

Thank you Chair Hackett, Vice Chair Hoagland, Ranking Member O'Brien, and members of the Senate Agriculture Committee for allowing me to present House Bill 147, which would update the Ohio Revised Code relating to humane societies and their agents. This legislation will bring the code up to date with current humane society practices, while improving the public accountability for these organizations and their agents. It will likewise encourage a more consistent and coordinated enforcement of animal cruelty laws. 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.

House Bill 147 is the culmination of nearly four years of work, two bills in the 131st General Assembly, and nearly twenty different working versions of this legislation.

House Bill 147 takes many steps to update the revised code regarding Humane Society Law, the appointment of Humane Agents and the use of Special Prosecutors. I will explain later in my testimony some of the key changes in HB 147, but first, I would like to point out the most important section of HB 147; the judicial oversight for Non-prosecution agreements offered by special prosecutors employed by Humane Societies. With the Chairman's permission, members will hear in future hearings from proponents of the bill incidents where these non-prosecution agreements have been reportedly used to intimidate and exploit animal owners who have limited means to fight the charges against them in court.

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 the prosecution side of criminal matters. When you add prosecutorial discretion without judicial oversight, the non-profit

Humane Society is effectively in control of the entire criminal justice process – enforcement, prosecution, and adjudication.

I believe in recognition of these concerns, the General Assembly in 2015 enacted Goddard's Law which elevated criminal animal abuse of companion animals to a potential felony case. In accordance with provisions of that bill, it took prosecutorial responsibility out of the hands of these private prosecutors working directly for the Humane Societies. The adopted statute section reads: "A humane society or its agent shall not employ an attorney or one or more assistant attorneys to prosecute a felony violation of section 959.131 of the Revised Code."

While these much needed changes in state law had my full support, they only partly addressed the concerns raised in my two prior bills (HB 198 and HB 278) in the 131st General Assembly. The proposed changes to humane society law, the oversight of non-prosecution agreements and subjecting humane society agents to the state bribery law that are critical features of HB 147 are long overdue updates to the ORC. Collectively, they are intended to help ensure due process of those accused of animal abuse and public accountability for county humane societies and their actions.

As a point of consensus, HB 147 is a compromise with individuals representing Humane Societies to retain authority to appointment a special prosecutor. We have had numerous meetings and discussion with various interested parties on the issue and have so amended the version before you that ensures public oversight and a more just process of non-prosecution agreements. To fix this issue, HB 147 proposes to prohibit 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.

This bill goes further to offer a comprehensive clean-up of Humane Society law. Some of the key changes are as follows:

- Requires each county 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 enforcement agent for “just cause” by the Probate Judge.
- 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 monthly salary of humane agents for the first time since 1953. We have also built in raises, occurring every 5 years, to offset inflation.
- HB 147 updates the humane law, so that Humane Societies are solely focused on animal cases. Specifically, the bill eliminates the authority for these special attorneys to prosecute violations of law relating to child abuse, employment of a child under 14 years of age and “neglect or refusal of an adult to support a destitute parent.” 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.
- County Commissioners will have 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 include the County Commissioners Association of Ohio, Ohio Prosecuting Attorneys Association, and the Ohio Judicial Conference. Substitute House Bill 147 was voted out of the House Civil Justice Committee unanimously, and passed the House 87-2.

Thank you Mr. Chairman. I am available for any questions the committee may have.