

As Introduced

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H. B. No. 267

Representative Ruhl

**Cosponsors: Representatives Brenner, Fedor, Grossman, LaTourette,
Lepore-Hagan, Thompson**

A BILL

To amend sections 109.73, 109.74, 1533.08, and 1533.121 and to enact sections 901.80 and 901.801 of the Revised Code to establish a deer sanctuary license to allow a licensee to raise deer, to establish requirements governing such a license, to require the Chief of the Division of Wildlife to issue a wild animal permit to allow a permit holder to rehabilitate deer, to establish procedures that certain law enforcement officers must follow when responding to accidents involving injured or deceased deer, and to require training for those officers regarding humane procedures for euthanizing injured deer.

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

Section 1. That sections 109.73, 109.74, 1533.08, and 1533.121 be amended and sections 901.80 and 901.801 of the Revised Code be enacted to read as follows:

Sec. 109.73. (A) The Ohio peace officer training

commission shall recommend rules to the attorney general with 19
respect to all of the following: 20

(1) The approval, or revocation of approval, of peace 21
officer training schools administered by the state, counties, 22
municipal corporations, public school districts, technical 23
college districts, and the department of natural resources; 24

(2) Minimum courses of study, attendance requirements, and 25
equipment and facilities to be required at approved state, 26
county, municipal, and department of natural resources peace 27
officer training schools; 28

(3) Minimum qualifications for instructors at approved 29
state, county, municipal, and department of natural resources 30
peace officer training schools; 31

(4) The requirements of minimum basic training that peace 32
officers appointed to probationary terms shall complete before 33
being eligible for permanent appointment, which requirements 34
shall include training in the handling of the offense of 35
domestic violence, other types of domestic violence-related 36
offenses and incidents, and protection orders and consent 37
agreements issued or approved under section 2919.26 or 3113.31 38
of the Revised Code; crisis intervention training; and training 39
in the handling of missing children and child abuse and neglect 40
cases; and training in handling violations of section 2905.32 of 41
the Revised Code; and the time within which such basic training 42
shall be completed following appointment to a probationary term; 43

(5) The requirements of minimum basic training that peace 44
officers not appointed for probationary terms but appointed on 45
other than a permanent basis shall complete in order to be 46
eligible for continued employment or permanent appointment, 47

which requirements shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training in the handling of missing children and child abuse and neglect cases, and training in handling violations of section 2905.32 of the Revised Code, and the time within which such basic training shall be completed following appointment on other than a permanent basis;

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

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

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

(8) Permitting undercover drug agents to attend approved 91
peace officer training schools, other than the Ohio peace 92
officer training academy, and to receive certificates of 93
satisfactory completion of basic training programs, if, for each 94
undercover drug agent, the county, township, or municipal 95
corporation that employs that undercover drug agent pays the 96
entire cost of the training and certification; 97

(9) (a) The requirements for basic training programs for 98
bailiffs and deputy bailiffs of courts of record of this state 99
and for criminal investigators employed by the state public 100
defender that those persons shall complete before they may carry 101
a firearm while on duty; 102

(b) The requirements for any training received by a 103
bailiff or deputy bailiff of a court of record of this state or 104
by a criminal investigator employed by the state public defender 105
prior to June 6, 1986, that is to be considered equivalent to 106
the training described in division (A) (9) (a) of this section. 107

(10) Establishing minimum qualifications and requirements 108

for certification for dogs utilized by law enforcement agencies; 109

(11) Establishing minimum requirements for certification 110
of persons who are employed as correction officers in a full- 111
service jail, five-day facility, or eight-hour holding facility 112
or who provide correction services in such a jail or facility; 113

(12) Establishing requirements for the training of agents 114
of a county humane society under section 1717.06 of the Revised 115
Code, including, without limitation, a requirement that the 116
agents receive instruction on traditional animal husbandry 117
methods and training techniques, including customary owner- 118
performed practices; 119

(13) Establishing requirements for the training of law 120
enforcement officers authorized to enforce Chapters 1531. and 121
1533. of the Revised Code regarding humane procedures for 122
euthanizing injured deer pursuant to section 1533.121 of the 123
Revised Code. 124

(B) The commission shall appoint an executive director, 125
with the approval of the attorney general, who shall hold office 126
during the pleasure of the commission. The executive director 127
shall perform such duties assigned by the commission. The 128
executive director shall receive a salary fixed pursuant to 129
Chapter 124. of the Revised Code and reimbursement for 130
expenses within the amounts available by appropriation. The 131
executive director may appoint officers, employees, agents, and 132
consultants as the executive director considers necessary, 133
prescribe their duties, and provide for reimbursement of their 134
expenses within the amounts available for reimbursement by 135
appropriation and with the approval of the commission. 136

(C) The commission may do all of the following: 137

(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;	138 139 140 141
(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;	142 143 144
(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code;	145 146 147 148
(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission;	149 150 151
(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing;	152 153 154 155
(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code.	156 157 158
(D) In establishing the requirements, under division (A) (12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane agent for appointment	159 160 161 162 163 164 165 166

under section 1717.06 of the Revised Code. 167

Sec. 109.74. ~~The~~ (A) Except as provided in division (B) of 168
this section, the attorney general, in accordance with Chapter 169
119. of the Revised Code, has discretion to adopt and promulgate 170
any or all of the rules and regulations recommended by the Ohio 171
peace officer training commission to the attorney general 172
pursuant to section 109.73 of the Revised Code. When the 173
attorney general promulgates any rule or regulation recommended 174
by the commission, the attorney general shall transmit a 175
certified copy thereof to the secretary of state. 176

(B) The attorney general, in accordance with Chapter 119. 177
of the Revised Code, shall adopt rules recommended by the Ohio 178
peace officer training commission under division (A) (13) of 179
section 109.73 of the Revised Code. The attorney general shall 180
provide training in accordance with those rules for law 181
enforcement officers authorized to enforce Chapters 1531. and 182
1533. of the Revised Code regarding humane procedures for 183
ethanizing injured deer pursuant to section 1533.121 of the 184
Revised Code. 185

Sec. 901.80. (A) A person desiring to engage in the 186
raising of white-tailed deer that are not captive white-tailed 187
deer as defined in section 1531.01 of the Revised Code and are 188
not for sale or personal use may apply in writing to the 189
department of agriculture for a deer sanctuary license. In 190
addition to the information specified in rules adopted under 191
this section, the application shall include proof that the 192
applicant has established a veterinarian-client relationship as 193
described in section 4741.04 of the Revised Code with regard to 194
the care of each deer that the applicant intends to raise. 195

If the director of agriculture determines that the 196

application is made in good faith and is complete, the director 197
shall issue a deer sanctuary license to the applicant upon 198
payment of the fee for the license established in rules adopted 199
under this section. A license expires annually on the thirty- 200
first day of March and may be renewed in accordance with rules 201
adopted under this section. 202

(B) A person that has been issued a license under this 203
section shall not release any deer held under the license into 204
the wild. 205

(C) The director shall inspect all licensed deer 206
sanctuaries in accordance with rules adopted under this section. 207

(D) The director shall adopt rules in accordance with 208
Chapter 119. of the Revised Code that do all of the following: 209

(1) Specify information to be included in an application 210
for a deer sanctuary license, including a description of the 211
facility that is the subject of the application demonstrating 212
that the facility will comply with rules adopted under division 213
(D) (2) of this section; 214

(2) Establish facility specifications for a licensed deer 215
sanctuary; 216

(3) Establish a fee for the issuance of a license; 217

(4) Establish procedures governing the inspection of 218
licensed deer sanctuaries; 219

(5) Establish a procedure for and requirements governing 220
the renewal of a deer sanctuary license; 221

(6) Establish the manner in which a deer must be 222
transported to a licensed deer sanctuary; 223

(7) Require that any male deer held under the license be 224
sterilized; 225

(8) Establish any other requirements and procedures that 226
the director determines are necessary for the administration of 227
this section. 228

(E) The director shall deposit all money received as fees 229
for the issuance of deer sanctuary licenses into the state 230
treasury to the credit of the deer sanctuary fund created by 231
section 901.801 of the Revised Code. 232

Sec. 901.801. There is hereby created in the state 233
treasury the deer sanctuary fund, which shall consist of all 234
money credited to it under section 901.80 of the Revised Code. 235
The director of agriculture shall use money in the fund to 236
administer that section and rules adopted under it. 237

Sec. 1533.08. (A) Except as otherwise provided by division 238
rule, any person desiring to collect or possess wild animals 239
that are protected by law or their nests or eggs for scientific 240
study, school instruction, other educational uses, or 241
rehabilitation shall make an annual application to the chief of 242
the division of wildlife for a wild animal permit on a form 243
furnished by the chief. Each applicant for a wild animal permit, 244
other than an applicant desiring to rehabilitate wild animals, 245
shall pay an annual fee of twenty-five dollars for each permit. 246
No fee shall be charged to an applicant desiring to rehabilitate 247
wild animals. 248

~~The~~ (B) Except as provided in division (C) of this 249
section, the chief may issue to the applicant a permit to take, 250
possess, and transport at any time and in a manner that is 251
acceptable to the chief specimens of wild animals protected by 252

law or their nests and eggs for scientific study, school 253
instruction, other educational uses, or rehabilitation and under 254
any additional rules recommended by the wildlife council. Upon 255
the receipt of a permit, the holder may take, possess, and 256
transport those wild animals in accordance with the permit. 257

(C) When it appears that the application is made in good 258
faith, the chief shall issue to the applicant a permit to take, 259
possess, and transport, at any time and in a manner that is 260
acceptable to the chief, deer for rehabilitation. Upon the 261
receipt of a permit, the holder may take, possess, and transport 262
those deer in accordance with the permit. The chief may 263
establish requirements and procedures that the chief determines 264
are necessary for the administration of this division. 265

(D) Each holder of a permit engaged in collecting or who 266
possesses such wild animals shall carry the permit at all times 267
and shall exhibit it upon demand to any peace officer, as 268
defined in section 2935.01 of the Revised Code, or to the owner 269
or person in lawful control of the land upon which the permit 270
holder is collecting or possesses the wild animals. Failure to 271
so carry or exhibit the permit constitutes an offense under this 272
section. 273

(E) Each permit holder shall keep a daily record of all 274
specimens collected or possessed under the permit and the 275
disposition of the specimens and shall exhibit the daily record 276
to any official of the division upon demand. 277

(F) Each permit shall remain in effect for one year from 278
the date of issuance unless it is revoked sooner by the chief. 279

(G) All moneys received as fees for the issuance of a wild 280
animal ~~collecting~~ permit shall be transmitted to the director of 281

natural resources to be paid into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code.

Sec. 1533.121. (A) Except as otherwise provided by division rule, the driver of every motor vehicle that has caused the death of a deer by striking the deer on a highway may take possession of the deer, provided that within twenty-four hours thereafter, the driver reports the accident to a wildlife officer or other law enforcement officer.

~~The~~ (B) When a wildlife officer or other law enforcement officer is notified of an accident involving an injured or deceased deer, the officer shall investigate, and, if do one of the following:

(1) If the officer finds the death has been caused as alleged, the officer shall give a certificate for legal ownership of the deer to the driver. If the deer is unclaimed, the certificate for legal ownership may be given to a private or public institution or charity or to another person.

(2) If the officer finds that the deer is alive, but injured, determine whether to humanely euthanize the injured deer or transfer the injured deer to a person who holds a wild animal permit for the rehabilitation of deer issued under division (C) of section 1533.08 of the Revised Code.

(C) If the officer determines that the deer must be humanely euthanized, the officer shall do so in accordance with training received under section 109.74 of the Revised Code and shall make every effort to humanely euthanize the deer out of the presence of any person who is under sixteen years of age.

Section 2. That existing sections 109.73, 109.74, 1533.08,

and 1533.121 of the Revised Code are hereby repealed.

311