



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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H.B. 147

132nd General Assembly
(H. Civil Justice)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| Topic | Previous version (As Introduced) | Sub. Version (L_132_0725-11) |
|---|-------------------------------------|--|
| Humane society nonprosecution agreements | No provision. | <p>Prohibits a humane society from entering into a written agreement not to prosecute a person for an alleged violation of law unless the agreement has been reviewed and approved by the municipal or county court judge that has presided over the hearing related to the case, which is required to determine if an officer had probable cause to seize the animal.</p> <p>Requires the judge, if bond has previously been set, to reconsider whether the bond amount is necessary and reasonable.</p> <p>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.</p> |

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| | | Renders a nonprosecution agreement void and unenforceable unless it has been approved by the judge. ¹ |
| Seizure and impoundment of certain animals | No provision. | Expands the current law, which governs the seizure and impoundment of companion animals, to apply to the seizure and impoundment of any animal when related to a violation of domestic animal law. ² |
| Notice from impounding agent | No provision. | 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. Current law requires such a notice for companion animals only, but is silent about timing of the notice. ³ |
| Bond for animal's care during impoundment | No provision. | 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. ⁴ |
| Humane society agent approval process | Establishes that the appointment of an agent is not final until proof of training has been filed with the appropriate county sheriff and until the appointment has been approved by the mayor or probate judge, as the case may be. ⁵ | Establishes that the appointment of an agent is final when approved by the mayor or probate judge, as the case may be. ⁶ |

¹ R.C. 1717.18.

² R.C. 959.132.

³ R.C. 959.132(C).

⁴ R.C. 959.132(E)(1) and (3).

⁵ R.C. 1717.04(A) and (B) and 1717.06(A) and (B).

⁶ R.C. 1717.04(A), (B), and (C) and 1717.06(A), (B), and (C).

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| Proof for current humane agents | Not later than six months after the bill's effective date, requires an individual who is serving as a humane society agent on the bill's effective date to file proof of successful completion of training, including the required signatures, with the county sheriff. ⁷ | Similarly requires an individual who is serving as a humane society agent on that date to obtain and present proof of successful completion of training, as required under the bill, 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. ⁸ |
| Probate judge notification to humane societies regarding provisions of the bill | No provision. | 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. ⁹ |
| Complaint | Entitles an individual who suspects that a humane society agent has not successfully completed the required training, or has provided proof of training that contains false or misleading information, to file a complaint with the acting approving authority. ¹⁰ | <p>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.</p> <p>Requires the complaint to be an affidavit sworn to by the individual.</p> <p>Requires the authority to inform the humane society after having received a specific complaint.</p> |

⁷ R.C. 1717.061(B).

⁸ Section 3.

⁹ Section 4.

¹⁰ R.C. 1717.062.



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| | | <p>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.</p> <p>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.¹¹</p> |
| Procedure for revocation of appointment | <p>Requires the movant to describe in the motion, or in a memorandum accompanying the motion, the conduct that constitutes just cause for the motion.</p> <p>Requires the clerk of the probate court to serve the humane society agent with a summons and a copy of the motion and any accompanying memorandum.¹²</p> | <p>Requires the movant to commence the procedure by filing a motion in the form of an affidavit sworn to by the movant.</p> <p>Requires the probate judge, upon a review of the facts, to dismiss the motion without a hearing or direct the clerk of the probate court to serve the humane society agent and the humane society with a summons stating the time and place at which the court will conduct a hearing on the motion.¹³</p> |

¹¹ R.C. 1717.062.

¹² R.C. 1717.17.

¹³ R.C. 1717.17.

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| Notification of county sheriff and board of county commissioners when humane society agent has been approved | No provision. | Requires the approving authority to notify the appropriate county sheriff and the board of county commissioners when the appointment of a humane society agent has been approved and, not later than two business days after the appointment has been approved, file a copy of the proof of successful completion of training with the sheriff. An approving authority that has approved an at large agent must notify the Franklin County Sheriff and the Franklin County Board of Commissioners, and shall file a copy of the proof of successful completion of training with the Franklin County Sheriff. ¹⁴ |
| Humane society agent authority | As is the case for county humane agents under current law, clarifies that agents of the Ohio Humane Society have only the authority granted to them in regards to arrest of any person found violating any animal protection or cruelty law and the authority to interfere to prevent the perpetration of any act of animal cruelty in an agent's presence, to use necessary force to prevent it, and to summon to the aid of bystanders. ¹⁵ | Instead, specifies that all humane society agents have only the specific authority granted to them under the Revised Code. ¹⁶ |
| Public record of humane society agent training | Requires proof of successful completion of training to be signed by the chief executive officer of the organization or entity that provided the training, the chief officer of the humane society appointing the agent, and by the approving authority and filed with the appropriate county sheriff. ¹⁷ | Eliminates the requirement that the chief officer of the human society and approving authorities, which are mayors and probate judges, sign the proof of training. Instead requires approving authorities to maintain as a public record a copy of the proof of successful completion of training for each humane society agent |

¹⁴ R.C. 1717.04(C) and 1717.06(C).

¹⁵ R.C. 1717.04(A) and (C); See also 1717.06(A) and (B) and 1717.08, not in the bill.

¹⁶ R.C. 1717.04(E) and 1717.06(E).

¹⁷ R.C. 1717.061(A)(2) and (3).

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| | | 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. ¹⁸ |
| Notification when agents cease serving | Requires a humane society to notify the appointing authority, the county sheriff, and the board of county commissioners when an approved humane society agent has ceased to perform the duties of appointment. ¹⁹ | 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. ²⁰ |

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¹⁸ R.C. 1717.04(B) and (C) and 1717.06(B) and (C).

¹⁹ R.C. 1717.04(B) and 1717.06(B).

²⁰ R.C. 1717.04(B) and 1717.06(D).

