

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 278

Representative Hambley

A BILL

To amend sections 1717.04, 1717.05, 1717.06, and 1
1717.07 of the Revised Code to require approval 2
by the board of county commissioners, instead of 3
the probate judge, of appointments of agents by 4
county humane societies outside a municipal 5
corporation, to specify that a county humane 6
society is a political subdivision, to make its 7
directors, agents, officers, and employees 8
subject to the Ethics Law, and to increase the 9
salaries paid to the agents. 10

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

Section 1. That sections 1717.04, 1717.05, 1717.06, and 11
1717.07 of the Revised Code be amended to read as follows: 12

Sec. 1717.04. The Ohio humane society may appoint agents, 13
in any county where no active county humane society exists under 14
section 1717.05 of the Revised Code, to represent it and to 15
receive and account for all funds coming to it from fines or 16
otherwise, and may also appoint agents at large to prosecute its 17
work throughout the state. ~~Such~~The agents may arrest any person 18
found violating any law for the protection of persons or 19

animals, or the prevention of cruelty ~~thereto~~ to persons or 20
animals. Upon making such arrest the agent forthwith shall 21
convey the person arrested before ~~some~~ a court or magistrate 22
having jurisdiction of the offense, and there make complaint 23
against ~~him~~ the person. 24

~~Such~~ The agents shall not make such arrests within a 25
municipal corporation unless their appointment has been approved 26
by the mayor of the municipal corporation, or within a county 27
beyond the limits of a municipal corporation unless their 28
appointment has been approved by the ~~probate judge~~ board of 29
county commissioners of the county. Such mayor or ~~probate judge~~ 30
board shall keep a record of ~~such~~ the appointments. 31

Sec. 1717.05. A society for the prevention of acts of 32
cruelty to animals may be organized in any county by the 33
association of not less than seven persons. A society organized 34
under this section is designated a county humane society and 35
constitutes a political subdivision of the state and a body 36
corporate and politic. 37

The members of ~~such~~ a county humane society, at a meeting 38
called for the purpose, shall elect not less than three of their 39
members as its board of directors, and such directors shall 40
continue in office until their successors are duly chosen. 41

The secretary or clerk of ~~such~~ that meeting shall make a 42
true record of the proceedings ~~thereat~~ at the meeting and 43
certify and forward such record to the secretary of state, who 44
shall record it. ~~Such~~ The record shall contain the name by which 45
the ~~association~~ society is to be known, and from and after its 46
filing with the secretary of state the board of directors and 47
the associates, and their successors, shall have the powers, 48
privileges, and immunities incident to incorporated ~~companies~~ 49

entities. A copy of such record, certified by the secretary of
state, shall be taken in all courts and places in this state as
evidence that ~~such~~ the county humane society is a duly organized
and incorporated body.

~~Such~~ A county humane society may elect ~~such~~ officers, and
make ~~such~~ rules, regulations, and bylaws, ~~as that~~ are ~~deemed~~
considered expedient by its members for its own government and
the proper management of its affairs.

The members of the board of directors of a county humane
society, its officers and employees, and the agents appointed
under section 1717.06 of the Revised Code shall be considered to
be public officials or employees for purposes of Chapter 102. of
the Revised Code.

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

All appointments of agents under this section shall be
approved by the mayor of the municipal corporation for which
they are made. If the society exists outside a municipal
corporation, ~~such~~ the appointments shall be approved by the
~~probate judge~~ board of county commissioners of the county for

which they are made. The mayor or ~~probate judge~~ the board of 80
county commissioners shall keep a record of ~~such those~~ 81
appointments. 82

In order to qualify for appointment as a humane agent 83
under this section, a person first shall successfully complete a 84
minimum of twenty hours of training on issues relating to the 85
investigation and prosecution of cruelty to and neglect of 86
animals. The training shall comply with rules recommended by the 87
peace officer training commission under section 109.73 of the 88
Revised Code and shall include, without limitation, instruction 89
regarding animal husbandry practices as described in division 90
(A) (12) of that section. A person who has been appointed as a 91
humane agent under this section prior to ~~the effective date of~~ 92
~~this amendment~~ April 9, 2003, may continue to act as a humane 93
agent for a period of time on and after ~~the effective date of~~ 94
~~this amendment~~ April 9, 2003, without completing the training. 95
However, on or before December 31, 2004, a person who has been 96
appointed as a humane agent under this section prior to ~~the~~ 97
~~effective date of this amendment~~ April 9, 2003, shall 98
successfully complete the training described in this paragraph 99
and submit proof of its successful completion to the appropriate 100
appointing mayor or probate judge in order to continue to act as 101
a humane agent after December 31, 2004. 102

An agent of a county humane society only has the specific 103
authority granted to the agent under this section and section 104
1717.08 of the Revised Code. 105

Sec. 1717.07. Upon the approval by the mayor of a 106
municipal corporation of the appointment of an agent under 107
section 1717.06 of the Revised Code, the legislative authority 108
of such municipal corporation shall pay monthly to such agent, 109

from the general revenue fund of the municipal corporation, ~~such-~~ 110
~~the salary as that~~ the legislative authority ~~deems considers~~ 111
just and reasonable. Upon the approval by the ~~probate judge-~~ 112
board of county commissioners of a county of such an 113
appointment, the board of county commissioners of ~~such the~~ 114
county shall pay monthly to ~~such the~~ agent, from the general 115
revenue fund of the county, ~~such the salary as that~~ the board 116
~~deems considers~~ just and reasonable. Such board and such 117
legislative authority may agree upon the amount each is to pay 118
~~such the~~ agent monthly. The salary to be paid monthly to ~~such-~~ 119
~~the agent~~ by the legislative authority of a village shall be not 120
less than ~~five twenty-five~~ dollars; by the legislative authority 121
of a city, not less than ~~twenty one hundred twenty-five~~ dollars; 122
and by the board of county commissioners of a county, not less 123
than ~~twenty five one hundred fifty~~ dollars. Beginning January 1, 124
2016, and on the first day of January every five years 125
thereafter, these salary amounts shall increase by five dollars. 126
Not more than one such agent in each county shall receive 127
remuneration from the board under this section. 128

Section 2. That existing sections 1717.04, 1717.05, 129
1717.06, and 1717.07 of the Revised Code are hereby repealed. 130