



Thank you, Chairman Hoagland, Vice Chair Schaffer, Ranking Member O'Brien, and members of the Senate Agriculture and Natural Resources Committee for allowing us to present House Bill 24 to you today.

Simply stated, HB 24 updates the Ohio Revised Code relating to humane societies and their agents and harmonizes it with current humane society practices. At the same time and just as importantly, it improves the public accountability for these organizations and their agents. There are some Humane Societies in this state that provide exemplary services in the enforcement and prosecution of our animal cruelty statutes, demonstrating the wisdom of working with local government officials and agencies in accomplishing a common public good. However, there is evidence that some of these non-profit organizations require more explicit and affirmative controls to ensure due process and the protection of individual civil liberties consistently across the State of Ohio.

House Bill 24 is the culmination of nearly 5 years of work and twenty different working versions of this legislation.

Under current law:

- Humane Societies are empowered to employ their own attorneys to prosecute violations to law relating to
 - Cruelty to children, or the abandonment, nonsupport, or ill-treatment of a child;
 - Employment of a child under 14 years of age in public exhibitions or vocations injurious to health, life, or morals or which cause or permit the child to suffer unnecessary physical or mental pain; and
 - Neglect or refusal of an adult to support a destitute parent.

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- HB 24 updates the humane law, so that Humane Societies are solely focused on animal cases. While Humane Agents will remain mandatory reporters of child abuse, in summary, Humane Societies will no longer be permitted to prosecute child abuse cases, or any case related to humans.

Rep Darrell Kick –

House Bill 24 takes many steps to update the revised code regarding Humane Society Law, the appointment of Humane Agents and the use of Special Prosecutors. Major changes include:

- Prohibits a humane society from entering into written agreement not to prosecute a person for an alleged violation of law unless the agreement has been reviewed and approved by a judge.
 - Under current law, humane societies may employ attorneys to act as special prosecutors in cases of animal or child abuse and cruelty, as well as appoint humane agents to enforce the law. In no other area of criminal law do we allow a non-profit agency, whose board is not subject to oversight by elected officials, to represent both the law enforcement AND prosecution side of criminal matters. When they also enter non-prosecution agreements (or NPAs) that means they are using the power of adjudication, as well.
 - Law enforcement, prosecution, and adjudication of criminal laws all under the control of one non-profit entity is clearly counter to our legal tradition of due process with the appropriate separation of government powers.
- Requires each county humane society, and the Ohio Humane Society, to submit an annual report of enforcement activities to the appropriate county sheriff.
- Specifies that generally the records of an enforcement activity by a humane society agent are public records under Ohio Public Records Law.
- Specifies procedures for the removal from office of a humane society agent for “just cause.” Current law has no mechanism for a Probate Judge to revoke an approval of a humane agent appointment, even though the Probate Judge confirms that appointment.

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- Specifies that a humane society agent is a "public servant" for the purposes of bribery law and is therefore subject to the criminal statute on bribery.
- Expands the current law, which governs the seizure and impoundment of companion animals, to apply to the seizure and impoundment of any animal when related to a violation of domestic animal law.
- Requires that the written notice, which the impounding officer must provide to the owner, be given not later than 24 hours after the animal was seized and impounded - - current law is silent on the timing of such notice.
- Modifies the law governing the amount of bond that a court may determine must be provided by the owner of the animal for the care of the animal during impoundment using a "necessary and reasonable" standard.
- Increases the minimum monthly salary of humane agents for the first time since 1953.
- HB 147 also gives County Commissioners the flexibility to pay for the Humane Agents and appointed prosecuting attorneys of animal abuse cases out of the general fund or the dog and kennel fund, as they so choose.

Proponents for these various provisions have included the County Commissioners Association of Ohio, Ohio Prosecuting Attorneys Association, and the Ohio Judicial Conference. Substitute House Bill 24 was voted unanimously out of the House Agriculture & Rural Development Committee as well as the House of Representatives. Some of you may recall, in the 132nd General assembly, this legislation was Substitute House Bill 147 and voted out of the House Civil Justice Committee chaired by Representative Jim Butler unanimously, and passed the House 87-2 in lame duck session and simply ran out of time for hearings in the Senate.

Thank you Mr. Chairman. We are available for any questions the committee may have.