

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 45

Representative Gerberry

**Cosponsors: Representatives Cera, O'Brien, S., Stinziano, Grossman, Phillips,
Lepore-Hagan**

A BILL

To amend sections 109.73, 317.08, 959.131, 1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code to require an individual to file proof of successful completion of training with the county recorder prior to being appointed as a humane society agent and to require the revocation or suspension of an appointment under certain circumstances.

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

Section 1. That sections 109.73, 317.08, 959.131, 1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code be amended to read as follows:

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

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

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

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

(4) The requirements of minimum basic training that peace officers appointed to probationary terms shall complete before being eligible for permanent appointment, 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 to a probationary term;

(5) The requirements of minimum basic training that peace officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, 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 49
basic training shall be completed following appointment on other 50
than a permanent basis; 51

(6) Categories or classifications of advanced in-service 52
training programs for peace officers, including programs in the 53
handling of the offense of domestic violence, other types of 54
domestic violence-related offenses and incidents, and protection 55
orders and consent agreements issued or approved under section 56
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 57
and in the handling of missing children and child abuse and 58
neglect cases, and in handling violations of section 2905.32 of 59
the Revised Code, and minimum courses of study and attendance 60
requirements with respect to such categories or classifications; 61

(7) Permitting persons, who are employed as members of a 62
campus police department appointed under section 1713.50 of the 63
Revised Code; who are employed as police officers by a qualified 64
nonprofit corporation police department pursuant to section 65
1702.80 of the Revised Code; who are appointed and commissioned 66
as bank, savings and loan association, savings bank, credit 67
union, or association of banks, savings and loan associations, 68
savings banks, or credit unions police officers, as railroad 69
police officers, or as hospital police officers pursuant to 70
sections 4973.17 to 4973.22 of the Revised Code; or who are 71
appointed and commissioned as amusement park police officers 72
pursuant to section 4973.17 of the Revised Code, to attend 73
approved peace officer training schools, including the Ohio 74
peace officer training academy, and to receive certificates of 75
satisfactory completion of basic training programs, if the 76
private college or university that established the campus police 77
department; qualified nonprofit corporation police department; 78
bank, savings and loan association, savings bank, credit union, 79

or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park sponsoring the police officers pays the entire cost of the training and certification and if trainee vacancies are available;

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

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

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

(10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;

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

(12) Establishing requirements for the training of agents

of a county humane society under section 1717.06 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.

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

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

(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;

(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;

(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;

(4) Report to the attorney general from time to time, and 138
to the governor and the general assembly at least annually, 139
concerning the activities of the commission; 140

(5) Establish fees for the services the commission offers 141
under sections 109.71 to 109.79 of the Revised Code, including, 142
but not limited to, fees for training, certification, and 143
testing; 144

(6) Perform such other acts as are necessary or 145
appropriate to carry out the powers and duties of the commission 146
as set forth in sections 109.71 to 109.77 of the Revised Code. 147

(D) In establishing the requirements, under division (A) 148
(12) of this section, the commission may consider any portions 149
of the curriculum for instruction on the topic of animal 150
husbandry practices, if any, of the Ohio state university 151
college of veterinary medicine and the standards of care of 152
livestock adopted by the Ohio livestock care standards board. No 153
person or entity that fails to provide instruction on 154
traditional animal husbandry methods and training techniques, 155
including customary owner-performed practices, shall qualify to 156
train a humane society agent for appointment under section 157
1717.06 of the Revised Code. 158

Sec. 317.08. (A) The county recorder shall record all 159
instruments in one general record series to be known as the 160
"official records." The county recorder shall record in the 161
official records all of the following instruments that are 162
presented for recording, upon payment of the fees prescribed by 163
law: 164

(1) Deeds and other instruments of writing for the 165
absolute and unconditional sale or conveyance of lands, 166

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| tenements, and hereditaments; | 167 |
| (2) Notices as provided in sections 5301.47 to 5301.56 of the Revised Code; | 168 169 |
| (3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code; | 170 171 |
| (4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code; | 172 173 174 |
| (5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code; | 175 176 |
| (6) Certificates as provided in section 5311.17 of the Revised Code; | 177 178 |
| (7) Articles dedicating archaeological preserves accepted by the director of the Ohio historical society under section 149.52 of the Revised Code; | 179 180 181 |
| (8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code; | 182 183 184 |
| (9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code; | 185 186 |
| (10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code; | 187 188 189 190 |
| (11) Instruments or orders described in division (B) (2) (b) of section 5301.56 of the Revised Code; | 191 192 |
| (12) No further action letters issued under section | 193 |

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| 122.654 or 3746.11 of the Revised Code; | 194 |
| (13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code; | 195 196 197 |
| (14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C) (3) (a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code; | 198 199 200 201 202 203 204 |
| (15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; | 205 206 |
| (16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code; | 207 208 |
| (17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property; | 209 210 211 |
| (18) Agreements entered into under section 1506.44 of the Revised Code; | 212 213 |
| (19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered; | 214 215 216 217 218 |
| (20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to | 219 220 221 |

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| them within one year of the date of the contracts; | 222 |
| (21) Options to purchase real estate, including | 223 |
| supplements, modifications, and amendments of the options, but | 224 |
| no option of that nature shall be recorded if it does not state | 225 |
| a specific day and year of expiration of its validity; | 226 |
| (22) Any tax certificate sold under section 5721.33 of the | 227 |
| Revised Code, or memorandum of it, that is presented for filing | 228 |
| of record; | 229 |
| (23) Powers of attorney, including all memoranda of trust, | 230 |
| as described in division (A) of section 5301.255 of the Revised | 231 |
| Code, that do not describe specific real property; | 232 |
| (24) Plats and maps of town lots, of the subdivision of | 233 |
| town lots, and of other divisions or surveys of lands, any | 234 |
| center line survey of a highway located within the county, the | 235 |
| plat of which shall be furnished by the director of | 236 |
| transportation or county engineer, and all drawings and | 237 |
| amendments to drawings, as provided in Chapter 5311. of the | 238 |
| Revised Code; | 239 |
| (25) Leases, memoranda of leases, and supplements, | 240 |
| modifications, and amendments of leases and memoranda of leases; | 241 |
| (26) Declarations executed pursuant to section 2133.02 of | 242 |
| the Revised Code and durable powers of attorney for health care | 243 |
| executed pursuant to section 1337.12 of the Revised Code; | 244 |
| (27) Unemployment compensation liens, internal revenue tax | 245 |
| liens, and other liens in favor of the United States as | 246 |
| described in division (A) of section 317.09 of the Revised Code, | 247 |
| personal tax liens, mechanic's liens, agricultural product | 248 |
| liens, notices of liens, certificates of satisfaction or partial | 249 |
| release of estate tax liens, discharges of recognizances, excise | 250 |

and franchise tax liens on corporations, broker's liens, and 251
liens provided for in section 1513.33, 1513.37, 3752.13, 252
4141.23, 5111.022, or 5311.18 of the Revised Code; and 253

(28) Corrupt activity lien notices filed pursuant to 254
section 2923.36 of the Revised Code and medicaid fraud lien 255
notices filed pursuant to section 2933.75 of the Revised Code; 256

(29) Proof of successful completion of training by humane 257
society agents and notices of revocation of agents' appointments 258
as required in section 1717.06 of the Revised Code. 259

(B) All instruments or memoranda of instruments entitled 260
to record shall be recorded in the order in which they are 261
presented for recording. 262

The recording of an option to purchase real estate, 263
including any supplement, modification, and amendment of the 264
option, under this section shall serve as notice to any 265
purchaser of an interest in the real estate covered by the 266
option only during the period of the validity of the option as 267
stated in the option. 268

(C) In addition to the official records, a county recorder 269
may elect to keep a separate set of records that contain the 270
instruments listed in division (A) (24) of this section. 271

(D) As part of the official records, the county recorder 272
shall keep a separate set of records containing all transfers, 273
conveyances, or assignments of any type of tangible or 274
intangible personal property or any rights or interests in that 275
property if and to the extent that any person wishes to record 276
that personal property transaction and if the applicable 277
instrument is acknowledged before a notary public. If the 278
transferor is a natural person, the notice of personal property 279

transfer shall be recorded in the county in this state in which 280
the transferor maintains the transferor's principal residence. 281
If the transferor is not a natural person, the notice of 282
personal property transfer shall be recorded in the county in 283
this state in which the transferor maintains its principal place 284
of business. If the transferor does not maintain a principal 285
residence or a principal place of business in this state and the 286
transfer is to a trustee of a legacy trust formed pursuant to 287
Chapter 5816. of the Revised Code, the notice of personal 288
property transfer shall be recorded in the county in this state 289
where that trustee maintains a principal residence or principal 290
place of business. In all other instances, the notice of 291
personal property transfer shall be recorded in the county in 292
this state where the property described in the notice is 293
located. 294

Sec. 959.131. (A) As used in this section: 295

(1) "Companion animal" means any animal that is kept 296
inside a residential dwelling and any dog or cat regardless of 297
where it is kept. "Companion animal" does not include livestock 298
or any wild animal. 299

(2) "Cruelty," "torment," and "torture" have the same 300
meanings as in section 1717.01 of the Revised Code. 301

(3) "Residential dwelling" means a structure or shelter or 302
the portion of a structure or shelter that is used by one or 303
more humans for the purpose of a habitation. 304

(4) "Practice of veterinary medicine" has the same meaning 305
as in section 4741.01 of the Revised Code. 306

(5) "Wild animal" has the same meaning as in section 307
1531.01 of the Revised Code. 308

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

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

(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code.

(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.

(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.

(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.

(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

(C) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Commit any act by which unnecessary or unjustifiable 338
pain or suffering is caused, permitted, or allowed to continue, 339
when there is a reasonable remedy or relief, against the 340
companion animal; 341

(2) Omit any act of care by which unnecessary or 342
unjustifiable pain or suffering is caused, permitted, or allowed 343
to continue, when there is a reasonable remedy or relief, 344
against the companion animal; 345

(3) Commit any act of neglect by which unnecessary or 346
unjustifiable pain or suffering is caused, permitted, or allowed 347
to continue, when there is a reasonable remedy or relief, 348
against the companion animal; 349

(4) Needlessly kill the companion animal; 350

(5) Deprive the companion animal of necessary sustenance, 351
confine the companion animal without supplying it during the 352
confinement with sufficient quantities of good, wholesome food 353
and water, or impound or confine the companion animal without 354
affording it, during the impoundment or confinement, with access 355
to shelter from heat, cold, wind, rain, snow, or excessive 356
direct sunlight, if it can reasonably be expected that the 357
companion animal would become sick or suffer in any other way as 358
a result of or due to the deprivation, confinement, or 359
impoundment or confinement in any of those specified manners. 360

(D) No owner, manager, or employee of a dog kennel who 361
confines or is the custodian or caretaker of a companion animal 362
shall knowingly do any of the following: 363

(1) Torture, torment, needlessly mutilate or maim, cruelly 364
beat, poison, needlessly kill, or commit an act of cruelty 365
against the companion animal; 366

(2) Deprive the companion animal of necessary sustenance, 367
confine the companion animal without supplying it during the 368
confinement with sufficient quantities of food and water, or 369
impound or confine the companion animal without affording it, 370
during the impoundment or confinement, with access to shelter if 371
it is substantially certain that the companion animal would die 372
or experience unnecessary or unjustifiable pain or suffering due 373
to the deprivation, confinement, or impoundment or confinement 374
in any of those specified manners. 375

(E) No owner, manager, or employee of a dog kennel who 376
confines or is the custodian or caretaker of a companion animal 377
shall negligently do any of the following: 378

(1) Commit any act by which unnecessary or unjustifiable 379
pain or suffering is caused, permitted, or allowed to continue, 380
when there is a reasonable remedy or relief, against the 381
companion animal; 382

(2) Omit any act of care by which unnecessary or 383
unjustifiable pain or suffering is caused, permitted, or allowed 384
to continue, when there is a reasonable remedy or relief, 385
against the companion animal; 386

(3) Commit any act of neglect by which unnecessary or 387
unjustifiable pain or suffering is caused, permitted, or allowed 388
to continue, when there is a reasonable remedy or relief, 389
against the companion animal; 390

(4) Needlessly kill the companion animal; 391

(5) Deprive the companion animal of necessary sustenance, 392
confine the companion animal without supplying it during the 393
confinement with sufficient quantities of good, wholesome food 394
and water, or impound or confine the companion animal without 395

affording it, during the impoundment or confinement, with access 396
to shelter from heat, cold, wind, rain, snow, or excessive 397
direct sunlight if it can reasonably be expected that the 398
companion animal would become sick or suffer in any other way as 399
a result of or due to the deprivation, confinement, or 400
impoundment or confinement in any of those specified manners. 401

(F) Divisions (B), (C), (D), and (E) of this section do 402
not apply to any of the following: 403

(1) A companion animal used in scientific research 404
conducted by an institution in accordance with the federal 405
animal welfare act and related regulations; 406

(2) The lawful practice of veterinary medicine by a person 407
who has been issued a license, temporary permit, or registration 408
certificate to do so under Chapter 4741. of the Revised Code; 409

(3) Dogs being used or intended for use for hunting or 410
field trial purposes, provided that the dogs are being treated 411
in accordance with usual and commonly accepted practices for the 412
care of hunting dogs; 413

(4) The use of common training devices, if the companion 414
animal is being treated in accordance with usual and commonly 415
accepted practices for the training of animals; 416

(5) The administering of medicine to a companion animal 417
that was properly prescribed by a person who has been issued a 418
license, temporary permit, or registration certificate under 419
Chapter 4741. of the Revised Code. 420

(G) Notwithstanding any section of the Revised Code that 421
otherwise provides for the distribution of fine moneys, the 422
clerk of court shall forward all fines the clerk collects that 423
are so imposed for any violation of this section to the 424

treasurer of the political subdivision or the state, whose 425
county humane society or law enforcement agency is to be paid 426
the fine money as determined under this division. The treasurer 427
to whom the fines are forwarded shall pay the fine moneys to the 428
county humane society or the county, township, municipal 429
corporation, or state law enforcement agency in this state that 430
primarily was responsible for or involved in the investigation 431
and prosecution of the violation. If a county humane society 432
receives any fine moneys under this division, the county humane 433
society shall use the fine moneys to provide the training that 434
is required for humane society agents under section 1717.06 of 435
the Revised Code. 436

Sec. 1717.01. As used in ~~sections 1717.01 to 1717.14,~~ 437
~~inclusive, of the Revised Code, this chapter~~ and in every law 438
relating to animals: 439

(A) "Animal" includes every living dumb creature~~†.~~ 440

(B) "Cruelty," "torment," and "torture" include every act, 441
omission, or neglect by which unnecessary or unjustifiable pain 442
or suffering is caused, permitted, or allowed to continue, when 443
there is a reasonable remedy or relief~~†.~~ 444

(C) "Humane society agent" or "agent" means an individual 445
who complies with, and is appointed by a county humane society 446
under, section 1717.06 of the Revised Code for the purpose of 447
investigating any person who is accused of an act of cruelty to 448
animals regardless of the title that is given to the individual. 449

(D) "Owner" and "person" include corporations. For the 450
purpose of this section the knowledge and acts of the agents and 451
employees of a corporation, in regard to animals transported, 452
owned, or employed by, or in the custody of, such agents and 453

employees, are the knowledge and acts of the corporation. 454

Sec. 1717.04. The Ohio humane society may appoint agents, 455
in any county where no active county humane society exists under 456
section 1717.05 of the Revised Code, to represent it and to 457
receive and account for all funds coming to it from fines or 458
otherwise, and may also appoint agents at large to prosecute its 459
work throughout the state. Such agents may arrest any person 460
found violating any law for the protection of ~~persons or~~ 461
animals, or the prevention of cruelty thereto. Upon making ~~such~~ 462
an arrest, the agent forthwith shall convey the person arrested 463
before some court or magistrate having jurisdiction of the 464
offense, and there make complaint against ~~him~~ the person. 465

Such agents shall not make such arrests within a municipal 466
corporation unless their appointment has been approved by the 467
mayor of the municipal corporation, or within a county beyond 468
the limits of a municipal corporation unless their appointment 469
has been approved by the probate judge of the county. ~~Such~~ The 470
mayor or probate judge shall keep a record of such appointments. 471

Sec. 1717.06. (A) (1) A county humane society organized 472
under section 1717.05 of the Revised Code may appoint agents, ~~—~~ 473
~~who are residents of the county or municipal corporation for~~ 474
~~which the appointment is made, for the purpose of prosecuting~~ 475
~~any person guilty of an act of cruelty to persons or animals.~~ 476
Such agents may arrest any person found violating this chapter 477
or any other law for protecting ~~persons or~~ animals or preventing 478
acts of cruelty thereto. Upon making an arrest, the agent 479
forthwith shall convey the person arrested before some court or 480
magistrate having jurisdiction of the offense, and there make 481
complaint against the person on oath or affirmation of the 482
offense. 483

(2) All appointments of agents under this section shall be 484
approved by the mayor of the municipal corporation for which 485
they are made. If the society exists outside a municipal 486
corporation, such appointments shall be approved by the probate 487
judge of the county for which they are made. The mayor or 488
probate judge shall keep a record of such ~~appointments~~ 489
approvals. 490

(B) In order to qualify for appointment as a humane 491
society agent under this section, ~~a person first shall~~ 492
~~successfully~~ an individual shall do all of the following: 493

(1) Successfully complete a minimum of twenty hours of 494
training on issues relating to the investigation and prosecution 495
of cruelty to and neglect of animals. The training shall comply 496
with rules recommended by the peace officer training commission 497
under section 109.73 of the Revised Code and shall include, 498
without limitation, instruction regarding animal husbandry 499
practices as described in division (A) (12) of that section. ~~A~~ 500
~~person~~ Proof of successful completion of training shall be 501
signed by the chief executive officer of the organization or 502
entity that provided the training and by the chief officer of 503
the county humane society appointing the agent. An individual 504
who has been appointed as a humane society agent under this 505
section prior to ~~the effective date of this amendment~~ April 9, 506
2003, may continue to act as a humane society agent for a period 507
of time on and after ~~the effective date of this amendment~~ April 508
9, 2003, without completing the training. However, on or before 509
December 31, 2004, ~~a person~~ an individual who has been appointed 510
as a humane society agent under this section prior to ~~the~~ 511
~~effective date of this amendment~~ April 9, 2003, shall 512
successfully complete the training described in this ~~paragraph~~ 513
division and submit proof of its successful completion to the 514

appropriate ~~appointing~~ mayor or probate judge who approved the 515
appointment in order to continue to act as a humane society 516
agent after December 31, 2004. 517

(2) Present proof of successful completion of training 518
that is signed as required by division (B)(1) of this section to 519
the appropriate mayor or probate judge for approval. Proof of 520
successful completion of training shall be signed by the 521
appropriate mayor or probate judge before the proof is filed 522
under division (B)(3) of this section. 523

(3) File proof of successful completion of training that 524
is signed as required by divisions (B)(1) and (2) of this 525
section with the county recorder in accordance with section 526
317.08 of the Revised Code. 527

An appointment is not final until the day on which proof 528
of successful completion of training is filed with the county 529
recorder under this division. The fee charged by the county 530
recorder for filing proof of successful completion of training 531
shall be paid by the county humane society appointing the agent. 532

(C) An individual who is serving as a humane society agent 533
on the effective date of this amendment shall file proof of 534
successful completion of training, including the required 535
signatures, with the county recorder not later than six months 536
after the effective date of this amendment. If that individual 537
has not filed the required proof of successful completion of 538
training with the county recorder as required in this section, 539
the individual is suspended as a humane society agent by 540
operation of law until such proof is on file with the county 541
recorder. 542

(D) An individual who suspects that a humane society agent 543

has not successfully completed the training that is required in 544
this section or that an agent's proof of successful completion 545
of training contains false or misleading information may file a 546
complaint with the mayor or probate judge who approved the 547
appointment. The mayor or probate judge shall investigate the 548
complaint. If the mayor or probate judge finds that the agent 549
has not successfully completed the required training or that the 550
proof of successful completion contains false or misleading 551
information, the mayor or probate judge shall rescind the 552
approval of the appointment and order the applicable humane 553
society to revoke the appointment. The applicable county humane 554
society shall file written notice with the county recorder of 555
the revocation under this division of a humane society agent's 556
appointment. Revocation of the appointment shall be duly noted 557
and recorded in the records kept under section 317.08 of the 558
Revised Code, and the county humane society shall pay the fee 559
for that filing. 560

(E) An agent of a county humane society only has the 561
specific authority granted to the agent under this section and 562
section 1717.08 of the Revised Code. 563

Sec. 1717.09. A member of the Ohio humane society or of a 564
county humane society may require the sheriff of any county, the 565
constable of any township, the marshal or a ~~policeman~~ police 566
officer of any municipal corporation, or any agent of such a 567
society, to arrest any person found violating the laws in 568
relation to cruelty to ~~persons or~~ animals, and to take 569
possession of any animal cruelly treated in their respective 570
counties or municipal corporations, and deliver ~~such the~~ animal 571
to the proper officers of the society. 572

Section 2. That existing sections 109.73, 317.08, 959.131, 573

1717.01, 1717.04, 1717.06, and 1717.09 of the Revised Code are
hereby repealed.

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