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133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 24

A BILL

To amend sections 109.73, 935.19, 935.20, 955.16, 1
959.131, 959.132, 1717.01, 1717.02, 1717.05, 2
1717.06, 1717.07, 1717.08, 1717.09, 1717.10, 3
2151.421, 2921.02, 2931.18, 5101.63, and 4
5147.22, to enact sections 1717.061, 1717.062, 5
1717.16, 1717.17, and 1717.18, and to repeal 6
sections 1717.03, 1717.04, 1717.14, and 3113.10 7
of the Revised Code to make changes to humane 8
society law, to make humane society agents 9
subject to bribery law, and to establish 10
procedures for the seizure and impoundment of 11
certain animals and livestock. 12

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

Section 1. That sections 109.73, 935.19, 935.20, 955.16, 13
959.131, 959.132, 1717.01, 1717.02, 1717.05, 1717.06, 1717.07, 14
1717.08, 1717.09, 1717.10, 2151.421, 2921.02, 2931.18, 5101.63, 15
and 5147.22 be amended and sections 1717.061, 1717.062, 1717.16, 16
1717.17, and 1717.18 of the Revised Code be enacted to read as 17
follows: 18



Sec. 109.73. (A) The Ohio peace officer training 19
commission shall recommend rules to the attorney general with 20
respect to all of the following: 21

(1) The approval, or revocation of approval, of peace 22
officer training schools administered by the state, counties, 23
municipal corporations, public school districts, technical 24
college districts, and the department of natural resources; 25

(2) Minimum courses of study, attendance requirements, and 26
equipment and facilities to be required at approved state, 27
county, municipal, and department of natural resources peace 28
officer training schools; 29

(3) Minimum qualifications for instructors at approved 30
state, county, municipal, and department of natural resources 31
peace officer training schools; 32

(4) The requirements of minimum basic training that peace 33
officers appointed to probationary terms shall complete before 34
being eligible for permanent appointment, which requirements 35
shall include training in the handling of the offense of 36
domestic violence, other types of domestic violence-related 37
offenses and incidents, and protection orders and consent 38
agreements issued or approved under section 2919.26 or 3113.31 39
of the Revised Code; crisis intervention training; and training 40
in the handling of missing children and child abuse and neglect 41
cases; and training in handling violations of section 2905.32 of 42
the Revised Code; and the time within which such basic training 43
shall be completed following appointment to a probationary term; 44

(5) The requirements of minimum basic training that peace 45
officers not appointed for probationary terms but appointed on 46
other than a permanent basis shall complete in order to be 47

eligible for continued employment or permanent appointment, 48
which requirements shall include training in the handling of the 49
offense of domestic violence, other types of domestic violence- 50
related offenses and incidents, and protection orders and 51
consent agreements issued or approved under section 2919.26 or 52
3113.31 of the Revised Code, crisis intervention training, and 53
training in the handling of missing children and child abuse and 54
neglect cases, and training in handling violations of section 55
2905.32 of the Revised Code, and the time within which such 56
basic training shall be completed following appointment on other 57
than a permanent basis; 58

(6) Categories or classifications of advanced in-service 59
training programs for peace officers, including programs in the 60
handling of the offense of domestic violence, other types of 61
domestic violence-related offenses and incidents, and protection 62
orders and consent agreements issued or approved under section 63
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 64
and in the handling of missing children and child abuse and 65
neglect cases, and in handling violations of section 2905.32 of 66
the Revised Code, and minimum courses of study and attendance 67
requirements with respect to such categories or classifications; 68

(7) Permitting persons, who are employed as members of a 69
campus police department appointed under section 1713.50 of the 70
Revised Code; who are employed as police officers by a qualified 71
nonprofit corporation police department pursuant to section 72
1702.80 of the Revised Code; who are appointed and commissioned 73
as bank, savings and loan association, savings bank, credit 74
union, or association of banks, savings and loan associations, 75
savings banks, or credit unions police officers, as railroad 76
police officers, or as hospital police officers pursuant to 77
sections 4973.17 to 4973.22 of the Revised Code; or who are 78

appointed and commissioned as amusement park police officers 79
pursuant to section 4973.17 of the Revised Code, to attend 80
approved peace officer training schools, including the Ohio 81
peace officer training academy, and to receive certificates of 82
satisfactory completion of basic training programs, if the 83
private college or university that established the campus police 84
department; qualified nonprofit corporation police department; 85
bank, savings and loan association, savings bank, credit union, 86
or association of banks, savings and loan associations, savings 87
banks, or credit unions; railroad company; hospital; or 88
amusement park sponsoring the police officers pays the entire 89
cost of the training and certification and if trainee vacancies 90
are available; 91

(8) Permitting undercover drug agents to attend approved 92
peace officer training schools, other than the Ohio peace 93
officer training academy, and to receive certificates of 94
satisfactory completion of basic training programs, if, for each 95
undercover drug agent, the county, township, or municipal 96
corporation that employs that undercover drug agent pays the 97
entire cost of the training and certification; 98

(9) (a) The requirements for basic training programs for 99
bailiffs and deputy bailiffs of courts of record of this state 100
and for criminal investigators employed by the state public 101
defender that those persons shall complete before they may carry 102
a firearm while on duty; 103

(b) The requirements for any training received by a 104
bailiff or deputy bailiff of a court of record of this state or 105
by a criminal investigator employed by the state public defender 106
prior to June 6, 1986, that is to be considered equivalent to 107
the training described in division (A) (9) (a) of this section. 108

(10) Establishing minimum qualifications and requirements	109
for certification for dogs utilized by law enforcement agencies;	110
(11) Establishing minimum requirements for certification	111
of persons who are employed as correction officers in a full-	112
service jail, five-day facility, or eight-hour holding facility	113
or who provide correction services in such a jail or facility;	114
(12) Establishing requirements for the training of <u>humane</u>	115
<u>society</u> agents of a county humane society under section 1717.06	116
<u>1717.061</u> of the Revised Code, including, without limitation, a	117
requirement that the agents receive instruction on traditional	118
animal husbandry methods and training techniques, including	119
customary owner-performed practices;	120
(13) Permitting tactical medical professionals to attend	121
approved peace officer training schools, including the Ohio	122
peace officer training academy, to receive training of the type	123
described in division (A) (14) of this section and to receive	124
certificates of satisfactory completion of training programs	125
described in that division;	126
(14) The requirements for training programs that tactical	127
medical professionals shall complete to qualify them to carry	128
firearms while on duty under section 109.771 of the Revised	129
Code, which requirements shall include at least the firearms	130
training specified in division (A) of section 109.748 of the	131
Revised Code.	132
(B) The commission shall appoint an executive director,	133
with the approval of the attorney general, who shall hold office	134
during the pleasure of the commission. The executive director	135
shall perform such duties assigned by the commission. The	136
executive director shall receive a salary fixed pursuant to	137

Chapter 124. of the Revised Code and reimbursement for expenses 138
within the amounts available by appropriation. The executive 139
director may appoint officers, employees, agents, and 140
consultants as the executive director considers necessary, 141
prescribe their duties, and provide for reimbursement of their 142
expenses within the amounts available for reimbursement by 143
appropriation and with the approval of the commission. 144

(C) The commission may do all of the following: 145

(1) Recommend studies, surveys, and reports to be made by 146
the executive director regarding the carrying out of the 147
objectives and purposes of sections 109.71 to 109.77 of the 148
Revised Code; 149

(2) Visit and inspect any peace officer training school 150
that has been approved by the executive director or for which 151
application for approval has been made; 152

(3) Make recommendations, from time to time, to the 153
executive director, the attorney general, and the general 154
assembly regarding the carrying out of the purposes of sections 155
109.71 to 109.77 of the Revised Code; 156

(4) Report to the attorney general from time to time, and 157
to the governor and the general assembly at least annually, 158
concerning the activities of the commission; 159

(5) Establish fees for the services the commission offers 160
under sections 109.71 to 109.79 of the Revised Code, including, 161
but not limited to, fees for training, certification, and 162
testing; 163

(6) Perform such other acts as are necessary or 164
appropriate to carry out the powers and duties of the commission 165
as set forth in sections 109.71 to 109.77 of the Revised Code. 166

(D) In establishing the requirements, under division (A) 167
(12) of this section, the commission may consider any portions 168
of the curriculum for instruction on the topic of animal 169
husbandry practices, if any, of the Ohio state university 170
college of veterinary medicine. No person or entity that fails 171
to provide instruction on traditional animal husbandry methods 172
and training techniques, including customary owner-performed 173
practices, shall qualify to train a humane society agent for 174
appointment under section 1717.06 of the Revised Code. 175

Sec. 935.19. (A) (1) The director of agriculture or the 176
director's designee may enter at all reasonable times any 177
premises at which a dangerous wild animal or restricted snake is 178
confined, with the consent of the owner of the premises, for the 179
purpose of determining compliance with this chapter and rules. 180

(2) If the director or the director's designee is denied 181
access to any such premises, and if the director reasonably 182
suspects that the person who possesses the dangerous wild animal 183
or restricted snake is not in compliance with this chapter or 184
rules, the director may apply to a court of competent 185
jurisdiction in the county in which the premises is located for 186
a search warrant authorizing access to the premises for the 187
purposes of this section. 188

(3) The court shall issue the search warrant for the 189
purposes requested if there is probable cause to believe that 190
the person is not in compliance with this chapter or rules. The 191
finding of probable cause may be based on hearsay, provided that 192
there is a substantial basis for believing that the source of 193
the hearsay is credible and that there is a factual basis for 194
the information furnished. 195

(B) The director may designate any of the following to 196

conduct inspections under this section:	197
(1) Employees of the department of agriculture;	198
(2) Natural resources law enforcement officers with the consent of the director of natural resources;	199 200
(3) Employees of the department of health with the consent of the director of health;	201 202
(4) Employees of a board of health with the consent of the board;	203 204
(5) Agents of a humane <u>Humane</u> society agents appointed under section 1717.06 of the Revised Code with the consent of the humane society.	205 206 207
(C) If a person designated under division (B) of this section determines, while conducting an inspection, that a violation of this chapter or rules has occurred, is occurring, or may occur, the person shall immediately notify the director of agriculture. The director may proceed as provided in section 935.24 of the Revised Code.	208 209 210 211 212 213
Sec. 935.20. (A) On and after January 1, 2014, the director of agriculture immediately shall cause an investigation to be conducted if the director has reason to believe that one of the following may be occurring:	214 215 216 217
(1) A dangerous wild animal is possessed by a person who has not been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit under this chapter.	218 219 220 221
(2) A restricted snake is possessed by a person that has not been issued a restricted snake possession permit or restricted snake propagation permit under this chapter.	222 223 224

(3) A dangerous wild animal or restricted snake is being 225
treated or kept in a manner that is in violation of this chapter 226
or rules. 227

For purposes of the investigation, the director or the 228
director's designee may order the animal or snake that is the 229
subject of the notification to be quarantined or may order the 230
transfer of the animal or snake to a facility that is on the 231
list maintained by the director under this section. If the 232
director's designee orders the animal or snake to be quarantined 233
or transferred, the designee shall provide a copy of the order 234
to the director. 235

(B) The director shall attempt to notify the person owning 236
or possessing an animal or snake that has been ordered to be 237
quarantined or transferred under division (A) of this section. 238
The notice shall be delivered in person or by certified mail. 239
The director also may post a copy of a quarantine order at two 240
conspicuous locations on the premises where the animal or snake 241
is quarantined. The director shall maintain a copy of an order 242
issued under this section and evidence that the director 243
attempted to notify the person owning or possessing the animal 244
or snake. 245

(C) A quarantine or transfer order issued under this 246
section shall contain all of the following: 247

(1) The name and address of the person owning or 248
possessing the animal or snake, if known; 249

(2) A description of the quarantined or transferred animal 250
or snake; 251

(3) A description of the premises affected by the 252
quarantine or transfer; 253

(4) The reason for the quarantine or transfer;	254
(5) Any terms and conditions of the quarantine or transfer;	255 256
(6) A notice that a person adversely affected by the order may request a hearing to review the order.	257 258
(D) A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within thirty days after the order is issued, may request in writing an adjudication in accordance with Chapter 119. of the Revised Code. A request for an adjudication does not stay a quarantine or transfer order.	259 260 261 262 263 264 265
(E) The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section shall be responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. If such an owner or person is unable to pay for the reasonable costs, the director shall certify the costs to the county auditor to be assessed against any property of the owner or person and thereby made a lien upon it and collected as other taxes. All money from the collection of liens under this division shall be credited in accordance with division (J) of this section.	266 267 268 269 270 271 272 273 274 275 276 277
(F) If the state veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section is infected with or exposed to a dangerously contagious or infectious disease or is seriously injured, the state veterinarian shall so notify the	278 279 280 281 282

director. The director may order the animal or snake to be 283
humanely euthanized by a veterinarian if the state veterinarian 284
has indicated that euthanization is medically necessary. 285

(G) A quarantine or transfer order issued under this 286
section shall remain in effect until one of the following 287
occurs: 288

(1) The director, after reviewing the results of the 289
investigation conducted under division (A) of this section, 290
issues a written notice of release. 291

(2) A court of competent jurisdiction orders the 292
quarantine or transfer order to be terminated in a proceeding 293
conducted under division (H) of this section. 294

(3) A court of competent jurisdiction orders the seizure 295
of the dangerous wild animal or restricted snake in a proceeding 296
conducted under division (H) of this section. 297

(H) If, after reviewing the results of an investigation 298
concerning a dangerous wild animal or restricted snake conducted 299
under division (A) of this section and after resolution of any 300
proceeding conducted under division (D) of this section, the 301
director determines that a circumstance described in division 302
(A) (1), (2), or (3) of this section is or was occurring, the 303
director shall initiate, in a court of competent jurisdiction, a 304
proceeding for the permanent seizure of the animal or snake, as 305
applicable. If the court affirms the director's determination 306
that a circumstance described in division (A) (1), (2), or (3) of 307
this section is or was occurring, the court shall order the 308
animal or snake seized and shall order the method of disposition 309
of the animal or snake. The court may order the person owning or 310
possessing the animal or snake to pay all reasonable costs 311

associated with the seizure and, if applicable, the costs 312
associated with the quarantine or transfer of the animal or 313
snake, including the costs of transportation, housing, food, and 314
veterinary care of the animal or snake. If the court does not 315
affirm the director's determination, the court shall order the 316
quarantine or transfer order to be terminated and the animal or 317
snake to be returned to the person owning or possessing it, if 318
applicable. 319

(I) The director may authorize any of the following to 320
conduct an investigation and order the quarantine or transfer of 321
a dangerous wild animal or restricted snake under division (A) 322
of this section: 323

(1) Employees of the department of agriculture; 324

(2) Natural resources law enforcement officers with the 325
consent of the director of natural resources; 326

(3) Employees of the department of health with the consent 327
of the director of health; 328

(4) Employees of a board of health with the consent of the 329
board; 330

(5) ~~Agents of a humane~~ Humane society agents appointed 331
under section 1717.06 of the Revised Code with the consent of 332
the humane society; 333

(6) Law enforcement officers with the consent of the 334
sheriff of the county or the chief law enforcement officer of 335
the township or municipal corporation, as applicable, by whom 336
the law enforcement officers are employed; 337

(7) Law enforcement officers who are state highway patrol 338
troopers with the consent of the superintendent of the state 339

highway patrol. 340

(J) Money collected for reimbursement of costs associated 341
with the quarantine or transfer of dangerous wild animals and 342
restricted snakes under this section shall be credited to one of 343
the following funds, as applicable: 344

(1) If the animal or snake was quarantined or transferred 345
by an employee of the department of agriculture or the 346
department of health, a natural resources law enforcement 347
officer, or a law enforcement officer who is a state highway 348
patrol trooper, the dangerous and restricted animal fund created 349
in section 935.25 of the Revised Code; 350

(2) If the animal or snake was quarantined or transferred 351
by an employee of a board of health, a special fund, which is 352
hereby created in each health district, that shall be used 353
exclusively for the administration and enforcement of this 354
chapter and rules; 355

(3) If the animal or snake was quarantined or transferred 356
by ~~an agent of a humane society~~ agent, a special fund, which is 357
hereby created in each county that has a humane society, that 358
shall be used exclusively for the administration and enforcement 359
of this chapter and rules; 360

(4) If the animal or snake was quarantined or transferred 361
by a law enforcement officer who is not a state highway patrol 362
trooper, the special fund that is created in the political 363
subdivision that employs the law enforcement officer in division 364
(D) of section 935.16 of the Revised Code. 365

(K) The director shall maintain a list of facilities 366
inside and outside the state that the director determines are 367
eligible to accept dangerous wild animals and restricted snakes 368

for the purposes of this section. 369

Sec. 955.16. (A) Dogs that have been seized by the county 370
dog warden and impounded shall be kept, housed, and fed for 371
three days for the purpose of redemption, as provided by section 372
955.18 of the Revised Code, unless any of the following applies: 373

(1) Immediate humane destruction of the dog is necessary 374
because of obvious disease or injury. If the diseased or injured 375
dog is registered, as determined from the current year's 376
registration list maintained by the warden and the county 377
auditor of the county where the dog is registered, the necessity 378
of destroying the dog shall be certified by a licensed 379
veterinarian or a registered veterinary technician. If the dog 380
is not registered, the decision to destroy it shall be made by 381
the warden. 382

(2) The dog is currently registered on the registration 383
list maintained by the warden and the auditor of the county 384
where the dog is registered and the attempts to notify the 385
owner, keeper, or harbinger under section 955.12 of the Revised 386
Code have failed, in which case the dog shall be kept, housed, 387
and fed for fourteen days for the purpose of redemption. 388

(3) The warden has contacted the owner, keeper, or 389
harborer under section 955.12 of the Revised Code, and the 390
owner, keeper, or harborer has requested that the dog remain in 391
the pound or animal shelter until the owner, harborer, or keeper 392
redeems the dog. The time for such redemption shall be not more 393
than forty-eight hours following the end of the appropriate 394
redemption period. 395

At any time after such periods of redemption, any dog not 396
redeemed shall be donated to any nonprofit special agency that 397

is engaged in the training of any type of assistance dogs and 398
that requests that the dog be donated to it. Any dog not 399
redeemed that is not requested by such an agency may be sold, 400
except that no dog sold to a person other than a nonprofit 401
teaching or research institution or organization of the type 402
described in division (B) of this section shall be discharged 403
from the pound or animal shelter until the animal has been 404
registered and furnished with a valid registration tag. 405

(B) Any dog that is not redeemed within the applicable 406
period as specified in this section or section 955.12 of the 407
Revised Code from the time notice is mailed to its owner, 408
keeper, or harborer or is posted at the pound or animal shelter, 409
as required by section 955.12 of the Revised Code, and that is 410
not required to be donated to a nonprofit special agency engaged 411
in the training of any type of assistance dogs may, upon payment 412
to the dog warden or poundkeeper of the sum of three dollars, be 413
sold to any nonprofit Ohio institution or organization that is 414
certified by the director of health as being engaged in teaching 415
or research concerning the prevention and treatment of diseases 416
of human beings or animals. Any dog that is donated to a 417
nonprofit special agency engaged in the training of any type of 418
assistance dogs in accordance with division (A) of this section 419
and any dog that is sold to any nonprofit teaching or research 420
institution or organization shall be discharged from the pound 421
or animal shelter without registration and may be kept by the 422
agency or by the institution or organization without 423
registration so long as the dog is being trained, or is being 424
used for teaching and research purposes. 425

Any institution or organization certified by the director 426
that obtains dogs for teaching and research purposes pursuant to 427
this section shall, at all reasonable times, make the dogs 428

available for inspection by ~~agents of the Ohio humane society,~~ 429
~~appointed pursuant to section 1717.04 of the Revised Code, and~~ 430
~~agents of county humane societies~~society agents, appointed 431
pursuant to section 1717.06 of the Revised Code, in order that 432
the agents may prevent the perpetration of any act of cruelty, 433
as defined in section 1717.01 of the Revised Code, to the dogs. 434

(C) Any dog that the dog warden or poundkeeper is unable 435
to dispose of, in the manner provided by this section and 436
section 955.18 of the Revised Code, may be humanely destroyed, 437
except that no dog shall be destroyed until twenty-four hours 438
after it has been offered to a nonprofit teaching or research 439
institution or organization, as provided in this section, that 440
has made a request for dogs to the dog warden or poundkeeper. 441

(D) An owner of a dog that is wearing a valid registration 442
tag who presents the dog to the dog warden or poundkeeper may 443
specify in writing that the dog shall not be offered to a 444
nonprofit teaching or research institution or organization, as 445
provided in this section. 446

(E) A record of all dogs impounded, the disposition of the 447
same, the owner's name and address, if known, and a statement of 448
costs assessed against the dogs shall be kept by the 449
poundkeeper, and the poundkeeper shall furnish a transcript 450
thereof to the county treasurer quarterly. 451

A record of all dogs received and the source that supplied 452
them shall be kept, for a period of three years from the date of 453
acquiring the dogs, by all institutions or organizations engaged 454
in teaching or research concerning the prevention and treatment 455
of diseases of human beings or animals. 456

(F) No person shall destroy any dog by the use of a high 457

altitude decompression chamber or by any method other than a 458
method that immediately and painlessly renders the dog initially 459
unconscious and subsequently dead. 460

Sec. 959.131. (A) As used in this section: 461

(1) "Companion animal" means any animal that is kept 462
inside a residential dwelling and any dog or cat regardless of 463
where it is kept, including a pet store as defined in section 464
956.01 of the Revised Code. "Companion animal" does not include 465
livestock or any wild animal. 466

(2) "Cruelty," "torment," and "torture" have the same 467
meanings as in section 1717.01 of the Revised Code. 468

(3) "Residential dwelling" means a structure or shelter or 469
the portion of a structure or shelter that is used by one or 470
more humans for the purpose of a habitation. 471

(4) "Practice of veterinary medicine" has the same meaning 472
as in section 4741.01 of the Revised Code. 473

(5) "Wild animal" has the same meaning as in section 474
1531.01 of the Revised Code. 475

(6) "Federal animal welfare act" means the "Laboratory 476
Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 477
U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 478
1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal 479
Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 480
417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99- 481
198, 99 Stat. 1354 (1985), and as it may be subsequently 482
amended. 483

(7) "Dog kennel" means an animal rescue for dogs that is 484
registered under section 956.06 of the Revised Code, a boarding 485

kennel, or a training kennel.	486
(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code.	487 488
(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.	489 490 491
(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.	492 493 494 495 496
(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.	497 498
(12) "Serious physical harm" means any of the following:	499
(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;	500 501
(b) Physical harm that involves either partial or total permanent incapacity;	502 503
(c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;	504 505 506
(d) Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.	507 508 509 510
(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or	511 512

commit an act of cruelty against a companion animal.	513
(C) No person shall knowingly cause serious physical harm to a companion animal.	514 515
(D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	516 517 518
(1) Torture, torment, or commit an act of cruelty against the companion animal;	519 520
(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;	521 522 523 524 525 526
(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.	527 528 529 530 531 532
(E) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:	533 534 535
(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;	536 537 538
(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the	539 540

confinement with sufficient quantities of good, wholesome food 541
and water if it is reasonably expected that the companion animal 542
would die or experience unnecessary or unjustifiable pain or 543
suffering as a result of the deprivation or confinement; 544

(3) Impound or confine the companion animal without 545
affording it, during the impoundment or confinement, with access 546
to shelter from heat, cold, wind, rain, snow, or excessive 547
direct sunlight if it is reasonably expected that the companion 548
animal would die or experience unnecessary or unjustifiable pain 549
or suffering as a result of or due to the lack of adequate 550
shelter. 551

(F) No owner, manager, or employee of a dog kennel who 552
confines or is the custodian or caretaker of a companion animal 553
shall negligently do any of the following: 554

(1) Torture, torment, or commit an act of cruelty against 555
the companion animal; 556

(2) Deprive the companion animal of necessary sustenance 557
or confine the companion animal without supplying it during the 558
confinement with sufficient quantities of good, wholesome food 559
and water if it can reasonably be expected that the companion 560
animal would become sick or suffer in any other way as a result 561
of or due to the deprivation or confinement; 562

(3) Impound or confine the companion animal without 563
affording it, during the impoundment or confinement, with access 564
to shelter from heat, cold, wind, rain, snow, or excessive 565
direct sunlight if it can reasonably be expected that the 566
companion animal would become sick or suffer in any other way as 567
a result of or due to the lack of adequate shelter. 568

(G) Divisions (B), (C), (D), (E), and (F) of this section 569

do not apply to any of the following:	570
(1) A companion animal used in scientific research	571
conducted by an institution in accordance with the federal	572
animal welfare act and related regulations;	573
(2) The lawful practice of veterinary medicine by a person	574
who has been issued a license, temporary permit, or registration	575
certificate to do so under Chapter 4741. of the Revised Code;	576
(3) Dogs being used or intended for use for hunting or	577
field trial purposes, provided that the dogs are being treated	578
in accordance with usual and commonly accepted practices for the	579
care of hunting dogs;	580
(4) The use of common training devices, if the companion	581
animal is being treated in accordance with usual and commonly	582
accepted practices for the training of animals;	583
(5) The administering of medicine to a companion animal	584
that was properly prescribed by a person who has been issued a	585
license, temporary permit, or registration certificate under	586
Chapter 4741. of the Revised Code.	587
(H) Notwithstanding any section of the Revised Code that	588
otherwise provides for the distribution of fine moneys, the	589
clerk of court shall forward all fines the clerk collects that	590
are so imposed for any violation of this section to the	591
treasurer of the political subdivision or the state, whose	592
county humane society or law enforcement agency is to be paid	593
the fine money as determined under this division. The treasurer	594
to whom the fines are forwarded shall pay the fine moneys to the	595
county humane society or the county, township, municipal	596
corporation, or state law enforcement agency in this state that	597
primarily was responsible for or involved in the investigation	598

and prosecution of the violation. If a county humane society 599
receives any fine moneys under this division, the county humane 600
society shall use the fine moneys either to provide the training 601
that is required for humane society agents under section ~~1717.06~~ 602
1717.061 of the Revised Code or to provide additional training 603
for humane society agents. 604

Sec. 959.132. (A) As used in this section: 605

~~(1)~~ "Companion animal" has the same meaning as in section 606
959.131 of the Revised Code. 607

~~(2)~~ "Impounding agency" means a county humane society 608
organized under section 1717.05 of the Revised Code, an animal 609
shelter, or a law enforcement agency that has impounded a 610
companion animal in accordance with this section. 611

~~(3)~~ "Offense" means a violation of ~~section 959.131 Chapter~~ 612
959. of the Revised Code or an attempt, in violation of section 613
2923.02 of the Revised Code, to violate ~~section 959.131 Chapter~~ 614
959. of the Revised Code. 615

~~(4)~~ "Officer" means any law enforcement officer, ~~agent of~~ 616
~~a county humane society agent,~~ or other person appointed to act 617
as an animal control officer for a municipal corporation or 618
township in accordance with state law, an ordinance, or a 619
resolution. 620

(B) An officer may seize and cause to be impounded at an 621
impounding agency ~~a companion an~~ animal that the officer has 622
probable cause to believe is the subject of an offense. No 623
officer or impounding agency shall impound ~~a companion an~~ animal 624
that is the subject of an offense in a shelter owned, operated, 625
or controlled by a board of county commissioners pursuant to 626
Chapter 955. of the Revised Code unless the board, by 627

resolution, authorizes the impoundment of such a ~~companion-an~~ 628
animal in a shelter owned, operated, or controlled by that board 629
and has executed, in the case when the officer is other than a 630
dog warden or assistant dog warden, a contract specifying the 631
terms and conditions of the impoundment. 632

(C) The officer shall give written notice of the seizure 633
and impoundment to the owner, keeper, or harbinger of the 634
~~companion-animal~~ that not later than twenty-four hours after the 635
animal was seized and impounded. If the officer is unable to 636
give the notice to the owner, keeper, or harbinger of the 637
~~companion-animal~~, the officer shall post the notice on the door 638
of the residence or in another conspicuous place on the premises 639
at which the ~~companion-animal~~ was seized. The notice shall 640
include a statement that a hearing will be held not later than 641
ten days after the notice is provided or at the next available 642
court date to determine whether the officer had probable cause 643
to seize the ~~companion-animal~~ and, if applicable, to determine 644
the amount of a bond or cash deposit that is needed to provide 645
for the ~~companion-animal~~'s care and keeping for not less than 646
thirty days beginning on the date on which the ~~companion-animal~~ 647
was impounded. 648

(D) ~~A companion-An~~ animal that is seized under this 649
section may be humanely destroyed immediately or at any time 650
during impoundment if a licensed veterinarian determines it to 651
be necessary because the ~~companion-animal~~ is suffering. 652

(E) (1) Not later than ten days after notice is provided or 653
at the next available court date, the court shall hold a hearing 654
to determine whether the officer impounding a ~~companion-an~~ 655
animal had probable cause to seize the ~~companion-animal~~. If the 656
court determines that probable cause exists, the court shall 657

determine the amount of a bond or cash deposit that is ~~needed-~~ 658
necessary and reasonable to provide for the ~~companion-~~animal's 659
care and keeping for not less than thirty days beginning on the 660
date on which the ~~companion-~~animal was impounded. 661

(2) If the court determines that probable cause does not 662
exist, the court immediately shall order the impounding agency 663
to return the ~~companion-~~animal to its owner if possible. If the 664
~~companion-~~animal cannot be returned because it has died as a 665
result of neglect or other misconduct by the impounding agency 666
or if the ~~companion-~~animal is injured as a result of neglect or 667
other misconduct by the impounding agency, the court shall order 668
the impounding agency to pay the owner an amount determined by 669
the court to be equal to the reasonable market value of the 670
~~companion-~~animal at the time that it was impounded plus 671
statutory interest as defined in section 1343.03 of the Revised 672
Code from the date of the impoundment or an amount determined by 673
the court to be equal to the reasonable cost of treatment of the 674
injury to the ~~companion-~~animal, as applicable. The requirement 675
established in division (E)(2) of this section regarding the 676
payment of the reasonable market value of the ~~companion-~~animal 677
shall not apply in the case of a dog that, in violation of 678
section 955.01 of the Revised Code, was not registered at the 679
time it was seized and impounded. 680

(3) If the court determines that probable cause exists and 681
determines the amount of a bond or cash deposit, the case shall 682
continue and the owner shall post a bond or cash deposit to 683
provide for the ~~companion-~~animal's care and keeping for not less 684
than thirty days beginning on the date on which the ~~companion-~~ 685
animal was impounded. The owner may renew a bond or cash deposit 686
by posting, not later than ten days following the expiration of 687
the period for which a previous bond or cash deposit was posted, 688

a new bond or cash deposit in an amount that the court, in 689
consultation with the impounding agency, determines is 690
~~sufficient~~ necessary and reasonable to provide for the ~~companion~~ 691
animal's care and keeping for not less than thirty days 692
beginning on the date on which the previous period expired. If 693
no bond or cash deposit is posted or if a bond or cash deposit 694
expires and is not renewed, the impounding agency may determine 695
the disposition of the ~~companion~~ animal unless the court issues 696
an order that specifies otherwise. 697

(F) If a person is convicted of committing an offense, the 698
court may impose the following additional penalties against the 699
person: 700

(1) A requirement that the person pay for the costs 701
incurred by the impounding agency in caring for a ~~companion~~ an 702
animal involved in the applicable offense, provided that the 703
costs were incurred during the ~~companion~~ animal's impoundment. A 704
bond or cash deposit posted under this section may be applied to 705
the costs. 706

(2) An order permanently terminating the person's right to 707
possession, title, custody, or care of the ~~companion~~ animal that 708
was involved in the offense. If the court issues such an order, 709
the court shall order the disposition of the ~~companion~~ animal. 710

(G) If a person is found not guilty of committing an 711
offense, the court immediately shall order the impounding agency 712
to return the ~~companion~~ animal to its owner if possible and to 713
return the entire amount of any bond or cash deposit posted 714
under division (E) of this section. If the ~~companion~~ animal 715
cannot be returned because it has died as a result of neglect or 716
other misconduct by the impounding agency or if the ~~companion~~ 717
animal is injured as a result of neglect or other misconduct by 718

the impounding agency, the court shall order the impounding 719
agency to pay the owner an amount determined by the court to be 720
equal to the reasonable market value of the ~~companion~~ animal at 721
the time that it was impounded plus statutory interest as 722
defined in section 1343.03 of the Revised Code from the date of 723
the impoundment or an amount determined by the court to be equal 724
to the reasonable cost of treatment of the injury to the 725
~~companion~~ animal, as applicable. The requirements established in 726
this division regarding the return of a bond or cash deposit and 727
the payment of the reasonable market value of the ~~companion~~ 728
animal shall not apply in the case of a dog that, in violation 729
of section 955.01 of the Revised Code, was not registered at the 730
time it was seized and impounded. 731

(H) If charges are filed under section 959.131 of the 732
Revised Code against the custodian or caretaker of a companion 733
animal, but the companion animal that is the subject of the 734
charges is not impounded, the court in which the charges are 735
pending may order the owner or person having custody of the 736
companion animal to provide to the companion animal the 737
necessities described in division (D) (2), (D) (3), (E) (2), (E) 738
(3), (F) (2), or (F) (3) of section 959.131 of the Revised Code 739
until the final disposition of the charges. If the court issues 740
an order of that nature, the court also may authorize an officer 741
or another person to visit the place where the companion animal 742
is being kept, at the times and under the conditions that the 743
court may set, to determine whether the companion animal is 744
receiving those necessities and to remove and impound the 745
companion animal if the companion animal is not receiving those 746
necessities. 747

Sec. 1717.01. As used in sections 1717.01 to ~~1717.14,~~ 748
~~inclusive,~~ 1717.18 of the Revised Code, and in every law 749

relating to animals: 750

(A) "Animal" includes every living dumb creature; 751

(B) "Cruelty," "torment," and "torture" include every act, 752
omission, or neglect by which unnecessary or unjustifiable pain 753
or suffering is caused, permitted, or allowed to continue, when 754
there is a reasonable remedy or relief; 755

(C) "Owner" and "person" include corporations. For the 756
purpose of this section the knowledge and acts of the agents and 757
employees of a corporation, in regard to animals transported, 758
owned, or employed by, or in the custody of, such agents and 759
employees, are the knowledge and acts of the corporation. 760

Sec. 1717.02. The objects of ~~the Ohio humane society, and~~ 761
all societies organized under section 1717.05 of the Revised 762
Code, shall be the inculcation of humane principles and the 763
enforcement of laws for the prevention of cruelty, ~~especially to~~ 764
~~children and~~ animals. To promote those objects such societies 765
may acquire property, real or personal, by purchase or gift. All 766
property acquired by such a society, by gift, devise, or 767
bequest, for special purposes, shall be vested in its board of 768
trustees, which shall consist of three members elected by the 769
society. The board shall manage such property and apply it in 770
accordance with the terms of the gift, devise, or bequest, and 771
may sell it and reinvest the proceeds. 772

Sec. 1717.05. (A) A county humane society for the 773
prevention of acts of cruelty to animals may be organized in any 774
county by the association of not less than seven persons. 775

(B) The members of such a county humane society, at a 776
meeting called for the purpose, shall elect not less than three 777
of their members as its board of directors, and such directors 778

~~shall~~ continue in office until their successors are duly chosen. 779

(C) The secretary or clerk of ~~such the~~ meeting shall make 780
a true record of the proceedings thereat and certify and forward 781
~~such the~~ record to the secretary of state, who shall record it. 782
~~Such~~ The record ~~shall must~~ contain the name by which the 783
association is to be known, ~~and from~~. On and after its filing 784
with the secretary of state, the board of directors and the 785
associates, ~~and~~ their successors, ~~shall~~ have the powers, 786
privileges, and immunities incident to incorporated companies. A 787
copy of ~~such the~~ record, certified by the secretary of state, 788
~~shall must~~ be taken in all courts and places in this state as 789
evidence that ~~such the~~ county humane society is a duly organized 790
and incorporated body. 791

~~Such~~ (D) A county humane society may elect ~~such~~ officers, 792
and make ~~such~~ rules, regulations, and bylaws, as are deemed 793
expedient by its members for its own government and the proper 794
management of its affairs. 795

(E) A humane society that organized as a branch of the 796
Ohio humane society prior to the effective date of this 797
amendment shall continue to have the same powers and duties that 798
were authorized on March 1, 2019. Such a humane society is 799
considered to be a county humane society organized under this 800
section for purposes of this chapter and any other laws 801
regarding county humane societies. 802

Sec. 1717.06. (A) A county humane society organized under 803
section 1717.05 of the Revised Code may appoint humane society 804
agents for the purpose of prosecuting any person guilty of an 805
act of cruelty to ~~persons or~~ animals. Such agents may arrest any 806
person found violating this chapter or any other law for 807
protecting ~~persons or~~ animals or preventing acts of cruelty 808

thereto. Upon making an arrest, the humane society agent 809
~~forthwith~~ shall convey the person arrested before ~~some~~ a court 810
or magistrate having jurisdiction of the offense, and there make 811
complaint against the person on oath or affirmation of the 812
offense. 813

~~All appointments of agents~~ (B) A humane society agent that 814
was appointed prior to the effective date of this amendment by a 815
branch of the Ohio humane society is considered to be a humane 816
society agent appointed under this section for purposes of this 817
chapter and any other laws regarding humane society agents. 818

(C) (1) The appointment of an agent under this section is 819
subject to the requirements of section 1717.061 of the Revised 820
Code, and is not final until the appointment has been approved 821
under division (C) (2) of this section. 822

(2) The appointment of an agent under this section ~~shall~~ 823
~~be~~ does not take effect unless it has been approved by the mayor 824
of the municipal corporation for which ~~they are~~ it is made. If 825
the society ~~exists~~ operates outside a municipal corporation, 826
~~such appointments shall be~~ the appointment does not take effect 827
until it has been approved by the probate judge of the county 828
for which ~~they are~~ it is made. The mayor or probate judge shall 829
keep a record of ~~such~~ the appointments and shall maintain as a 830
public record a copy of the proof of successful completion of 831
training for each humane society agent acting within the 832
approving authority's jurisdiction. 833

~~In order to qualify for appointment as a humane agent~~ 834
~~under this section, a person first shall successfully complete a~~ 835
~~minimum of twenty hours of training on issues relating to the~~ 836
~~investigation and prosecution of cruelty to and neglect of~~ 837
~~animals. The training shall comply with rules recommended by the~~ 838

~~peace officer training commission under section 109.73 of the~~ 839
~~Revised Code and shall include, without limitation, instruction~~ 840
~~regarding animal husbandry practices as described in division~~ 841
~~(A) (12) of that section. A person who has been appointed as a~~ 842
~~humane agent under this section prior to April 9, 2003, may~~ 843
~~continue to act as a humane agent for a period of time on and~~ 844
~~after April 9, 2003, without completing the training. However,~~ 845
~~on or before December 31, 2004, a person who has been appointed~~ 846
~~as a humane agent under this section prior to April 9, 2003,~~ 847
~~shall successfully complete the training described in this~~ 848
~~paragraph and submit proof of its successful completion to the~~ 849
~~appropriate appointing mayor or probate judge in order to~~ 850
~~continue to act as a humane agent after December 31, 2004.~~ 851

(D) The approving authority shall notify the appropriate 852
county sheriff and the board of county commissioners when the 853
appointment of a humane society agent has been approved and, not 854
later than two business days after the appointment has been 855
approved, shall file a copy of the proof of successful 856
completion of training with the sheriff. The county sheriff 857
shall maintain as a public record a copy of the proof for each 858
humane society agent that is operating in the county. 859

(E) A humane society shall notify the county sheriff and 860
the approving authority when all approved humane society agents 861
have ceased to perform the duties of the appointment and there 862
are no humane society agents operating in the county. 863

~~An agent of a county~~ (F) A humane society agent only has 864
the specific authority granted to the agent under ~~this section~~ 865
and ~~section 1717.08~~ of the Revised Code. 866

Sec. 1717.061. In order to qualify for appointment as a 867
humane society agent under section 1717.06 of the Revised Code, 868

an individual shall do both of the following: 869

(A) Successfully complete a minimum of twenty hours of 870
training on issues relating to the investigation and prosecution 871
of cruelty to and neglect of animals. The training shall comply 872
with rules recommended by the peace officer training commission 873
under section 109.73 of the Revised Code and shall include, 874
without limitation, instruction regarding animal husbandry 875
practices as described in division (A) (12) of that section. 876

(B) Present proof of successful completion of training, 877
that has been signed by the chief executive officer of the 878
organization or entity that provided the training, or the 879
officer's designee, to the current active approving authority 880
for approval. 881

Sec. 1717.062. (A) An individual who has reasonable cause 882
to believe that a humane society agent has not successfully 883
completed the training that is required under section 1717.061 884
of the Revised Code or who has reasonable cause to believe that 885
an agent's proof of successful completion of training contains 886
false or misleading information may file a complaint, in the 887
form of a affidavit sworn to by the individual, with the current 888
acting authority that is responsible for considering approval of 889
agent appointments within the jurisdiction. The authority shall 890
notify the agent's humane society, and shall investigate the 891
complaint. 892

(B) If the authority finds that the agent has not provided 893
signed proof of successful completion of training as required 894
under section 1717.061 of the Revised Code, the authority shall 895
provide written notification to the agent's humane society to 896
inform the society that the agent has a right to cure period of 897
thirty days from the date of the notification. If the agent has 898

not provided signed proof by the end of the right to cure 899
period, the authority shall rescind the approval of the 900
appointment and order the applicable humane society to revoke 901
the appointment. 902

(C) If the authority finds that the agent knowingly 903
provided proof of successful completion of training that 904
contains false or misleading information, the authority shall 905
rescind the approval of the appointment and order the applicable 906
humane society to revoke the appointment. 907

(D) The applicable humane society shall file written 908
notice with the county sheriff of the revocation under this 909
section of a humane society agent's appointment. 910

Sec. 1717.07. Upon the approval by the mayor of a 911
municipal corporation of the appointment of an agent under 912
section 1717.06 of the Revised Code, the legislative authority 913
of such municipal corporation shall pay monthly to such agent, 914
from the general revenue fund of the municipal corporation, ~~such~~ 915
the salary as that the legislative authority ~~deems~~ considers 916
just and reasonable. Upon the approval by the probate judge of a 917
county of such an appointment, the board of county commissioners 918
of ~~such the~~ county shall pay monthly to ~~such the~~ agent, from the 919
general ~~revenue~~ fund of the county, ~~such or~~ from the dog and 920
kennel fund of the county, the salary as that the board ~~deems~~ 921
considers just and reasonable. Such board and such legislative 922
authority may agree upon the amount each is to pay ~~such the~~ 923
agent monthly. The salary to be paid monthly to ~~such the~~ agent 924
by the legislative authority of a village shall be not less than 925
~~five~~ twenty-five dollars; by the legislative authority of a 926
city, not less than ~~twenty~~ one hundred twenty-five dollars; and 927
by the board of county commissioners of a county, not less than 928

~~twenty five one hundred fifty~~ dollars. Beginning January 1, 929
2020, and on the first day of January every five years 930
thereafter, these minimum salary amounts shall increase by five 931
dollars. Not more than one such agent in each county shall 932
receive remuneration from the board under this section. 933

Sec. 1717.08. An officer, agent, or member ~~of the Ohio~~ 934
~~humane society or~~ of a county humane society may interfere to 935
prevent the perpetration of any act of cruelty to animals in ~~his~~ 936
the officer's, agent's, or member's presence, may use such force 937
as is necessary to prevent it, and to that end may summon to ~~his~~ 938
the officer's, agent's, or member's aid any bystanders. 939

Sec. 1717.09. A member ~~of the Ohio humane society or~~ of a 940
county humane society may require the sheriff of any county, the 941
constable of any township, the marshal or a ~~policeman~~ police 942
officer of any municipal corporation, or any agent of such a 943
society, to arrest any person found violating the laws in 944
relation to cruelty to ~~persons or~~ animals, and to take 945
possession of any animal cruelly treated in their respective 946
counties or municipal corporations, and deliver such animal to 947
the proper officers of the society. 948

Sec. 1717.10. For all services rendered in carrying out 949
sections 1717.01 to ~~1717.14, inclusive,~~ 1717.18 of the Revised 950
Code, a sheriff, constable, marshal, or ~~policeman~~ police officer 951
shall be paid such fees as ~~he~~ the sheriff, constable, marshal, 952
or police officer is allowed for like services in other cases. 953
Such fees must be charged as costs, and reimbursed to the humane 954
society by the person convicted. 955

Sec. 1717.16. (A) Annually, a county humane society shall 956
submit enforcement activity reports to the county sheriff. 957

(B) Records of an enforcement activity by a humane society agent are public records under section 149.43 of the Revised Code, except that any such records that are confidential law enforcement investigatory records, as defined in division (A) (2) of section 149.43 of the Revised Code, are not public records. 958
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Sec. 1717.17. (A) A probate judge of a county in which a humane society agent operates may revoke the approval of an appointment for just cause, under the procedure established in division (B) of this section. 963
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(B) (1) A movant may commence the procedure by filing with the probate court a motion to revoke the appointment, in the form of an affidavit sworn to by the movant, describing the conduct that constitutes just cause for the motion. The probate judge, upon a review of the facts, may dismiss the motion without a hearing, or shall direct the clerk of the probate court to serve the humane society agent and the humane society with a summons and a copy of the motion and any accompanying memorandum in accordance with the Rules of Civil Procedure. The summons must state the time and place at which the probate court will conduct a hearing on the motion. 967
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(2) The humane society agent may waive the right to a hearing. If the humane society agent waives the right to a hearing, the probate judge shall revoke the humane society agent's approval of appointment as prayed for in the motion. If the humane society agent does not waive the right to a hearing, the probate judge shall conduct a hearing on the motion. 978
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(3) The humane society agent is entitled to the assistance of counsel at the hearing. The Rules of Evidence govern conduct of the hearing. At the hearing, the movant has the burden of proving, by a preponderance of the evidence, that just cause 984
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exists for the revocation of the humane society agent's 988
appointment. 989

(4) If, after the hearing, the probate judge finds that 990
the movant has not sustained the burden of proof, the probate 991
judge shall deny the motion. If, after the hearing, the probate 992
judge finds that the movant has sustained the burden of proof, 993
the probate judge shall grant the motion and revoke the humane 994
society agent's approval of appointment. 995

Sec. 1717.18. (A) A humane society may not enter into a 996
written agreement with a person, wherein the humane society 997
agrees not to prosecute the person for an alleged violation of 998
law, unless the proposed agreement has been reviewed and 999
approved by the judge that has presided over the hearing that is 1000
required to determine if the officer had probable cause to seize 1001
the animal, and which is related to the case that is the subject 1002
of the agreement. As part of the review, if bond has previously 1003
been set, the judge shall reconsider whether or not the amount 1004
of the bond determined by the court to be needed for the 1005
animal's care is necessary and reasonable. A judge shall not 1006
approve a nonprosecution agreement that requires a person to 1007
provide financial compensation that is in excess of what is 1008
necessary and reasonable for the animal's care for the duration 1009
of the impoundment. 1010

(B) A nonprosecution agreement between a humane society 1011
and a person, as described in division (A) of this section, is 1012
void and unenforceable unless it has been approved under 1013
division (A) of this section. 1014

Sec. 2151.421. (A) (1) (a) No person described in division 1015
(A) (1) (b) of this section who is acting in an official or 1016
professional capacity and knows, or has reasonable cause to 1017

suspect based on facts that would cause a reasonable person in a 1018
similar position to suspect, that a child under eighteen years 1019
of age, or a person under twenty-one years of age with a 1020
developmental disability or physical impairment, has suffered or 1021
faces a threat of suffering any physical or mental wound, 1022
injury, disability, or condition of a nature that reasonably 1023
indicates abuse or neglect of the child shall fail to 1024
immediately report that knowledge or reasonable cause to suspect 1025
to the entity or persons specified in this division. Except as 1026
otherwise provided in this division or section 5120.173 of the 1027
Revised Code, the person making the report shall make it to the 1028
public children services agency or a peace officer in the county 1029
in which the child resides or in which the abuse or neglect is 1030
occurring or has occurred. If the person making the report is a 1031
peace officer, the officer shall make it to the public children 1032
services agency in the county in which the child resides or in 1033
which the abuse or neglect is occurring or has occurred. In the 1034
circumstances described in section 5120.173 of the Revised Code, 1035
the person making the report shall make it to the entity 1036
specified in that section. 1037

(b) Division (A)(1)(a) of this section applies to any 1038
person who is an attorney; health care professional; 1039
practitioner of a limited branch of medicine as specified in 1040
section 4731.15 of the Revised Code; licensed school 1041
psychologist; independent marriage and family therapist or 1042
marriage and family therapist; coroner; administrator or 1043
employee of a child day-care center; administrator or employee 1044
of a residential camp, child day camp, or private, nonprofit 1045
therapeutic wilderness camp; administrator or employee of a 1046
certified child care agency or other public or private children 1047
services agency; school teacher; school employee; school 1048

authority; peace officer; ~~agent of a county~~ humane society_ 1049
agent; person, other than a cleric, rendering spiritual 1050
treatment through prayer in accordance with the tenets of a 1051
well-recognized religion; employee of a county department of job 1052
and family services who is a professional and who works with 1053
children and families; superintendent or regional administrator 1054
employed by the department of youth services; superintendent, 1055
board member, or employee of a county board of developmental 1056
disabilities; investigative agent contracted with by a county 1057
board of developmental disabilities; employee of the department 1058
of developmental disabilities; employee of a facility or home 1059
that provides respite care in accordance with section 5123.171 1060
of the Revised Code; employee of an entity that provides 1061
homemaker services; a person performing the duties of an 1062
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1063
third party employed by a public children services agency to 1064
assist in providing child or family related services; court 1065
appointed special advocate; or guardian ad litem. 1066

(c) If two or more health care professionals, after 1067
providing health care services to a child, determine or suspect 1068
that the child has been or is being abused or neglected, the 1069
health care professionals may designate one of the health care 1070
professionals to report the abuse or neglect. A single report 1071
made under this division shall meet the reporting requirements 1072
of division (A) (1) of this section. 1073

(2) Except as provided in division (A) (3) of this section, 1074
an attorney or a physician is not required to make a report 1075
pursuant to division (A) (1) of this section concerning any 1076
communication the attorney or physician receives from a client 1077
or patient in an attorney-client or physician-patient 1078
relationship, if, in accordance with division (A) or (B) of 1079

section 2317.02 of the Revised Code, the attorney or physician 1080
could not testify with respect to that communication in a civil 1081
or criminal proceeding. 1082

(3) The client or patient in an attorney-client or 1083
physician-patient relationship described in division (A)(2) of 1084
this section is deemed to have waived any testimonial privilege 1085
under division (A) or (B) of section 2317.02 of the Revised Code 1086
with respect to any communication the attorney or physician 1087
receives from the client or patient in that attorney-client or 1088
physician-patient relationship, and the attorney or physician 1089
shall make a report pursuant to division (A)(1) of this section 1090
with respect to that communication, if all of the following 1091
apply: 1092

(a) The client or patient, at the time of the 1093
communication, is a child under eighteen years of age or is a 1094
person under twenty-one years of age with a developmental 1095
disability or physical impairment. 1096

(b) The attorney or physician knows, or has reasonable 1097
cause to suspect based on facts that would cause a reasonable 1098
person in similar position to suspect that the client or patient 1099
has suffered or faces a threat of suffering any physical or 1100
mental wound, injury, disability, or condition of a nature that 1101
reasonably indicates abuse or neglect of the client or patient. 1102

(c) The abuse or neglect does not arise out of the 1103
client's or patient's attempt to have an abortion without the 1104
notification of her parents, guardian, or custodian in 1105
accordance with section 2151.85 of the Revised Code. 1106

(4) (a) No cleric and no person, other than a volunteer, 1107
designated by any church, religious society, or faith acting as 1108

a leader, official, or delegate on behalf of the church, 1109
religious society, or faith who is acting in an official or 1110
professional capacity, who knows, or has reasonable cause to 1111
believe based on facts that would cause a reasonable person in a 1112
similar position to believe, that a child under eighteen years 1113
of age, or a person under twenty-one years of age with a 1114
developmental disability or physical impairment, has suffered or 1115
faces a threat of suffering any physical or mental wound, 1116
injury, disability, or condition of a nature that reasonably 1117
indicates abuse or neglect of the child, and who knows, or has 1118
reasonable cause to believe based on facts that would cause a 1119
reasonable person in a similar position to believe, that another 1120
cleric or another person, other than a volunteer, designated by 1121
a church, religious society, or faith acting as a leader, 1122
official, or delegate on behalf of the church, religious 1123
society, or faith caused, or poses the threat of causing, the 1124
wound, injury, disability, or condition that reasonably 1125
indicates abuse or neglect shall fail to immediately report that 1126
knowledge or reasonable cause to believe to the entity or 1127
persons specified in this division. Except as provided in 1128
section 5120.173 of the Revised Code, the person making the 1129
report shall make it to the public children services agency or a 1130
peace officer in the county in which the child resides or in 1131
which the abuse or neglect is occurring or has occurred. In the 1132
circumstances described in section 5120.173 of the Revised Code, 1133
the person making the report shall make it to the entity 1134
specified in that section. 1135

(b) Except as provided in division (A) (4) (c) of this 1136
section, a cleric is not required to make a report pursuant to 1137
division (A) (4) (a) of this section concerning any communication 1138
the cleric receives from a penitent in a cleric-penitent 1139

relationship, if, in accordance with division (C) of section 1140
2317.02 of the Revised Code, the cleric could not testify with 1141
respect to that communication in a civil or criminal proceeding. 1142

(c) The penitent in a cleric-penitent relationship 1143
described in division (A) (4) (b) of this section is deemed to 1144
have waived any testimonial privilege under division (C) of 1145
section 2317.02 of the Revised Code with respect to any 1146
communication the cleric receives from the penitent in that 1147
cleric-penitent relationship, and the cleric shall make a report 1148
pursuant to division (A) (4) (a) of this section with respect to 1149
that communication, if all of the following apply: 1150

(i) The penitent, at the time of the communication, is a 1151
child under eighteen years of age or is a person under twenty- 1152
one years of age with a developmental disability or physical 1153
impairment. 1154

(ii) The cleric knows, or has reasonable cause to believe 1155
based on facts that would cause a reasonable person in a similar 1156
position to believe, as a result of the communication or any 1157
observations made during that communication, the penitent has 1158
suffered or faces a threat of suffering any physical or mental 1159
wound, injury, disability, or condition of a nature that 1160
reasonably indicates abuse or neglect of the penitent. 1161

(iii) The abuse or neglect does not arise out of the 1162
penitent's attempt to have an abortion performed upon a child 1163
under eighteen years of age or upon a person under twenty-one 1164
years of age with a developmental disability or physical 1165
impairment without the notification of her parents, guardian, or 1166
custodian in accordance with section 2151.85 of the Revised 1167
Code. 1168

(d) Divisions (A) (4) (a) and (c) of this section do not 1169
apply in a cleric-penitent relationship when the disclosure of 1170
any communication the cleric receives from the penitent is in 1171
violation of the sacred trust. 1172

(e) As used in divisions (A) (1) and (4) of this section, 1173
"cleric" and "sacred trust" have the same meanings as in section 1174
2317.02 of the Revised Code. 1175

(B) Anyone who knows, or has reasonable cause to suspect 1176
based on facts that would cause a reasonable person in similar 1177
circumstances to suspect, that a child under eighteen years of 1178
age, or a person under twenty-one years of age with a 1179
developmental disability or physical impairment, has suffered or 1180
faces a threat of suffering any physical or mental wound, 1181
injury, disability, or other condition of a nature that 1182
reasonably indicates abuse or neglect of the child may report or 1183
cause reports to be made of that knowledge or reasonable cause 1184
to suspect to the entity or persons specified in this division. 1185
Except as provided in section 5120.173 of the Revised Code, a 1186
person making a report or causing a report to be made under this 1187
division shall make it or cause it to be made to the public 1188
children services agency or to a peace officer. In the 1189
circumstances described in section 5120.173 of the Revised Code, 1190
a person making a report or causing a report to be made under 1191
this division shall make it or cause it to be made to the entity 1192
specified in that section. 1193

(C) Any report made pursuant to division (A) or (B) of 1194
this section shall be made forthwith either by telephone or in 1195
person and shall be followed by a written report, if requested 1196
by the receiving agency or officer. The written report shall 1197
contain: 1198

(1) The names and addresses of the child and the child's 1199
parents or the person or persons having custody of the child, if 1200
known; 1201

(2) The child's age and the nature and extent of the 1202
child's injuries, abuse, or neglect that is known or reasonably 1203
suspected or believed, as applicable, to have occurred or of the 1204
threat of injury, abuse, or neglect that is known or reasonably 1205
suspected or believed, as applicable, to exist, including any 1206
evidence of previous injuries, abuse, or neglect; 1207

(3) Any other information, including, but not limited to, 1208
results and reports of any medical examinations, tests, or 1209
procedures performed under division (D) of this section, that 1210
might be helpful in establishing the cause of the injury, abuse, 1211
or neglect that is known or reasonably suspected or believed, as 1212
applicable, to have occurred or of the threat of injury, abuse, 1213
or neglect that is known or reasonably suspected or believed, as 1214
applicable, to exist. 1215

(D) (1) Any person, who is required by division (A) of this 1216
section to report child abuse or child neglect that is known or 1217
reasonably suspected or believed to have occurred, may take or 1218
cause to be taken color photographs of areas of trauma visible 1219
on a child and, if medically necessary for the purpose of 1220
diagnosing or treating injuries that are suspected to have 1221
occurred as a result of child abuse or child neglect, perform or 1222
cause to be performed radiological examinations and any other 1223
medical examinations of, and tests or procedures on, the child. 1224

(2) The results and any available reports of examinations, 1225
tests, or procedures made under division (D) (1) of this section 1226
shall be included in a report made pursuant to division (A) of 1227
this section. Any additional reports of examinations, tests, or 1228

procedures that become available shall be provided to the public 1229
children services agency, upon request. 1230

(3) If a health care professional provides health care 1231
services in a hospital, children's advocacy center, or emergency 1232
medical facility to a child about whom a report has been made 1233
under division (A) of this section, the health care professional 1234
may take any steps that are reasonably necessary for the release 1235
or discharge of the child to an appropriate environment. Before 1236
the child's release or discharge, the health care professional 1237
may obtain information, or consider information obtained, from 1238
other entities or individuals that have knowledge about the 1239
child. Nothing in division (D) (3) of this section shall be 1240
construed to alter the responsibilities of any person under 1241
sections 2151.27 and 2151.31 of the Revised Code. 1242

(4) A health care professional may conduct medical 1243
examinations, tests, or procedures on the siblings of a child 1244
about whom a report has been made under division (A) of this 1245
section and on other children who reside in the same home as the 1246
child, if the professional determines that the examinations, 1247
tests, or procedures are medically necessary to diagnose or 1248
treat the siblings or other children in order to determine 1249
whether reports under division (A) of this section are warranted 1250
with respect to such siblings or other children. The results of 1251
the examinations, tests, or procedures on the siblings and other 1252
children may be included in a report made pursuant to division 1253
(A) of this section. 1254

(5) Medical examinations, tests, or procedures conducted 1255
under divisions (D) (1) and (4) of this section and decisions 1256
regarding the release or discharge of a child under division (D) 1257
(3) of this section do not constitute a law enforcement 1258

investigation or activity. 1259

(E) (1) When a peace officer receives a report made 1260
pursuant to division (A) or (B) of this section, upon receipt of 1261
the report, the peace officer who receives the report shall 1262
refer the report to the appropriate public children services 1263
agency, unless an arrest is made at the time of the report that 1264
results in the appropriate public children services agency being 1265
contacted concerning the possible abuse or neglect of a child or 1266
the possible threat of abuse or neglect of a child. 1267

(2) When a public children services agency receives a 1268
report pursuant to this division or division (A) or (B) of this 1269
section, upon receipt of the report, the public children 1270
services agency shall do both of the following: 1271

(a) Comply with section 2151.422 of the Revised Code; 1272

(b) If the county served by the agency is also served by a 1273
children's advocacy center and the report alleges sexual abuse 1274
of a child or another type of abuse of a child that is specified 1275
in the memorandum of understanding that creates the center as 1276
being within the center's jurisdiction, comply regarding the 1277
report with the protocol and procedures for referrals and 1278
investigations, with the coordinating activities, and with the 1279
authority or responsibility for performing or providing 1280
functions, activities, and services stipulated in the 1281
interagency agreement entered into under section 2151.428 of the 1282
Revised Code relative to that center. 1283

(F) No peace officer shall remove a child about whom a 1284
report is made pursuant to this section from the child's 1285
parents, stepparents, or guardian or any other persons having 1286
custody of the child without consultation with the public 1287

children services agency, unless, in the judgment of the 1288
officer, and, if the report was made by physician, the 1289
physician, immediate removal is considered essential to protect 1290
the child from further abuse or neglect. The agency that must be 1291
consulted shall be the agency conducting the investigation of 1292
the report as determined pursuant to section 2151.422 of the 1293
Revised Code. 1294

(G) (1) Except as provided in section 2151.422 of the 1295
Revised Code or in an interagency agreement entered into under 1296
section 2151.428 of the Revised Code that applies to the 1297
particular report, the public children services agency shall 1298
investigate, within twenty-four hours, each report of child 1299
abuse or child neglect that is known or reasonably suspected or 1300
believed to have occurred and of a threat of child abuse or 1301
child neglect that is known or reasonably suspected or believed 1302
to exist that is referred to it under this section to determine 1303
the circumstances surrounding the injuries, abuse, or neglect or 1304
the threat of injury, abuse, or neglect, the cause of the 1305
injuries, abuse, neglect, or threat, and the person or persons 1306
responsible. The investigation shall be made in cooperation with 1307
the law enforcement agency and in accordance with the memorandum 1308
of understanding prepared under division (K) of this section. A 1309
representative of the public children services agency shall, at 1310
the time of initial contact with the person subject to the 1311
investigation, inform the person of the specific complaints or 1312
allegations made against the person. The information shall be 1313
given in a manner that is consistent with division (I) (1) of 1314
this section and protects the rights of the person making the 1315
report under this section. 1316

A failure to make the investigation in accordance with the 1317
memorandum is not grounds for, and shall not result in, the 1318

dismissal of any charges or complaint arising from the report or 1319
the suppression of any evidence obtained as a result of the 1320
report and does not give, and shall not be construed as giving, 1321
any rights or any grounds for appeal or post-conviction relief 1322
to any person. The public children services agency shall report 1323
each case to the uniform statewide automated child welfare 1324
information system that the department of job and family 1325
services shall maintain in accordance with section 5101.13 of 1326
the Revised Code. The public children services agency shall 1327
submit a report of its investigation, in writing, to the law 1328
enforcement agency. 1329

(2) The public children services agency shall make any 1330
recommendations to the county prosecuting attorney or city 1331
director of law that it considers necessary to protect any 1332
children that are brought to its attention. 1333

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 1334
(I) (3) of this section, any person, health care professional, 1335
hospital, institution, school, health department, or agency 1336
shall be immune from any civil or criminal liability for injury, 1337
death, or loss to person or property that otherwise might be 1338
incurred or imposed as a result of any of the following: 1339

(i) Participating in the making of reports pursuant to 1340
division (A) of this section or in the making of reports in good 1341
faith, pursuant to division (B) of this section; 1342

(ii) Participating in medical examinations, tests, or 1343
procedures under division (D) of this section; 1344

(iii) Providing information used in a report made pursuant 1345
to division (A) of this section or providing information in good 1346
faith used in a report made pursuant to division (B) of this 1347

section; 1348

(iv) Participating in a judicial proceeding resulting from 1349
a report made pursuant to division (A) of this section or 1350
participating in good faith in a proceeding resulting from a 1351
report made pursuant to division (B) of this section. 1352

(b) Immunity under division (H) (1) (a) (ii) of this section 1353
shall not apply when a health care provider has deviated from 1354
the standard of care applicable to the provider's profession. 1355

(c) Notwithstanding section 4731.22 of the Revised Code, 1356
the physician-patient privilege shall not be a ground for 1357
excluding evidence regarding a child's injuries, abuse, or 1358
neglect, or the cause of the injuries, abuse, or neglect in any 1359
judicial proceeding resulting from a report submitted pursuant 1360
to this section. 1361

(2) In any civil or criminal action or proceeding in which 1362
it is alleged and proved that participation in the making of a 1363
report under this section was not in good faith or participation 1364
in a judicial proceeding resulting from a report made under this 1365
section was not in good faith, the court shall award the 1366
prevailing party reasonable attorney's fees and costs and, if a 1367
civil action or proceeding is voluntarily dismissed, may award 1368
reasonable attorney's fees and costs to the party against whom 1369
the civil action or proceeding is brought. 1370

(I) (1) Except as provided in divisions (I) (4) and (O) of 1371
this section, a report made under this section is confidential. 1372
The information provided in a report made pursuant to this 1373
section and the name of the person who made the report shall not 1374
be released for use, and shall not be used, as evidence in any 1375
civil action or proceeding brought against the person who made 1376

the report. Nothing in this division shall preclude the use of 1377
reports of other incidents of known or suspected abuse or 1378
neglect in a civil action or proceeding brought pursuant to 1379
division (N) of this section against a person who is alleged to 1380
have violated division (A)(1) of this section, provided that any 1381
information in a report that would identify the child who is the 1382
subject of the report or the maker of the report, if the maker 1383
of the report is not the defendant or an agent or employee of 1384
the defendant, has been redacted. In a criminal proceeding, the 1385
report is admissible in evidence in accordance with the Rules of 1386
Evidence and is subject to discovery in accordance with the 1387
Rules of Criminal Procedure. 1388

(2) (a) Except as provided in division (I)(2)(b) of this 1389
section, no person shall permit or encourage the unauthorized 1390
dissemination of the contents of any report made under this 1391
section. 1392

(b) A health care professional that obtains the same 1393
information contained in a report made under this section from a 1394
source other than the report may disseminate the information, if 1395
its dissemination is otherwise permitted by law. 1396

(3) A person who knowingly makes or causes another person 1397
to make a false report under division (B) of this section that 1398
alleges that any person has committed an act or omission that 1399
resulted in a child being an abused child or a neglected child 1400
is guilty of a violation of section 2921.14 of the Revised Code. 1401

(4) If a report is made pursuant to division (A) or (B) of 1402
this section and the child who is the subject of the report dies 1403
for any reason at any time after the report is made, but before 1404
the child attains eighteen years of age, the public children 1405
services agency or peace officer to which the report was made or 1406

referred, on the request of the child fatality review board or 1407
the director of health pursuant to guidelines established under 1408
section 3701.70 of the Revised Code, shall submit a summary 1409
sheet of information providing a summary of the report to the 1410
review board of the county in which the deceased child resided 1411
at the time of death or to the director. On the request of the 1412
review board or director, the agency or peace officer may, at 1413
its discretion, make the report available to the review board or 1414
director. If the county served by the public children services 1415
agency is also served by a children's advocacy center and the 1416
report of alleged sexual abuse of a child or another type of 1417
abuse of a child is specified in the memorandum of understanding 1418
that creates the center as being within the center's 1419
jurisdiction, the agency or center shall perform the duties and 1420
functions specified in this division in accordance with the 1421
interagency agreement entered into under section 2151.428 of the 1422
Revised Code relative to that advocacy center. 1423

(5) A public children services agency shall advise a 1424
person alleged to have inflicted abuse or neglect on a child who 1425
is the subject of a report made pursuant to this section, 1426
including a report alleging sexual abuse of a child or another 1427
type of abuse of a child referred to a children's advocacy 1428
center pursuant to an interagency agreement entered into under 1429
section 2151.428 of the Revised Code, in writing of the 1430
disposition of the investigation. The agency shall not provide 1431
to the person any information that identifies the person who 1432
made the report, statements of witnesses, or police or other 1433
investigative reports. 1434

(J) Any report that is required by this section, other 1435
than a report that is made to the state highway patrol as 1436
described in section 5120.173 of the Revised Code, shall result 1437

in protective services and emergency supportive services being 1438
made available by the public children services agency on behalf 1439
of the children about whom the report is made, in an effort to 1440
prevent further neglect or abuse, to enhance their welfare, and, 1441
whenever possible, to preserve the family unit intact. The 1442
agency required to provide the services shall be the agency 1443
conducting the investigation of the report pursuant to section 1444
2151.422 of the Revised Code. 1445

(K) (1) Each public children services agency shall prepare 1446
a memorandum of understanding that is signed by all of the 1447
following: 1448

(a) If there is only one juvenile judge in the county, the 1449
juvenile judge of the county or the juvenile judge's 1450
representative; 1451

(b) If there is more than one juvenile judge in the 1452
county, a juvenile judge or the juvenile judges' representative 1453
selected by the juvenile judges or, if they are unable to do so 1454
for any reason, the juvenile judge who is senior in point of 1455
service or the senior juvenile judge's representative; 1456

(c) The county peace officer; 1457

(d) All chief municipal peace officers within the county; 1458

(e) Other law enforcement officers handling child abuse 1459
and neglect cases in the county; 1460

(f) The prosecuting attorney of the county; 1461

(g) If the public children services agency is not the 1462
county department of job and family services, the county 1463
department of job and family services; 1464

(h) The county humane society; 1465

(i) If the public children services agency participated in 1466
the execution of a memorandum of understanding under section 1467
2151.426 of the Revised Code establishing a children's advocacy 1468
center, each participating member of the children's advocacy 1469
center established by the memorandum. 1470

(2) A memorandum of understanding shall set forth the 1471
normal operating procedure to be employed by all concerned 1472
officials in the execution of their respective responsibilities 1473
under this section and division (C) of section 2919.21, division 1474
(B) (1) of section 2919.22, division (B) of section 2919.23, and 1475
section 2919.24 of the Revised Code and shall have as two of its 1476
primary goals the elimination of all unnecessary interviews of 1477
children who are the subject of reports made pursuant to 1478
division (A) or (B) of this section and, when feasible, 1479
providing for only one interview of a child who is the subject 1480
of any report made pursuant to division (A) or (B) of this 1481
section. A failure to follow the procedure set forth in the 1482
memorandum by the concerned officials is not grounds for, and 1483
shall not result in, the dismissal of any charges or complaint 1484
arising from any reported case of abuse or neglect or the 1485
suppression of any evidence obtained as a result of any reported 1486
child abuse or child neglect and does not give, and shall not be 1487
construed as giving, any rights or any grounds for appeal or 1488
post-conviction relief to any person. 1489

(3) A memorandum of understanding shall include all of the 1490
following: 1491

(a) The roles and responsibilities for handling emergency 1492
and nonemergency cases of abuse and neglect; 1493

(b) Standards and procedures to be used in handling and 1494
coordinating investigations of reported cases of child abuse and 1495

reported cases of child neglect, methods to be used in 1496
interviewing the child who is the subject of the report and who 1497
allegedly was abused or neglected, and standards and procedures 1498
addressing the categories of persons who may interview the child 1499
who is the subject of the report and who allegedly was abused or 1500
neglected. 1501

(4) If a public children services agency participated in 1502
the execution of a memorandum of understanding under section 1503
2151.426 of the Revised Code establishing a children's advocacy 1504
center, the agency shall incorporate the contents of that 1505
memorandum in the memorandum prepared pursuant to this section. 1506

(5) The clerk of the court of common pleas in the county 1507
may sign the memorandum of understanding prepared under division 1508
(K) (1) of this section. If the clerk signs the memorandum of 1509
understanding, the clerk shall execute all relevant 1510
responsibilities as required of officials specified in the 1511
memorandum. 1512

(L) (1) Except as provided in division (L) (4) or (5) of 1513
this section, a person who is required to make a report pursuant 1514
to division (A) of this section may make a reasonable number of 1515
requests of the public children services agency that receives or 1516
is referred the report, or of the children's advocacy center 1517
that is referred the report if the report is referred to a 1518
children's advocacy center pursuant to an interagency agreement 1519
entered into under section 2151.428 of the Revised Code, to be 1520
provided with the following information: 1521

(a) Whether the agency or center has initiated an 1522
investigation of the report; 1523

(b) Whether the agency or center is continuing to 1524

investigate the report; 1525

(c) Whether the agency or center is otherwise involved 1526
with the child who is the subject of the report; 1527

(d) The general status of the health and safety of the 1528
child who is the subject of the report; 1529

(e) Whether the report has resulted in the filing of a 1530
complaint in juvenile court or of criminal charges in another 1531
court. 1532

(2) A person may request the information specified in 1533
division (L)(1) of this section only if, at the time the report 1534
is made, the person's name, address, and telephone number are 1535
provided to the person who receives the report. 1536

When a peace officer or employee of a public children 1537
services agency receives a report pursuant to division (A) or 1538
(B) of this section the recipient of the report shall inform the 1539
person of the right to request the information described in 1540
division (L)(1) of this section. The recipient of the report 1541
shall include in the initial child abuse or child neglect report 1542
that the person making the report was so informed and, if 1543
provided at the time of the making of the report, shall include 1544
the person's name, address, and telephone number in the report. 1545

Each request is subject to verification of the identity of 1546
the person making the report. If that person's identity is 1547
verified, the agency shall provide the person with the 1548
information described in division (L)(1) of this section a 1549
reasonable number of times, except that the agency shall not 1550
disclose any confidential information regarding the child who is 1551
the subject of the report other than the information described 1552
in those divisions. 1553

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

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

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

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

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated

division (A) (1) of this section may use in the action or 1584
proceeding reports of other incidents of known or suspected 1585
abuse or neglect, provided that any information in a report that 1586
would identify the child who is the subject of the report or the 1587
maker of the report, if the maker is not the defendant or an 1588
agent or employee of the defendant, has been redacted. 1589

(O) (1) As used in this division: 1590

(a) "Out-of-home care" includes a nonchartered nonpublic 1591
school if the alleged child abuse or child neglect, or alleged 1592
threat of child abuse or child neglect, described in a report 1593
received by a public children services agency allegedly occurred 1594
in or involved the nonchartered nonpublic school and the alleged 1595
perpetrator named in the report holds a certificate, permit, or 1596
license issued by the state board of education under section 1597
3301.071 or Chapter 3319. of the Revised Code. 1598

(b) "Administrator, director, or other chief 1599
administrative officer" means the superintendent of the school 1600
district if the out-of-home care entity subject to a report made 1601
pursuant to this section is a school operated by the district. 1602

(2) No later than the end of the day following the day on 1603
which a public children services agency receives a report of 1604
alleged child abuse or child neglect, or a report of an alleged 1605
threat of child abuse or child neglect, that allegedly occurred 1606
in or involved an out-of-home care entity, the agency shall 1607
provide written notice of the allegations contained in and the 1608
person named as the alleged perpetrator in the report to the 1609
administrator, director, or other chief administrative officer 1610
of the out-of-home care entity that is the subject of the report 1611
unless the administrator, director, or other chief 1612
administrative officer is named as an alleged perpetrator in the 1613

report. If the administrator, director, or other chief 1614
administrative officer of an out-of-home care entity is named as 1615
an alleged perpetrator in a report of alleged child abuse or 1616
child neglect, or a report of an alleged threat of child abuse 1617
or child neglect, that allegedly occurred in or involved the 1618
out-of-home care entity, the agency shall provide the written 1619
notice to the owner or governing board of the out-of-home care 1620
entity that is the subject of the report. The agency shall not 1621
provide witness statements or police or other investigative 1622
reports. 1623

(3) No later than three days after the day on which a 1624
public children services agency that conducted the investigation 1625
as determined pursuant to section 2151.422 of the Revised Code 1626
makes a disposition of an investigation involving a report of 1627
alleged child abuse or child neglect, or a report of an alleged 1628
threat of child abuse or child neglect, that allegedly occurred 1629
in or involved an out-of-home care entity, the agency shall send 1630
written notice of the disposition of the investigation to the 1631
administrator, director, or other chief administrative officer 1632
and the owner or governing board of the out-of-home care entity. 1633
The agency shall not provide witness statements or police or 1634
other investigative reports. 1635

(P) As used in this section: 1636

(1) "Children's advocacy center" and "sexual abuse of a 1637
child" have the same meanings as in section 2151.425 of the 1638
Revised Code. 1639

(2) "Health care professional" means an individual who 1640
provides health-related services including a physician, hospital 1641
intern or resident, dentist, podiatrist, registered nurse, 1642
licensed practical nurse, visiting nurse, licensed psychologist, 1643

speech pathologist, audiologist, person engaged in social work 1644
or the practice of professional counseling, and employee of a 1645
home health agency. "Health care professional" does not include 1646
a practitioner of a limited branch of medicine as specified in 1647
section 4731.15 of the Revised Code, licensed school 1648
psychologist, independent marriage and family therapist or 1649
marriage and family therapist, or coroner. 1650

(3) "Investigation" means the public children services 1651
agency's response to an accepted report of child abuse or 1652
neglect through either an alternative response or a traditional 1653
response. 1654

(4) "Peace officer" means a sheriff, deputy sheriff, 1655
constable, police officer of a township or joint police 1656
district, marshal, deputy marshal, municipal police officer, or 1657
a state highway patrol trooper. 1658

Sec. 2921.02. (A) No person, with purpose to corrupt a 1659
public servant or party official, or improperly to influence a 1660
public servant or party official with respect to the discharge 1661
of the public servant's or party official's duty, whether before 1662
or after the public servant or party official is elected, 1663
appointed, qualified, employed, summoned, or sworn, shall 1664
promise, offer, or give any valuable thing or valuable benefit. 1665

(B) No person, either before or after the person is 1666
elected, appointed, qualified, employed, summoned, or sworn as a 1667
public servant or party official, shall knowingly solicit or 1668
accept for self or another person any valuable thing or valuable 1669
benefit to corrupt or improperly influence the person or another 1670
public servant or party official with respect to the discharge 1671
of the person's or the other public servant's or party 1672
official's duty. 1673

(C) No person, with purpose to corrupt a witness or 1674
improperly to influence a witness with respect to the witness's 1675
testimony in an official proceeding, either before or after the 1676
witness is subpoenaed or sworn, shall promise, offer, or give 1677
the witness or another person any valuable thing or valuable 1678
benefit. 1679

(D) No person, either before or after the person is 1680
subpoenaed or sworn as a witness, shall knowingly solicit or 1681
accept for self or another person any valuable thing or valuable 1682
benefit to corrupt or improperly influence self or another 1683
person with respect to testimony given in an official 1684
proceeding. 1685

(E) No person, with purpose to corrupt a director, 1686
officer, or employee of a municipal school district 1687
transformation alliance established under section 3311.86 of the 1688
Revised Code, or improperly to influence a director, officer, or 1689
employee of a municipal school district transformation alliance 1690
with respect to the discharge of the director's, officer's, or 1691
employee's duties, whether before or after the director, 1692
officer, or employee is appointed or employed, shall promise, 1693
offer, or give the director, officer, or employee any valuable 1694
thing or valuable benefit. 1695

(F) No person, either before or after the person is 1696
appointed or employed as a director, officer, or employee of a 1697
municipal school district transformation alliance established 1698
under section 3311.86 of the Revised Code, shall knowingly 1699
solicit or accept for self or another person any valuable thing 1700
or valuable benefit to corrupt or improperly influence the 1701
person or another director, officer, or employee of a municipal 1702
school district transformation alliance with respect to the 1703

discharge of the person's or other director's, officer's, or 1704
employee's duties. 1705

(G) As used in this section, "public servant" includes a 1706
humane society agent approved under section 1717.06 of the 1707
Revised Code. 1708

(H) Whoever violates this section is guilty of bribery, a 1709
felony of the third degree. 1710

~~(H)~~ (I) A public servant or party official, or director, 1711
officer, or employee of a municipal school district 1712
transformation alliance established under section 3311.86 of the 1713
Revised Code, who is convicted of bribery is forever 1714
disqualified from holding any public office, employment, or 1715
position of trust in this state. 1716

Sec. 2931.18. (A) A humane society ~~or its agent~~ may employ 1717
appoint an attorney, and may also ~~employ~~ appoint one or more 1718
assistant attorneys, ~~to prosecute violations of law relating to~~ 1719

~~(1) Except the prevention of cruelty to animals, except as 1720~~
provided in division (B) of this section, ~~prevention of cruelty 1721~~
~~to animals or children;~~ 1722

~~(2) Abandonment, nonsupport, or ill treatment of a child 1723~~
~~by its parent;~~ 1724

~~(3) Employment of a child under fourteen years of age in 1725~~
~~public exhibitions or vocations injurious to health, life, or 1726~~
~~morals or which cause or permit such child to suffer unnecessary 1727~~
~~physical or mental pain;~~ 1728

~~(4) Neglect or refusal of an adult to support a destitute 1729~~
parent. 1730

~~Such~~ The attorneys shall be paid out of the county 1731

treasury, from the general fund of the county or from the dog 1732
and kennel fund of the county, in an amount approved as just and 1733
reasonable by the board of county commissioners of that county. 1734

(B) A humane society or its agent shall not employ an 1735
attorney or one or more assistant attorneys to prosecute a 1736
felony violation of section 959.131 of the Revised Code. 1737

Sec. 5101.63. (A) (1) Any individual listed in division (A) 1738
(2) of this section having reasonable cause to believe that an 1739
adult is being abused, neglected, or exploited, or is in a 1740
condition which is the result of abuse, neglect, or exploitation 1741
shall immediately report such belief to the county department of 1742
job and family services. 1743

(2) All of the following are subject to division (A) (1) of 1744
this section: 1745

(a) An attorney admitted to the practice of law in this 1746
state; 1747

(b) An individual authorized under Chapter 4731. of the 1748
Revised Code to practice medicine and surgery, osteopathic 1749
medicine and surgery, or podiatric medicine and surgery; 1750

(c) An individual licensed under Chapter 4734. of the 1751
Revised Code as a chiropractor; 1752

(d) An individual licensed under Chapter 4715. of the 1753
Revised Code as a dentist; 1754

(e) An individual licensed under Chapter 4723. of the 1755
Revised Code as a registered nurse or licensed practical nurse; 1756

(f) An individual licensed under Chapter 4732. of the 1757
Revised Code as a psychologist; 1758

(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;	1759 1760 1761 1762 1763
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	1764 1765
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	1766 1767 1768
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	1769 1770
(k) An employee of an outpatient health facility;	1771
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	1772 1773
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	1774 1775
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	1776 1777
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	1778 1779 1780 1781
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	1782 1783 1784 1785

(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	1786 1787
(r) An agent of a county <u>A humane society organized under agent appointed under section 1717.05-1717.06</u> of the Revised Code;	1788 1789 1790
(s) An individual who is a firefighter for a lawfully constituted fire department;	1791 1792
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	1793 1794 1795
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	1796 1797 1798
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	1799 1800
(w) A peace officer;	1801
(x) A coroner;	1802
(y) A member of the clergy;	1803
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	1804 1805 1806 1807
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	1808 1809
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	1810 1811
(cc) An employee of a bank, savings bank, savings and loan	1812

association, or credit union organized under the laws of this 1813
state, another state, or the United States; 1814

(dd) A dealer, investment adviser, sales person, or 1815
investment advisor representative licensed under Chapter 1707. 1816
of the Revised Code; 1817

(ee) A financial planner accredited by a national 1818
accreditation agency; 1819

(ff) Any other individual who is a senior service 1820
provider, other than a representative of the office of the state 1821
long-term care ombudsman program as defined in section 173.14 of 1822
the Revised Code. 1823

(B) Any person having reasonable cause to believe that an 1824
adult has suffered abuse, neglect, or exploitation may report, 1825
or cause a report to be made of such belief to the county 1826
department of job and family services. 1827

This division applies to a representative of the office of 1828
the state long-term care ombudsman program only to the extent 1829
permitted by federal law. 1830

(C) The reports made under this section shall be made 1831
orally or in writing except that oral reports shall be followed 1832
by a written report if a written report is requested by the 1833
department. Written reports shall include: 1834

(1) The name, address, and approximate age of the adult 1835
who is the subject of the report; 1836

(2) The name and address of the individual responsible for 1837
the adult's care, if any individual is, and if the individual is 1838
known; 1839

(3) The nature and extent of the alleged abuse, neglect, 1840

or exploitation of the adult; 1841

(4) The basis of the reporter's belief that the adult has 1842
been abused, neglected, or exploited. 1843

(D) Any person with reasonable cause to believe that an 1844
adult is suffering abuse, neglect, or exploitation who makes a 1845
report pursuant to this section or who testifies in any 1846
administrative or judicial proceeding arising from such a 1847
report, or any employee of the state or any of its subdivisions 1848
who is discharging responsibilities under section 5101.65 of the 1849
Revised Code shall be immune from civil or criminal liability on 1850
account of such investigation, report, or testimony, except 1851
liability for perjury, unless the person has acted in bad faith 1852
or with malicious purpose. 1853

(E) No employer or any other person with the authority to 1854
do so shall do any of the following as a result of an employee's 1855
having filed a report under this section: 1856

(1) Discharge, demote, transfer, or prepare a negative 1857
work performance evaluation; 1858

(2) Reduce benefits, pay, or work privileges; 1859

(3) Take any other action detrimental to an employee or in 1860
any way retaliate against the employee. 1861

(F) The written or oral report provided for in this 1862
section and the investigatory report provided for in section 1863
5101.65 of the Revised Code are confidential and are not public 1864
records, as defined in section 149.43 of the Revised Code. In 1865
accordance with rules adopted by the department of job and 1866
family services, information contained in the report shall upon 1867
request be made available to the adult who is the subject of the 1868
report and to legal counsel for the adult. If it determines that 1869

there is a risk of harm to a person who makes a report under 1870
this section or to the adult who is the subject of the report, 1871
the county department of job and family services may redact the 1872
name and identifying information related to the person who made 1873
the report. 1874

(G) The county department of job and family services shall 1875
be available to receive the written or oral report provided for 1876
in this section twenty-four hours a day and seven days a week. 1877

Sec. 5147.22. Except for prisoners participating in a 1878
county jail industry program established under section 5147.30 1879
of the Revised Code, the board of county commissioners, or 1880
officer in charge of any workhouse or jail, shall place to the 1881
credit of each prisoner the amount of the prisoner's earnings 1882
that the board or officer considers equitable and just, taking 1883
into consideration the character of the prisoner, the nature of 1884
the crime for which ~~he~~ the prisoner is imprisoned, and the 1885
prisoner's general deportment. The board or officer may cancel 1886
any portion of that credit for violation of the rules, want of 1887
propriety, or other misconduct. When such earnings are credited 1888
to any such prisoner and the prisoner has a child under the age 1889
of sixteen or a spouse, the board or officer in control of the 1890
workhouse or jail shall pay the earnings weekly to the person 1891
having custody of the child, ~~to any incorporated humane society~~ 1892
~~that will serve as trustees for the child without compensation,~~ 1893
or to the spouse of the prisoner, as the board or officer 1894
determines. When the prisoner has no such child or spouse, the 1895
earnings shall be paid to the prisoner upon discharge. 1896

Section 2. That existing sections 109.73, 935.19, 935.20, 1897
955.16, 959.131, 959.132, 1717.01, 1717.02, 1717.05, 1717.06, 1898
1717.07, 1717.08, 1717.09, 1717.10, 2151.421, 2921.02, 2931.18, 1899

5101.63, and 5147.22 of the Revised Code are hereby repealed. 1900

Section 3. That sections 1717.03, 1717.04, 1717.14, and 1901
3113.10 of the Revised Code are hereby repealed. 1902

Section 4. (A) Not later than six months after the 1903
effective date of this act, an individual who is serving as a 1904
humane society agent on that date shall obtain and present proof 1905
of successful completion of training, as required under section 1906
1717.061 of the Revised Code, to the current active approving 1907
authority for approval. 1908

(B) The approving authority, not later than two business 1909
days after having received the proof of successful completion of 1910
training, shall notify the appropriate county sheriff and board 1911
of county commissioners, and shall file with the sheriff a copy 1912
of the proof of successful completion of training. For a humane 1913
society agent that was appointed by a branch of the Ohio Humane 1914
Society prior to the effective date of this act, the approving 1915
authority is the mayor of the municipal corporation in which the 1916
society operates. If that society operates outside a municipal 1917
corporation, the approving authority is the probate judge of the 1918
county in which the society operates. 1919

(C) An individual who has not presented the required proof 1920
of successful completion of training to the approving authority, 1921
as required by this section, is suspended as a humane society 1922
agent by operation of law until the signed proof of successful 1923
completion of training is filed with the county sheriff. 1924

Section 5. Not later than ninety days after the effective 1925
date of this act, the probate judge of a county in which a 1926
humane society agent operates shall send written notice to the 1927
humane society informing the humane society of the requirements 1928

of section 1717.16 of the Revised Code and Section 4 as enacted
in this act.

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