required to provide the services shall be the agency 1179
conducting the investigation of the report pursuant to section 1180
2151.422 of the Revised Code. 1181

(K)(1) Each public children services agency shall prepare 1182
a memorandum of understanding that is signed by all of the 1183
following: 1184

(a) If there is only one juvenile judge in the county, the 1185
juvenile judge of the county or the juvenile judge's 1186
representative; 1187

(b) If there is more than one juvenile judge in the 1188
county, a juvenile judge or the juvenile judges' representative 1189
selected by the juvenile judges or, if they are unable to do so 1190
for any reason, the juvenile judge who is senior in point of 1191
service or the senior juvenile judge's representative; 1192

(c) The county peace officer; 1193

(d) All chief municipal peace officers within the county; 1194

(e) Other law enforcement officers handling child abuse 1195
and neglect cases in the county; 1196

(f) The prosecuting attorney of the county; 1197

(g) If the public children services agency is not the 1198
county department of job and family services, the county 1199

department of job and family services; 1200

(h) The Ohio humane society or county humane society; 1201

(i) If the public children services agency participated in 1202
the execution of a memorandum of understanding under section 1203
2151.426 of the Revised Code establishing a children's advocacy 1204
center, each participating member of the children's advocacy 1205
center established by the memorandum. 1206

(2) A memorandum of understanding shall set forth the 1207
normal operating procedure to be employed by all concerned 1208
officials in the execution of their respective responsibilities 1209
under this section and division (C) of section 2919.21, division 1210
(B) (1) of section 2919.22, division (B) of section 2919.23, and 1211
section 2919.24 of the Revised Code and shall have as two of its 1212
primary goals the elimination of all unnecessary interviews of 1213
children who are the subject of reports made pursuant to 1214
division (A) or (B) of this section and, when feasible, 1215
providing for only one interview of a child who is the subject 1216
of any report made pursuant to division (A) or (B) of this 1217
section. A failure to follow the procedure set forth in the 1218
memorandum by the concerned officials is not grounds for, and 1219
shall not result in, the dismissal of any charges or complaint 1220
arising from any reported case of abuse or neglect or the 1221
suppression of any evidence obtained as a result of any reported 1222
child abuse or child neglect and does not give, and shall not be 1223
construed as giving, any rights or any grounds for appeal or 1224
post-conviction relief to any person. 1225

(3) A memorandum of understanding shall include all of the 1226
following: 1227

(a) The roles and responsibilities for handling emergency 1228

and nonemergency cases of abuse and neglect; 1229

(b) Standards and procedures to be used in handling and 1230
coordinating investigations of reported cases of child abuse and 1231
reported cases of child neglect, methods to be used in 1232
interviewing the child who is the subject of the report and who 1233
allegedly was abused or neglected, and standards and procedures 1234
addressing the categories of persons who may interview the child 1235
who is the subject of the report and who allegedly was abused or 1236
neglected. 1237

(4) If a public children services agency participated in 1238
the execution of a memorandum of understanding under section 1239
2151.426 of the Revised Code establishing a children's advocacy 1240
center, the agency shall incorporate the contents of that 1241
memorandum in the memorandum prepared pursuant to this section. 1242

(5) The clerk of the court of common pleas in the county 1243
may sign the memorandum of understanding prepared under division 1244
(K) (1) of this section. If the clerk signs the memorandum of 1245
understanding, the clerk shall execute all relevant 1246
responsibilities as required of officials specified in the 1247
memorandum. 1248

(L) (1) Except as provided in division (L) (4) or (5) of 1249
this section, a person who is required to make a report pursuant 1250
to division (A) of this section may make a reasonable number of 1251
requests of the public children services agency that receives or 1252
is referred the report, or of the children's advocacy center 1253
that is referred the report if the report is referred to a 1254
children's advocacy center pursuant to an interagency agreement 1255
entered into under section 2151.428 of the Revised Code, to be 1256
provided with the following information: 1257

(a) Whether the agency or center has initiated an investigation of the report;	1258 1259
(b) Whether the agency or center is continuing to investigate the report;	1260 1261
(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;	1262 1263
(d) The general status of the health and safety of the child who is the subject of the report;	1264 1265
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.	1266 1267 1268
(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.	1269 1270 1271 1272
When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.	1273 1274 1275 1276 1277 1278 1279 1280 1281 1282
Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a	1283 1284 1285 1286

reasonable number of times, except that the agency shall not 1287
disclose any confidential information regarding the child who is 1288
the subject of the report other than the information described 1289
in those divisions. 1290

(3) A request made pursuant to division (L)(1) of this 1291
section is not a substitute for any report required to be made 1292
pursuant to division (A) of this section. 1293

(4) If an agency other than the agency that received or 1294
was referred the report is conducting the investigation of the 1295
report pursuant to section 2151.422 of the Revised Code, the 1296
agency conducting the investigation shall comply with the 1297
requirements of division (L) of this section. 1298

(5) A health care professional who made a report under 1299
division (A) of this section, or on whose behalf such a report 1300
was made as provided in division (A)(1)(c) of this section, may 1301
authorize a person to obtain the information described in 1302
division (L)(1) of this section if the person requesting the 1303
information is associated with or acting on behalf of the health 1304
care professional who provided health care services to the child 1305
about whom the report was made. 1306

(M) The director of job and family services shall adopt 1307
rules in accordance with Chapter 119. of the Revised Code to 1308
implement this section. The department of job and family 1309
services may enter into a plan of cooperation with any other 1310
governmental entity to aid in ensuring that children are 1311
protected from abuse and neglect. The department shall make 1312
recommendations to the attorney general that the department 1313
determines are necessary to protect children from child abuse 1314
and child neglect. 1315

(N) Whoever violates division (A) of this section is 1316
liable for compensatory and exemplary damages to the child who 1317
would have been the subject of the report that was not made. A 1318
person who brings a civil action or proceeding pursuant to this 1319
division against a person who is alleged to have violated 1320
division (A) (1) of this section may use in the action or 1321
proceeding reports of other incidents of known or suspected 1322
abuse or neglect, provided that any information in a report that 1323
would identify the child who is the subject of the report or the 1324
maker of the report, if the maker is not the defendant or an 1325
agent or employee of the defendant, has been redacted. 1326

(O) (1) As used in this division: 1327

(a) "Out-of-home care" includes a nonchartered nonpublic 1328
school if the alleged child abuse or child neglect, or alleged 1329
threat of child abuse or child neglect, described in a report 1330
received by a public children services agency allegedly occurred 1331
in or involved the nonchartered nonpublic school and the alleged 1332
perpetrator named in the report holds a certificate, permit, or 1333
license issued by the state board of education under section 1334
3301.071 or Chapter 3319. of the Revised Code. 1335

(b) "Administrator, director, or other chief 1336
administrative officer" means the superintendent of the school 1337
district if the out-of-home care entity subject to a report made 1338
pursuant to this section is a school operated by the district. 1339

(2) No later than the end of the day following the day on 1340
which a public children services agency receives a report of 1341
alleged child abuse or child neglect, or a report of an alleged 1342
threat of child abuse or child neglect, that allegedly occurred 1343
in or involved an out-of-home care entity, the agency shall 1344
provide written notice of the allegations contained in and the 1345

person named as the alleged perpetrator in the report to the 1346
administrator, director, or other chief administrative officer 1347
of the out-of-home care entity that is the subject of the report 1348
unless the administrator, director, or other chief 1349
administrative officer is named as an alleged perpetrator in the 1350
report. If the administrator, director, or other chief 1351
administrative officer of an out-of-home care entity is named as 1352
an alleged perpetrator in a report of alleged child abuse or 1353
child neglect, or a report of an alleged threat of child abuse 1354
or child neglect, that allegedly occurred in or involved the 1355
out-of-home care entity, the agency shall provide the written 1356
notice to the owner or governing board of the out-of-home care 1357
entity that is the subject of the report. The agency shall not 1358
provide witness statements or police or other investigative 1359
reports. 1360

(3) No later than three days after the day on which a 1361
public children services agency that conducted the investigation 1362
as determined pursuant to section 2151.422 of the Revised Code 1363
makes a disposition of an investigation involving a report of 1364
alleged child abuse or child neglect, or a report of an alleged 1365
threat of child abuse or child neglect, that allegedly occurred 1366
in or involved an out-of-home care entity, the agency shall send 1367
written notice of the disposition of the investigation to the 1368
administrator, director, or other chief administrative officer 1369
and the owner or governing board of the out-of-home care entity. 1370
The agency shall not provide witness statements or police or 1371
other investigative reports. 1372

(P) As used in this section: 1373

(1) "Children's advocacy center" and "sexual abuse of a 1374
child" have the same meanings as in section 2151.425 of the 1375

Revised Code. 1376

(2) "Health care professional" means an individual who 1377
provides health-related services including a physician, hospital 1378
intern or resident, dentist, podiatrist, registered nurse, 1379
licensed practical nurse, visiting nurse, licensed psychologist, 1380
speech pathologist, audiologist, person engaged in social work 1381
or the practice of professional counseling, and employee of a 1382
home health agency. "Health care professional" does not include 1383
a practitioner of a limited branch of medicine as specified in 1384
section 4731.15 of the Revised Code, licensed school 1385
psychologist, independent marriage and family therapist or 1386
marriage and family therapist, or coroner. 1387

(3) "Investigation" means the public children services 1388
agency's response to an accepted report of child abuse or 1389
neglect through either an alternative response or a traditional 1390
response. 1391

Sec. 2921.02. (A) No person, with purpose to corrupt a 1392
public servant or party official, or improperly to influence a 1393
public servant or party official with respect to the discharge 1394
of the public servant's or party official's duty, whether before 1395
or after the public servant or party official is elected, 1396
appointed, qualified, employed, summoned, or sworn, shall 1397
promise, offer, or give any valuable thing or valuable benefit. 1398

(B) No person, either before or after the person is 1399
elected, appointed, qualified, employed, summoned, or sworn as a 1400
public servant or party official, shall knowingly solicit or 1401
accept for self or another person any valuable thing or valuable 1402
benefit to corrupt or improperly influence the person or another 1403
public servant or party official with respect to the discharge 1404
of the person's or the other public servant's or party 1405

official's duty. 1406

(C) No person, with purpose to corrupt a witness or 1407
improperly to influence a witness with respect to the witness's 1408
testimony in an official proceeding, either before or after the 1409
witness is subpoenaed or sworn, shall promise, offer, or give 1410
the witness or another person any valuable thing or valuable 1411
benefit. 1412

(D) No person, either before or after the person is 1413
subpoenaed or sworn as a witness, shall knowingly solicit or 1414
accept for self or another person any valuable thing or valuable 1415
benefit to corrupt or improperly influence self or another 1416
person with respect to testimony given in an official 1417
proceeding. 1418

(E) No person, with purpose to corrupt a director, 1419
officer, or employee of a municipal school district 1420
transformation alliance established under section 3311.86 of the 1421
Revised Code, or improperly to influence a director, officer, or 1422
employee of a municipal school district transformation alliance 1423
with respect to the discharge of the director's, officer's, or 1424
employee's duties, whether before or after the director, 1425
officer, or employee is appointed or employed, shall promise, 1426
offer, or give the director, officer, or employee any valuable 1427
thing or valuable benefit. 1428

(F) No person, either before or after the person is 1429
appointed or employed as a director, officer, or employee of a 1430
municipal school district transformation alliance established 1431
under section 3311.86 of the Revised Code, shall knowingly 1432
solicit or accept for self or another person any valuable thing 1433
or valuable benefit to corrupt or improperly influence the 1434
person or another director, officer, or employee of a municipal 1435

school district transformation alliance with respect to the 1436
discharge of the person's or other director's, officer's, or 1437
employee's duties. 1438

(G) As used in this section, "public servant" includes a 1439
humane society agent approved under section 1717.04 or 1717.06 1440
of the Revised Code. 1441

(H) Whoever violates this section is guilty of bribery, a 1442
felony of the third degree. 1443

~~(H)~~ (I) A public servant or party official, or director, 1444
officer, or employee of a municipal school district 1445
transformation alliance established under section 3311.86 of the 1446
Revised Code, who is convicted of bribery is forever 1447
disqualified from holding any public office, employment, or 1448
position of trust in this state. 1449

Sec. 2931.18. (A) A humane society ~~or its agent~~ may ~~employ~~ 1450
appoint an attorney, and may also ~~employ~~ appoint one or more 1451
assistant attorneys, to prosecute violations of law relating to: 1452

~~(1) Except prevention of cruelty to animals, except as~~ 1453
provided in division (B) of this section, ~~prevention of cruelty-~~ 1454
~~to animals or children;~~ 1455

~~(2) Abandonment, nonsupport, or ill treatment of a child-~~ 1456
~~by its parent;~~ 1457

~~(3) Employment of a child under fourteen years of age in-~~ 1458
~~public exhibitions or vocations injurious to health, life, or~~ 1459
~~morals or which cause or permit such child to suffer unnecessary-~~ 1460
~~physical or mental pain;~~ 1461

~~(4) Neglect or refusal of an adult to support a destitute-~~ 1462
~~parent.~~ 1463

~~Such~~The attorneys shall be paid out of the county 1464
treasury, from the general fund of the county or from the dog 1465
and kennel fund of the county, in an amount approved as just and 1466
reasonable by the board of county commissioners of that county. 1467

(B) A humane society or its agent shall not employ an 1468
attorney or one or more assistant attorneys to prosecute a 1469
felony violation of section 959.131 of the Revised Code. 1470

Section 2. That existing sections 109.73, 935.19, 935.20, 1471
959.131, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 1717.07, 1472
1717.09, 1717.10, 2151.421, 2921.02, and 2931.18 and section 1473
1717.14 of the Revised Code are hereby repealed. 1474

Section 3. Section 2151.421 of the Revised Code is 1475
presented in this act as a composite of the section as amended 1476
by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General 1477
Assembly. The General Assembly, applying the principle stated in 1478
division (B) of section 1.52 of the Revised Code that amendments 1479
are to be harmonized if reasonably capable of simultaneous 1480
operation, finds that the composite is the resulting version of 1481
the section in effect prior to the effective date of the section 1482
as presented in this act. 1483