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Representative Hambley

**Cosponsors: Representatives Hill, Lipps, O'Brien, Celebrezze, Manning, Anielski,
Antonio, Butler, Green, Holmes, Hughes, Kick, Lang, Patton, Pelanda, Perales,
Wiggam**

A BILL

To amend sections 109.73, 935.19, 935.20, 959.131, 1
959.132, 1717.01, 1717.02, 1717.03, 1717.04, 2
1717.06, 1717.07, 1717.09, 1717.10, 2151.421, 3
2921.02, and 2931.18, to enact sections 4
1717.061, 1717.062, 1717.16, 1717.17, and 5
1717.18, and to repeal section 1717.14 of the 6
Revised Code to make changes to humane society 7
law, to make humane society agents subject to 8
bribery law, and to establish procedures for the 9
seizure and impoundment of certain animals and 10
livestock. 11

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

Section 1. That sections 109.73, 935.19, 935.20, 959.131, 12
959.132, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 1717.07, 13
1717.09, 1717.10, 2151.421, 2921.02, and 2931.18 be amended and 14
sections 1717.061, 1717.062, 1717.16, 1717.17, and 1717.18 of 15
the Revised Code be enacted to read as follows: 16

Sec. 109.73. (A) The Ohio peace officer training 17

commission shall recommend rules to the attorney general with 18
respect to all of the following: 19

(1) The approval, or revocation of approval, of peace 20
officer training schools administered by the state, counties, 21
municipal corporations, public school districts, technical 22
college districts, and the department of natural resources; 23

(2) Minimum courses of study, attendance requirements, and 24
equipment and facilities to be required at approved state, 25
county, municipal, and department of natural resources peace 26
officer training schools; 27

(3) Minimum qualifications for instructors at approved 28
state, county, municipal, and department of natural resources 29
peace officer training schools; 30

(4) The requirements of minimum basic training that peace 31
officers appointed to probationary terms shall complete before 32
being eligible for permanent appointment, which requirements 33
shall include training in the handling of the offense of 34
domestic violence, other types of domestic violence-related 35
offenses and incidents, and protection orders and consent 36
agreements issued or approved under section 2919.26 or 3113.31 37
of the Revised Code; crisis intervention training; and training 38
in the handling of missing children and child abuse and neglect 39
cases; and training in handling violations of section 2905.32 of 40
the Revised Code; and the time within which such basic training 41
shall be completed following appointment to a probationary term; 42

(5) The requirements of minimum basic training that peace 43
officers not appointed for probationary terms but appointed on 44
other than a permanent basis shall complete in order to be 45
eligible for continued employment or permanent appointment, 46

which requirements shall include training in the handling of the 47
offense of domestic violence, other types of domestic violence- 48
related offenses and incidents, and protection orders and 49
consent agreements issued or approved under section 2919.26 or 50
3113.31 of the Revised Code, crisis intervention training, and 51
training in the handling of missing children and child abuse and 52
neglect cases, and training in handling violations of section 53
2905.32 of the Revised Code, and the time within which such 54
basic training shall be completed following appointment on other 55
than a permanent basis; 56

(6) Categories or classifications of advanced in-service 57
training programs for peace officers, including programs in the 58
handling of the offense of domestic violence, other types of 59
domestic violence-related offenses and incidents, and protection 60
orders and consent agreements issued or approved under section 61
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 62
and in the handling of missing children and child abuse and 63
neglect cases, and in handling violations of section 2905.32 of 64
the Revised Code, and minimum courses of study and attendance 65
requirements with respect to such categories or classifications; 66

(7) Permitting persons, who are employed as members of a 67
campus police department appointed under section 1713.50 of the 68
Revised Code; who are employed as police officers by a qualified 69
nonprofit corporation police department pursuant to section 70
1702.80 of the Revised Code; who are appointed and commissioned 71
as bank, savings and loan association, savings bank, credit 72
union, or association of banks, savings and loan associations, 73
savings banks, or credit unions police officers, as railroad 74
police officers, or as hospital police officers pursuant to 75
sections 4973.17 to 4973.22 of the Revised Code; or who are 76
appointed and commissioned as amusement park police officers 77

pursuant to section 4973.17 of the Revised Code, to attend 78
approved peace officer training schools, including the Ohio 79
peace officer training academy, and to receive certificates of 80
satisfactory completion of basic training programs, if the 81
private college or university that established the campus police 82
department; qualified nonprofit corporation police department; 83
bank, savings and loan association, savings bank, credit union, 84
or association of banks, savings and loan associations, savings 85
banks, or credit unions; railroad company; hospital; or 86
amusement park sponsoring the police officers pays the entire 87
cost of the training and certification and if trainee vacancies 88
are available; 89

(8) Permitting undercover drug agents to attend approved 90
peace officer training schools, other than the Ohio peace 91
officer training academy, and to receive certificates of 92
satisfactory completion of basic training programs, if, for each 93
undercover drug agent, the county, township, or municipal 94
corporation that employs that undercover drug agent pays the 95
entire cost of the training and certification; 96

(9) (a) The requirements for basic training programs for 97
bailiffs and deputy bailiffs of courts of record of this state 98
and for criminal investigators employed by the state public 99
defender that those persons shall complete before they may carry 100
a firearm while on duty; 101

(b) The requirements for any training received by a 102
bailiff or deputy bailiff of a court of record of this state or 103
by a criminal investigator employed by the state public defender 104
prior to June 6, 1986, that is to be considered equivalent to 105
the training described in division (A) (9) (a) of this section. 106

(10) Establishing minimum qualifications and requirements 107

for certification for dogs utilized by law enforcement agencies;	108
(11) Establishing minimum requirements for certification	109
of persons who are employed as correction officers in a full-	110
service jail, five-day facility, or eight-hour holding facility	111
or who provide correction services in such a jail or facility;	112
(12) Establishing requirements for the training of <u>humane</u>	113
<u>society agents</u> of a county humane society under section 1717.06	114
<u>1717.061</u> of the Revised Code, including, without limitation, a	115
requirement that the agents receive instruction on traditional	116
animal husbandry methods and training techniques, including	117
customary owner-performed practices.	118
(B) The commission shall appoint an executive director,	119
with the approval of the attorney general, who shall hold office	120
during the pleasure of the commission. The executive director	121
shall perform such duties assigned by the commission. The	122
executive director shall receive a salary fixed pursuant to	123
Chapter 124. of the Revised Code and reimbursement for expenses	124
within the amounts available by appropriation. The executive	125
director may appoint officers, employees, agents, and	126
consultants as the executive director considers necessary,	127
prescribe their duties, and provide for reimbursement of their	128
expenses within the amounts available for reimbursement by	129
appropriation and with the approval of the commission.	130
(C) The commission may do all of the following:	131
(1) Recommend studies, surveys, and reports to be made by	132
the executive director regarding the carrying out of the	133
objectives and purposes of sections 109.71 to 109.77 of the	134
Revised Code;	135
(2) Visit and inspect any peace officer training school	136

that has been approved by the executive director or for which application for approval has been made; 137
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(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; 139
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(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; 143
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(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; 146
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(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. 150
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(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 under ~~section~~ sections 1717.04 and 1717.06 of the Revised Code. 153
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Sec. 935.19. (A) (1) The director of agriculture or the director's designee may enter at all reasonable times any premises at which a dangerous wild animal or restricted snake is confined, with the consent of the owner of the premises, for the 162
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purpose of determining compliance with this chapter and rules.	166
(2) If the director or the director's designee is denied	167
access to any such premises, and if the director reasonably	168
suspects that the person who possesses the dangerous wild animal	169
or restricted snake is not in compliance with this chapter or	170
rules, the director may apply to a court of competent	171
jurisdiction in the county in which the premises is located for	172
a search warrant authorizing access to the premises for the	173
purposes of this section.	174
(3) The court shall issue the search warrant for the	175
purposes requested if there is probable cause to believe that	176
the person is not in compliance with this chapter or rules. The	177
finding of probable cause may be based on hearsay, provided that	178
there is a substantial basis for believing that the source of	179
the hearsay is credible and that there is a factual basis for	180
the information furnished.	181
(B) The director may designate any of the following to	182
conduct inspections under this section:	183
(1) Employees of the department of agriculture;	184
(2) Natural resources law enforcement officers with the	185
consent of the director of natural resources;	186
(3) Employees of the department of health with the consent	187
of the director of health;	188
(4) Employees of a board of health with the consent of the	189
board;	190
(5) Agents of a humane <u>Humane society agents</u> appointed	191
under section <u>1717.04 or 1717.06</u> of the Revised Code with the	192
consent of the humane society.	193

(C) If a person designated under division (B) of this section determines, while conducting an inspection, that a violation of this chapter or rules has occurred, is occurring, or may occur, the person shall immediately notify the director of agriculture. The director may proceed as provided in section 935.24 of the Revised Code.

Sec. 935.20. (A) On and after January 1, 2014, the director of agriculture immediately shall cause an investigation to be conducted if the director has reason to believe that one of the following may be occurring:

(1) A dangerous wild animal is possessed by a person who has not been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit under this chapter.

(2) A restricted snake is possessed by a person that has not been issued a restricted snake possession permit or restricted snake propagation permit under this chapter.

(3) A dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of this chapter or rules.

For purposes of the investigation, the director or the director's designee may order the animal or snake that is the subject of the notification to be quarantined or may order the transfer of the animal or snake to a facility that is on the list maintained by the director under this section. If the director's designee orders the animal or snake to be quarantined or transferred, the designee shall provide a copy of the order to the director.

(B) The director shall attempt to notify the person owning

or possessing an animal or snake that has been ordered to be 223
quarantined or transferred under division (A) of this section. 224
The notice shall be delivered in person or by certified mail. 225
The director also may post a copy of a quarantine order at two 226
conspicuous locations on the premises where the animal or snake 227
is quarantined. The director shall maintain a copy of an order 228
issued under this section and evidence that the director 229
attempted to notify the person owning or possessing the animal 230
or snake. 231

(C) A quarantine or transfer order issued under this 232
section shall contain all of the following: 233

(1) The name and address of the person owning or 234
possessing the animal or snake, if known; 235

(2) A description of the quarantined or transferred animal 236
or snake; 237

(3) A description of the premises affected by the 238
quarantine or transfer; 239

(4) The reason for the quarantine or transfer; 240

(5) Any terms and conditions of the quarantine or 241
transfer; 242

(6) A notice that a person adversely affected by the order 243
may request a hearing to review the order. 244

(D) A person that is adversely affected by a quarantine or 245
transfer order pertaining to a dangerous wild animal or 246
restricted snake owned or possessed by the person, within thirty 247
days after the order is issued, may request in writing an 248
adjudication in accordance with Chapter 119. of the Revised 249
Code. A request for an adjudication does not stay a quarantine 250

or transfer order.	251
(E) The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section shall be responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. If such an owner or person is unable to pay for the reasonable costs, the director shall certify the costs to the county auditor to be assessed against any property of the owner or person and thereby made a lien upon it and collected as other taxes. All money from the collection of liens under this division shall be credited in accordance with division (J) of this section.	252 253 254 255 256 257 258 259 260 261 262 263
(F) If the state veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section is infected with or exposed to a dangerously contagious or infectious disease or is seriously injured, the state veterinarian shall so notify the director. The director may order the animal or snake to be humanely euthanized by a veterinarian if the state veterinarian has indicated that euthanization is medically necessary.	264 265 266 267 268 269 270 271
(G) A quarantine or transfer order issued under this section shall remain in effect until one of the following occurs:	272 273 274
(1) The director, after reviewing the results of the investigation conducted under division (A) of this section, issues a written notice of release.	275 276 277
(2) A court of competent jurisdiction orders the quarantine or transfer order to be terminated in a proceeding	278 279

conducted under division (H) of this section.	280
(3) A court of competent jurisdiction orders the seizure	281
of the dangerous wild animal or restricted snake in a proceeding	282
conducted under division (H) of this section.	283
(H) If, after reviewing the results of an investigation	284
concerning a dangerous wild animal or restricted snake conducted	285
under division (A) of this section and after resolution of any	286
proceeding conducted under division (D) of this section, the	287
director determines that a circumstance described in division	288
(A) (1), (2), or (3) of this section is or was occurring, the	289
director shall initiate, in a court of competent jurisdiction, a	290
proceeding for the permanent seizure of the animal or snake, as	291
applicable. If the court affirms the director's determination	292
that a circumstance described in division (A) (1), (2), or (3) of	293
this section is or was occurring, the court shall order the	294
animal or snake seized and shall order the method of disposition	295
of the animal or snake. The court may order the person owning or	296
possessing the animal or snake to pay all reasonable costs	297
associated with the seizure and, if applicable, the costs	298
associated with the quarantine or transfer of the animal or	299
snake, including the costs of transportation, housing, food, and	300
veterinary care of the animal or snake. If the court does not	301
affirm the director's determination, the court shall order the	302
quarantine or transfer order to be terminated and the animal or	303
snake to be returned to the person owning or possessing it, if	304
applicable.	305
(I) The director may authorize any of the following to	306
conduct an investigation and order the quarantine or transfer of	307
a dangerous wild animal or restricted snake under division (A)	308
of this section:	309

(1) Employees of the department of agriculture;	310
(2) Natural resources law enforcement officers with the consent of the director of natural resources;	311 312
(3) Employees of the department of health with the consent of the director of health;	313 314
(4) Employees of a board of health with the consent of the board;	315 316
(5) Agents of a humane <u>Humane society agents</u> appointed under section <u>1717.04 or</u> 1717.06 of the Revised Code with the consent of the humane society;	317 318 319
(6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed;	320 321 322 323
(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol.	324 325 326
(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:	327 328 329 330
(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the dangerous and restricted animal fund created in section 935.25 of the Revised Code;	331 332 333 334 335 336
(2) If the animal or snake was quarantined or transferred	337

by an employee of a board of health, a special fund, which is 338
hereby created in each health district, that shall be used 339
exclusively for the administration and enforcement of this 340
chapter and rules; 341

(3) If the animal or snake was quarantined or transferred 342
by an agent of a humane society, a special fund, which is hereby 343
created in each county that has a humane society, that shall be 344
used exclusively for the administration and enforcement of this 345
chapter and rules; 346

(4) If the animal or snake was quarantined or transferred 347
by a law enforcement officer who is not a state highway patrol 348
trooper, the special fund that is created in the political 349
subdivision that employs the law enforcement officer in division 350
(D) of section 935.16 of the Revised Code. 351

(K) The director shall maintain a list of facilities 352
inside and outside the state that the director determines are 353
eligible to accept dangerous wild animals and restricted snakes 354
for the purposes of this section. 355

Sec. 959.131. (A) As used in this section: 356

(1) "Companion animal" means any animal that is kept 357
inside a residential dwelling and any dog or cat regardless of 358
where it is kept, including a pet store as defined in section 359
956.01 of the Revised Code. "Companion animal" does not include 360
livestock or any wild animal. 361

(2) "Cruelty," "torment," and "torture" have the same 362
meanings as in section 1717.01 of the Revised Code. 363

(3) "Residential dwelling" means a structure or shelter or 364
the portion of a structure or shelter that is used by one or 365
more humans for the purpose of a habitation. 366

- (4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code. 367
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- (5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code. 369
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- (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. 371
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- (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. 379
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- (8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code. 382
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- (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. 384
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- (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. 387
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- (11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code. 392
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- (12) "Serious physical harm" means any of the following: 394

(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;	395 396
(b) Physical harm that involves either partial or total permanent incapacity;	397 398
(c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;	399 400 401
(d) Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.	402 403 404 405
(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.	406 407 408
(C) No person shall knowingly cause serious physical harm to a companion animal.	409 410
(D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	411 412 413
(1) Torture, torment, or commit an act of cruelty against the companion animal;	414 415
(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;	416 417 418 419 420 421
(3) Impound or confine the companion animal without	422

affording it, during the impoundment or confinement, with access 423
to shelter from heat, cold, wind, rain, snow, or excessive 424
direct sunlight if it can reasonably be expected that the 425
companion animal would become sick or suffer in any other way as 426
a result of or due to the lack of adequate shelter. 427

(E) No owner, manager, or employee of a dog kennel who 428
confines or is the custodian or caretaker of a companion animal 429
shall knowingly do any of the following: 430

(1) Torture, torment, needlessly mutilate or maim, cruelly 431
beat, poison, needlessly kill, or commit an act of cruelty 432
against the companion animal; 433

(2) Deprive the companion animal of necessary sustenance 434
or confine the companion animal without supplying it during the 435
confinement with sufficient quantities of good, wholesome food 436
and water if it is reasonably expected that the companion animal 437
would die or experience unnecessary or unjustifiable pain or 438
suffering as a result of the deprivation or confinement; 439

(3) Impound or confine the companion animal without 440
affording it, during the impoundment or confinement, with access 441
to shelter from heat, cold, wind, rain, snow, or excessive 442
direct sunlight if it is reasonably expected that the companion 443
animal would die or experience unnecessary or unjustifiable pain 444
or suffering as a result of or due to the lack of adequate 445
shelter. 446

(F) No owner, manager, or employee of a dog kennel who 447
confines or is the custodian or caretaker of a companion animal 448
shall negligently do any of the following: 449

(1) Torture, torment, or commit an act of cruelty against 450
the companion animal; 451

(2) Deprive the companion animal of necessary sustenance 452
or confine the companion animal without supplying it during the 453
confinement with sufficient quantities of good, wholesome food 454
and water if it can reasonably be expected that the companion 455
animal would become sick or suffer in any other way as a result 456
of or due to the deprivation or confinement; 457

(3) Impound or confine the companion animal without 458
affording it, during the impoundment or confinement, with access 459
to shelter from heat, cold, wind, rain, snow, or excessive 460
direct sunlight if it can reasonably be expected that the 461
companion animal would become sick or suffer in any other way as 462
a result of or due to the lack of adequate shelter. 463

(G) Divisions (B), (C), (D), (E), and (F) of this section 464
do not apply to any of the following: 465

(1) A companion animal used in scientific research 466
conducted by an institution in accordance with the federal 467
animal welfare act and related regulations; 468

(2) The lawful practice of veterinary medicine by a person 469
who has been issued a license, temporary permit, or registration 470
certificate to do so under Chapter 4741. of the Revised Code; 471

(3) Dogs being used or intended for use for hunting or 472
field trial purposes, provided that the dogs are being treated 473
in accordance with usual and commonly accepted practices for the 474
care of hunting dogs; 475

(4) The use of common training devices, if the companion 476
animal is being treated in accordance with usual and commonly 477
accepted practices for the training of animals; 478

(5) The administering of medicine to a companion animal 479
that was properly prescribed by a person who has been issued a 480

license, temporary permit, or registration certificate under 481
Chapter 4741. of the Revised Code. 482

(H) Notwithstanding any section of the Revised Code that 483
otherwise provides for the distribution of fine moneys, the 484
clerk of court shall forward all fines the clerk collects that 485
are so imposed for any violation of this section to the 486
treasurer of the political subdivision or the state, whose 487
county humane society or law enforcement agency is to be paid 488
the fine money as determined under this division. The treasurer 489
to whom the fines are forwarded shall pay the fine moneys to the 490
county humane society or the county, township, municipal 491
corporation, or state law enforcement agency in this state that 492
primarily was responsible for or involved in the investigation 493
and prosecution of the violation. If a county humane society 494
receives any fine moneys under this division, the county humane 495
society shall use the fine moneys either to provide the training 496
that is required for humane society agents under section ~~1717.06~~ 497
1717.061 of the Revised Code or to provide additional training 498
for humane society agents. 499

Sec. 959.132. (A) As used in this section: 500

~~(1)~~ "Companion animal" has the ~~same~~ meaning as defined in 501
section 959.131 of the Revised Code. 502

~~(2)~~ "Impounding agency" means a county humane society 503
organized under section 1717.05 of the Revised Code, an animal 504
shelter, or a law enforcement agency that has impounded a 505
companion animal in accordance with this section. 506

~~(3)~~ "Offense" means a violation of a section 959.131 of 507
Chapter 959. of the Revised Code or an attempt, in violation of 508
section 2923.02 of the Revised Code, to violate a section 509

~~959.131~~ of Chapter 959. of the Revised Code. 510

~~(4)~~ "Officer" means any law enforcement officer, ~~agent of~~ 511
~~a county humane society agent,~~ or other person appointed to act 512
as an animal control officer for a municipal corporation or 513
township in accordance with state law, an ordinance, or a 514
resolution. 515

(B) An officer may seize and cause to be impounded at an 516
impounding agency ~~a companion-an~~ animal that the officer has 517
probable cause to believe is the subject of an offense. No 518
officer or impounding agency shall impound ~~a companion-an~~ animal 519
that is the subject of an offense in a shelter owned, operated, 520
or controlled by a board of county commissioners pursuant to 521
Chapter 955. of the Revised Code unless the board, by 522
resolution, authorizes the impoundment of such ~~a companion-an~~ 523
animal in a shelter owned, operated, or controlled by that board 524
and has executed, in the case when the officer is other than a 525
dog warden or assistant dog warden, a contract specifying the 526
terms and conditions of the impoundment. 527

(C) The officer shall give written notice of the seizure 528
and impoundment to the owner, keeper, or harbinger of the 529
~~companion animal that not later than twenty-four hours after the~~ 530
animal was seized and impounded. If the officer is unable to 531
give the notice to the owner, keeper, or harbinger of the 532
~~companion animal,~~ the officer shall post the notice on the door 533
of the residence or in another conspicuous place on the premises 534
at which the ~~companion~~ animal was seized. The notice shall 535
include a statement that a hearing will be held not later than 536
ten days after the notice is provided or at the next available 537
court date to determine whether the officer had probable cause 538
to seize the ~~companion~~ animal and, if applicable, to determine 539

the amount of a bond or cash deposit that is needed to provide 540
for the ~~companion~~-animal's care and keeping for not less than 541
thirty days beginning on the date on which the ~~companion~~-animal 542
was impounded. 543

(D) ~~A companion~~-An animal that is seized under this 544
section may be humanely destroyed immediately or at any time 545
during impoundment if a licensed veterinarian determines it to 546
be necessary because the ~~companion~~-animal is suffering. 547

(E) (1) Not later than ten days after notice is provided or 548
at the next available court date, the court shall hold a hearing 549
to determine whether the officer impounding a ~~companion~~-an 550
animal had probable cause to seize the ~~companion~~-animal. If the 551
court determines that probable cause exists, the court shall 552
determine the amount of a bond or cash deposit that is ~~needed~~- 553
necessary and reasonable to provide for the ~~companion~~-animal's 554
care and keeping for not less than thirty days beginning on the 555
date on which the ~~companion~~-animal was impounded. 556

(2) If the court determines that probable cause does not 557
exist, the court immediately shall order the impounding agency 558
to return the ~~companion~~-animal to its owner if possible. If the 559
~~companion~~-animal cannot be returned because it has died as a 560
result of neglect or other misconduct by the impounding agency 561
or if the ~~companion~~-animal is injured as a result of neglect or 562
other misconduct by the impounding agency, the court shall order 563
the impounding agency to pay the owner an amount determined by 564
the court to be equal to the reasonable market value of the 565
~~companion~~-animal at the time that it was impounded plus 566
statutory interest as defined in section 1343.03 of the Revised 567
Code from the date of the impoundment or an amount determined by 568
the court to be equal to the reasonable cost of treatment of the 569

injury to the ~~companion~~-animal, as applicable. The requirement 570
established in division (E)(2) of this section regarding the 571
payment of the reasonable market value of the ~~companion~~-animal 572
shall not apply in the case of a dog that, in violation of 573
section 955.01 of the Revised Code, was not registered at the 574
time it was seized and impounded. 575

(3) If the court determines that probable cause exists and 576
determines the amount of a bond or cash deposit, the case shall 577
continue and the owner shall post a bond or cash deposit to 578
provide for the ~~companion~~-animal's care and keeping for not less 579
than thirty days beginning on the date on which the ~~companion~~- 580
animal was impounded. The owner may renew a bond or cash deposit 581
by posting, not later than ten days following the expiration of 582
the period for which a previous bond or cash deposit was posted, 583
a new bond or cash deposit in an amount that the court, in 584
consultation with the impounding agency, determines is 585
~~sufficient~~ necessary and reasonable to provide for the ~~companion~~- 586
animal's care and keeping for not less than thirty days 587
beginning on the date on which the previous period expired. If 588
no bond or cash deposit is posted or if a bond or cash deposit 589
expires and is not renewed, the impounding agency may determine 590
the disposition of the ~~companion~~-animal unless the court issues 591
an order that specifies otherwise. 592

(F) If a person is convicted of committing an offense, the 593
court may impose the following additional penalties against the 594
person: 595

(1) A requirement that the person pay for the costs 596
incurred by the impounding agency in caring for a ~~companion-an~~ 597
animal involved in the applicable offense, provided that the 598
costs were incurred during the ~~companion~~-animal's impoundment. A 599

bond or cash deposit posted under this section may be applied to 600
the costs. 601

(2) An order permanently terminating the person's right to 602
possession, title, custody, or care of the ~~companion~~-animal that 603
was involved in the offense. If the court issues such an order, 604
the court shall order the disposition of the ~~companion~~-animal. 605

(G) If a person is found not guilty of committing an 606
offense, the court immediately shall order the impounding agency 607
to return the ~~companion~~-animal to its owner if possible and to 608
return the entire amount of any bond or cash deposit posted 609
under division (E) of this section. If the ~~companion~~-animal 610
cannot be returned because it has died as a result of neglect or 611
other misconduct by the impounding agency or if the ~~companion~~- 612
animal is injured as a result of neglect or other misconduct by 613
the impounding agency, the court shall order the impounding 614
agency to pay the owner an amount determined by the court to be 615
equal to the reasonable market value of the ~~companion~~-animal at 616
the time that it was impounded plus statutory interest as 617
defined in section 1343.03 of the Revised Code from the date of 618
the impoundment or an amount determined by the court to be equal 619
to the reasonable cost of treatment of the injury to the 620
~~companion~~-animal, as applicable. The requirements established in 621
this division regarding the return of a bond or cash deposit and 622
the payment of the reasonable market value of the ~~companion~~- 623
animal shall not apply in the case of a dog that, in violation 624
of section 955.01 of the Revised Code, was not registered at the 625
time it was seized and impounded. 626

(H) If charges are filed under section 959.131 of the 627
Revised Code against the custodian or caretaker of a companion 628
animal, but the companion animal that is the subject of the 629

charges is not impounded, the court in which the charges are 630
pending may order the owner or person having custody of the 631
companion animal to provide to the companion animal the 632
necessities described in division (D) (2), (D) (3), (E) (2), (E) 633
(3), (F) (2), or (F) (3) of section 959.131 of the Revised Code 634
until the final disposition of the charges. If the court issues 635
an order of that nature, the court also may authorize an officer 636
or another person to visit the place where the companion animal 637
is being kept, at the times and under the conditions that the 638
court may set, to determine whether the companion animal is 639
receiving those necessities and to remove and impound the 640
companion animal if the companion animal is not receiving those 641
necessities. 642

Sec. 1717.01. As used in sections 1717.01 to ~~1717.14,~~ 643
~~inclusive,~~ 1717.18 of the Revised Code, and in every law 644
relating to animals: 645

(A) "Animal" includes every living dumb creature; 646

(B) "Cruelty," "torment," and "torture" include every act, 647
omission, or neglect by which unnecessary or unjustifiable pain 648
or suffering is caused, permitted, or allowed to continue, when 649
there is a reasonable remedy or relief; 650

(C) "Owner" and "person" include corporations. For the 651
purpose of this section the knowledge and acts of the agents and 652
employees of a corporation, in regard to animals transported, 653
owned, or employed by, or in the custody of, such agents and 654
employees, are the knowledge and acts of the corporation. 655

Sec. 1717.02. The objects of the Ohio humane society, and 656
all societies organized under section 1717.05 of the Revised 657
Code, shall be the inculcation of humane principles and the 658

enforcement of laws for the prevention of cruelty, especially to 659
~~children and~~ animals. To promote those objects such societies 660
may acquire property, real or personal, by purchase or gift. All 661
property acquired by such a society, by gift, devise, or 662
bequest, for special purposes, shall be vested in its board of 663
trustees, which shall consist of three members elected by the 664
society. The board shall manage such property and apply it in 665
accordance with the terms of the gift, devise, or bequest, and 666
may sell it and reinvest the proceeds. 667

Sec. 1717.03. The state society for the prevention of 668
cruelty to animals shall remain a body corporate, under the name 669
of "the Ohio humane society," with the powers, privileges, 670
immunities, and duties possessed before March 21, 1887, by the 671
state society for the prevention of cruelty to animals, 672
specified by sections 1717.01 to ~~1717.14, inclusive,~~ 1717.18 of 673
the Revised Code, as to county humane societies. 674

Branches of the Ohio humane society consisting of not less 675
than ten members each may be organized in any part of the state 676
to prosecute the work of the societies in their several 677
localities, under rules and regulations prescribed by the Ohio 678
humane society. Humane societies organized in any county under 679
section 1717.05 of the Revised Code may become branches of the 680
Ohio humane society by resolution adopted at a meeting called 681
for that purpose, a copy of which resolution shall be forwarded 682
to the secretary of state. 683

The Ohio humane society may elect such officers, and make 684
such rules, regulations, and bylaws, as are deemed expedient by 685
its members for their own government and the proper management 686
of its affairs. 687

Sec. 1717.04. (A) The Ohio humane society may appoint 688

agents, in any county where no active county humane society 689
exists under section 1717.05 of the Revised Code, to represent 690
it within a specified jurisdiction of a county or of a municipal 691
corporation and to receive and account for all funds coming to 692
it from fines or otherwise, and may also appoint agents at large 693
to prosecute its work throughout the state. ~~Such~~ The agents may 694
arrest any person found violating any law for the protection of 695
~~persons or animals,~~ or the prevention of cruelty thereto. Upon 696
making such arrest the agent forthwith shall convey the person 697
arrested before ~~some~~ a court or magistrate having jurisdiction 698
of the offense, and there make complaint against ~~him~~ the person. 699

~~Such agents shall not make such arrests within a municipal-~~ 700
~~corporation unless their appointment has been~~ The appointment of 701
an agent under this section is subject to the requirements of 702
section 1717.061 of the Revised Code, and is not final until the 703
appointment has been approved under division (B) of this 704
section. 705

(B) The appointment of an agent under this section does 706
not take effect until it has been approved by the mayor of the 707
municipal corporation, ~~or within a county beyond the limits of a~~ 708
~~municipal corporation unless their appointment has been for~~ 709
which it is made. If the society operates outside a municipal 710
corporation, the appointment does not take effect until it has 711
been approved by the probate judge of the county for which it is 712
made, or in the case of an individual appointed as an at large 713
agent, approved by the probate judge of the Franklin county 714
court of common pleas. Such mayor or probate judge shall keep a 715
record of ~~such~~ the appointments and shall maintain as a public 716
record a copy of the proof of successful completion of training 717
for each agent acting within the approving authority's 718
jurisdiction. 719

(C) The approving authority shall notify the appropriate 720
county sheriff and the board of county commissioners when the 721
appointment of a humane society agent has been approved and, not 722
later than two business days after the appointment has been 723
approved, shall file a copy of the proof of successful 724
completion of training with the sheriff. An approving authority 725
that has approved an at large agent shall notify the sheriff of 726
Franklin county and the board of county commissioners of 727
Franklin county, and shall file a copy of the proof of 728
successful completion of training with the sheriff of Franklin 729
county. The county sheriff shall maintain as a public record a 730
copy of the proof for each humane society agent that is 731
operating in the county. 732

(D) A humane society shall notify the county sheriff and 733
the approving authority when all approved humane society agents 734
have ceased to perform the duties of the appointment and no 735
agents are operating within the jurisdiction. 736

(E) A humane society agent only has the specific authority 737
granted to the agent under the Revised Code. 738

Sec. 1717.06. (A) A county humane society organized under 739
section 1717.05 of the Revised Code may appoint agents for the 740
purpose of prosecuting any person guilty of an act of cruelty to 741
persons or animals. Such agents may arrest any person found 742
violating this chapter or any other law for protecting persons 743
or animals or preventing acts of cruelty thereto. Upon making an 744
arrest the agent forthwith shall convey the person arrested 745
before some a court or magistrate having jurisdiction of the 746
offense, and there make complaint against the person on oath or 747
affirmation of the offense. 748

~~All appointments of agents~~ The appointment of an agent 749

under this section is subject to the requirements of section 750
1717.061 of the Revised Code, and is not final until the 751
appointment has been approved under division (B) of this 752
section. 753

(B) The appointment of an agent under this section shall 754
be does not take effect unless it has been approved by the mayor 755
of the municipal corporation for which they are it is made. If 756
the society exists operates outside a municipal corporation, 757
such appointments shall be the appointment does not take effect 758
until it has been approved by the probate judge of the county 759
for which they are it is made. The mayor or probate judge shall 760
keep a record of such the appointments and shall maintain as a 761
public record a copy of the proof of successful completion of 762
training for each humane society agent acting within the 763
approving authority's jurisdiction. 764

In order to qualify for appointment as a humane agent 765
under this section, a person first shall successfully complete a 766
minimum of twenty hours of training on issues relating to the 767
investigation and prosecution of cruelty to and neglect of 768
animals. The training shall comply with rules recommended by the 769
peace officer training commission under section 109.73 of the 770
Revised Code and shall include, without limitation, instruction 771
regarding animal husbandry practices as described in division 772
(A) (12) of that section. A person who has been appointed as a 773
humane agent under this section prior to April 9, 2003, may 774
continue to act as a humane agent for a period of time on and 775
after April 9, 2003, without completing the training. However, 776
on or before December 31, 2004, a person who has been appointed 777
as a humane agent under this section prior to April 9, 2003, 778
shall successfully complete the training described in this 779
paragraph and submit proof of its successful completion to the 780

~~appropriate appointing mayor or probate judge in order to~~ 781
~~continue to act as a humane agent after December 31, 2004.~~ 782

(C) The approving authority shall notify the appropriate 783
county sheriff and the board of county commissioners when the 784
appointment of a humane society agent has been approved and, not 785
later than two business days after the appointment has been 786
approved, shall file a copy of the proof of successful 787
completion of training with the sheriff. The county sheriff 788
shall maintain as a public record a copy of the proof for each 789
humane society agent that is operating in the county. 790

(D) A humane society shall notify the county sheriff and 791
the approving authority when all approved humane society agents 792
have ceased to perform the duties of the appointment and there 793
are no humane society agents operating in the county. 794

(E) An agent of a county humane society only has the 795
specific authority granted to the agent under ~~this section and~~ 796
~~section 1717.08 of the Revised Code.~~ 797

Sec. 1717.061. In order to qualify for appointment as a 798
humane society agent under section 1717.04 or 1717.06 of the 799
Revised Code, an individual shall do both of the following: 800

(A) Successfully complete a minimum of twenty hours of 801
training on issues relating to the investigation and prosecution 802
of cruelty to and neglect of animals. The training shall comply 803
with rules recommended by the peace officer training commission 804
under section 109.73 of the Revised Code and shall include, 805
without limitation, instruction regarding animal husbandry 806
practices as described in division (A)(12) of that section. 807

(B) Present proof of successful completion of training, 808
that has been signed by the chief executive officer of the 809

organization or entity that provided the training, or the 810
officer's designee, to the current active approving authority 811
for approval. 812

Sec. 1717.062. (A) An individual who has reasonable cause 813
to believe that a humane society agent has not successfully 814
completed the training that is required under section 1717.061 815
of the Revised Code or who has reasonable cause to believe that 816
an agent's proof of successful completion of training contains 817
false or misleading information may file a complaint, in the 818
form of a affidavit sworn to by the individual, with the current 819
acting authority that is responsible for considering approval of 820
agent appointments within the jurisdiction. The authority shall 821
notify the agent's humane society, and shall investigate the 822
complaint. 823

(B) If the authority finds that the agent has not provided 824
signed proof of successful completion of training as required 825
under section 1717.061 of the Revised Code, the authority shall 826
provide written notification to the agent's humane society to 827
inform the society that the agent has a right to cure period of 828
thirty days from the date of the notification. If the agent has 829
not provided signed proof by the end of the right to cure 830
period, the authority shall rescind the approval of the 831
appointment and order the applicable humane society to revoke 832
the appointment. 833

(C) If the authority finds that the agent knowingly 834
provided proof of successful completion of training that 835
contains false or misleading information, the authority shall 836
rescind the approval of the appointment and order the applicable 837
humane society to revoke the appointment. 838

(D) The applicable humane society shall file written 839

notice with the county sheriff of the revocation under this 840
section of a humane society agent's appointment. 841

Sec. 1717.07. Upon the approval by the mayor of a 842
municipal corporation of the appointment of an agent under 843
section 1717.04 or 1717.06 of the Revised Code, the legislative 844
authority of such municipal corporation shall pay monthly to 845
such agent, from the general revenue fund of the municipal 846
corporation, ~~such the salary as that~~ the legislative authority 847
~~deems considers~~ just and reasonable. Upon the approval by the 848
probate judge of a county of such an appointment, the board of 849
county commissioners of ~~such the~~ county shall pay monthly to 850
~~such the~~ agent, from the general ~~revenue~~ fund of the county, 851
~~such or from the dog and kennel fund of the county, the salary~~ 852
~~as that~~ the board ~~deems considers~~ just and reasonable. Such 853
board and such legislative authority may agree upon the amount 854
each is to pay ~~such the~~ agent monthly. The salary to be paid 855
monthly to ~~such the~~ agent by the legislative authority of a 856
village shall be not less than ~~five twenty-five~~ dollars; by the 857
legislative authority of a city, not less than ~~twenty one~~ 858
hundred twenty-five dollars; and by the board of county 859
commissioners of a county, not less than ~~twenty five one hundred~~ 860
fifty dollars. Beginning January 1, 2019, and on the first day 861
of January every five years thereafter, these salary amounts 862
shall increase by five dollars. Not more than one such agent in 863
each county shall receive remuneration from the board under this 864
section. 865

Sec. 1717.09. A member of the Ohio humane society or of a 866
county humane society may require the sheriff of any county, the 867
constable of any township, the marshal or a ~~policeman~~ police 868
officer of any municipal corporation, or any agent of such a 869
society, to arrest any person found violating the laws in 870

relation to cruelty to ~~persons or~~ animals, and to take 871
possession of any animal cruelly treated in their respective 872
counties or municipal corporations, and deliver such animal to 873
the proper officers of the society. 874

Sec. 1717.10. For all services rendered in carrying out 875
sections 1717.01 to ~~1717.14, inclusive,~~ 1717.18 of the Revised 876
Code, a sheriff, constable, marshal, or ~~policeman~~ police officer 877
shall be paid such fees as ~~he the sheriff, constable, marshal,~~ 878
or police officer is allowed for like services in other cases. 879
Such fees must be charged as costs, and reimbursed to the humane 880
society by the person convicted. 881

Sec. 1717.16. (A) Annually, a county humane society shall 882
submit enforcement activity reports to the county sheriff. The 883
Ohio humane society shall submit the annual enforcement activity 884
reports to the sheriff of Franklin county. 885

(B) Records of an enforcement activity by a humane society 886
agent are public records under section 149.43 of the Revised 887
Code, except that any such records that are confidential law 888
enforcement investigatory records, as defined in division (A) (2) 889
of section 149.43 of the Revised Code, are not public records. 890

Sec. 1717.17. A probate judge of a county in which a 891
humane society agent operates may revoke the approval of an 892
appointment for just cause, under the following procedure. A 893
movant may commence the procedure by filing with the probate 894
court a motion to revoke the appointment, in the form of an 895
affidavit sworn to by the movant, describing the conduct that 896
constitutes just cause for the motion. The probate judge, upon a 897
review of the facts, may dismiss the motion without a hearing, 898
or shall direct the clerk of the probate court to serve the 899
humane society agent and the humane society with a summons and a 900

copy of the motion and any accompanying memorandum in accordance 901
with the Rules of Civil Procedure. The summons shall state the 902
time and place at which the probate court will conduct a hearing 903
on the motion. The humane society agent may waive the right to a 904
hearing. If the humane society agent waives the right to a 905
hearing, the probate judge shall revoke the humane society 906
agent's approval of appointment as prayed for in the motion. If 907
the humane society agent does not waive the right to a hearing, 908
the probate judge shall conduct a hearing on the motion. The 909
humane society agent is entitled to the assistance of counsel at 910
the hearing. The Rules of Evidence govern conduct of the 911
hearing. At the hearing, the movant has the burden of proving, 912
by a preponderance of the evidence, that just cause exists for 913
the revocation of the humane society agent's appointment. If, 914
after the hearing, the probate judge finds that the movant has 915
not sustained the burden of proof, the probate judge shall deny 916
the motion. If, after the hearing, the probate judge finds that 917
the movant has sustained the burden of proof, the probate judge 918
shall grant the motion and revoke the humane society agent's 919
approval of appointment. 920

Sec. 1717.18. (A) A humane society may not enter into a 921
written agreement with a person, wherein the humane society 922
agrees not to prosecute the person for an alleged violation of 923
law, unless the proposed agreement has been reviewed and 924
approved by the municipal or county court judge, as the case may 925
be, that has presided over the hearing that is required to 926
determine if the officer had probable cause to seize the animal, 927
and which is related to the case that is the subject of the 928
agreement. As part of the review, if bond has previously been 929
set, the judge shall reconsider whether or not the amount of the 930
bond determined by the court to be needed for the animal's care 931

is necessary and reasonable. A judge shall not approve a 932
nonprosecution agreement that requires a person to provide 933
financial compensation that is in excess of what is necessary 934
and reasonable for the animal's care for the duration of the 935
impoundment. 936

(B) A nonprosecution agreement between a humane society 937
and a person, as described in division (A) of this section, is 938
void and unenforceable unless it has been approved under 939
division (A) of this section. 940

Sec. 2151.421. (A) (1) (a) No person described in division 941
(A) (1) (b) of this section who is acting in an official or 942
professional capacity and knows, or has reasonable cause to 943
suspect based on facts that would cause a reasonable person in a 944
similar position to suspect, that a child under eighteen years 945
of age, or a person under twenty-one years of age with a 946
developmental disability or physical impairment, has suffered or 947
faces a threat of suffering any physical or mental wound, 948
injury, disability, or condition of a nature that reasonably 949
indicates abuse or neglect of the child shall fail to 950
immediately report that knowledge or reasonable cause to suspect 951
to the entity or persons specified in this division. Except as 952
provided in section 5120.173 of the Revised Code, the person 953
making the report shall make it to the public children services 954
agency or a municipal or county peace officer in the county in 955
which the child resides or in which the abuse or neglect is 956
occurring or has occurred. In the circumstances described in 957
section 5120.173 of the Revised Code, the person making the 958
report shall make it to the entity specified in that section. 959

(b) Division (A) (1) (a) of this section applies to any 960
person who is an attorney; health care professional; 961

practitioner of a limited branch of medicine as specified in 962
section 4731.15 of the Revised Code; licensed school 963
psychologist; independent marriage and family therapist or 964
marriage and family therapist; coroner; administrator or 965
employee of a child day-care center; administrator or employee 966
of a residential camp, child day camp, or private, nonprofit 967
therapeutic wilderness camp; administrator or employee of a 968
certified child care agency or other public or private children 969
services agency; school teacher; school employee; school 970
authority; agent of the Ohio humane society or of a county 971
humane society; person, other than a cleric, rendering spiritual 972
treatment through prayer in accordance with the tenets of a 973
well-recognized religion; employee of a county department of job 974
and family services who is a professional and who works with 975
children and families; superintendent or regional administrator 976
employed by the department of youth services; superintendent, 977
board member, or employee of a county board of developmental 978
disabilities; investigative agent contracted with by a county 979
board of developmental disabilities; employee of the department 980
of developmental disabilities; employee of a facility or home 981
that provides respite care in accordance with section 5123.171 982
of the Revised Code; employee of an entity that provides 983
homemaker services; a person performing the duties of an 984
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 985
third party employed by a public children services agency to 986
assist in providing child or family related services; court 987
appointed special advocate; or guardian ad litem. 988

(c) If two or more health care professionals, after 989
providing health care services to a child, determine or suspect 990
that the child has been or is being abused or neglected, the 991
health care professionals may designate one of the health care 992

professionals to report the abuse or neglect. A single report 993
made under this division shall meet the reporting requirements 994
of division (A) (1) of this section. 995

(2) Except as provided in division (A) (3) of this section, 996
an attorney or a physician is not required to make a report 997
pursuant to division (A) (1) of this section concerning any 998
communication the attorney or physician receives from a client 999
or patient in an attorney-client or physician-patient 1000
relationship, if, in accordance with division (A) or (B) of 1001
section 2317.02 of the Revised Code, the attorney or physician 1002
could not testify with respect to that communication in a civil 1003
or criminal proceeding. 1004

(3) The client or patient in an attorney-client or 1005
physician-patient relationship described in division (A) (2) of 1006
this section is deemed to have waived any testimonial privilege 1007
under division (A) or (B) of section 2317.02 of the Revised Code 1008
with respect to any communication the attorney or physician 1009
receives from the client or patient in that attorney-client or 1010
physician-patient relationship, and the attorney or physician 1011
shall make a report pursuant to division (A) (1) of this section 1012
with respect to that communication, if all of the following 1013
apply: 1014

(a) The client or patient, at the time of the 1015
communication, is a child under eighteen years of age or is a 1016
person under twenty-one years of age with a developmental 1017
disability or physical impairment. 1018

(b) The attorney or physician knows, or has reasonable 1019
cause to suspect based on facts that would cause a reasonable 1020
person in similar position to suspect that the client or patient 1021
has suffered or faces a threat of suffering any physical or 1022

mental wound, injury, disability, or condition of a nature that 1023
reasonably indicates abuse or neglect of the client or patient. 1024

(c) The abuse or neglect does not arise out of the 1025
client's or patient's attempt to have an abortion without the 1026
notification of her parents, guardian, or custodian in 1027
accordance with section 2151.85 of the Revised Code. 1028

(4) (a) No cleric and no person, other than a volunteer, 1029
designated by any church, religious society, or faith acting as 1030
a leader, official, or delegate on behalf of the church, 1031
religious society, or faith who is acting in an official or 1032
professional capacity, who knows, or has reasonable cause to 1033
believe based on facts that would cause a reasonable person in a 1034
similar position to believe, that a child under eighteen years 1035
of age, or a person under twenty-one years of age with a 1036
developmental disability or physical impairment, has suffered or 1037
faces a threat of suffering any physical or mental wound, 1038
injury, disability, or condition of a nature that reasonably 1039
indicates abuse or neglect of the child, and who knows, or has 1040
reasonable cause to believe based on facts that would cause a 1041
reasonable person in a similar position to believe, that another 1042
cleric or another person, other than a volunteer, designated by 1043
a church, religious society, or faith acting as a leader, 1044
official, or delegate on behalf of the church, religious 1045
society, or faith caused, or poses the threat of causing, the 1046
wound, injury, disability, or condition that reasonably 1047
indicates abuse or neglect shall fail to immediately report that 1048
knowledge or reasonable cause to believe to the entity or 1049
persons specified in this division. Except as provided in 1050
section 5120.173 of the Revised Code, the person making the 1051
report shall make it to the public children services agency or a 1052
municipal or county peace officer in the county in which the 1053

child resides or in which the abuse or neglect is occurring or 1054
has occurred. In the circumstances described in section 5120.173 1055
of the Revised Code, the person making the report shall make it 1056
to the entity specified in that section. 1057

(b) Except as provided in division (A)(4)(c) of this 1058
section, a cleric is not required to make a report pursuant to 1059
division (A)(4)(a) of this section concerning any communication 1060
the cleric receives from a penitent in a cleric-penitent 1061
relationship, if, in accordance with division (C) of section 1062
2317.02 of the Revised Code, the cleric could not testify with 1063
respect to that communication in a civil or criminal proceeding. 1064

(c) The penitent in a cleric-penitent relationship 1065
described in division (A)(4)(b) of this section is deemed to 1066
have waived any testimonial privilege under division (C) of 1067
section 2317.02 of the Revised Code with respect to any 1068
communication the cleric receives from the penitent in that 1069
cleric-penitent relationship, and the cleric shall make a report 1070
pursuant to division (A)(4)(a) of this section with respect to 1071
that communication, if all of the following apply: 1072

(i) The penitent, at the time of the communication, is a 1073
child under eighteen years of age or is a person under twenty- 1074
one years of age with a developmental disability or physical 1075
impairment. 1076

(ii) The cleric knows, or has reasonable cause to believe 1077
based on facts that would cause a reasonable person in a similar 1078
position to believe, as a result of the communication or any 1079
observations made during that communication, the penitent has 1080
suffered or faces a threat of suffering any physical or mental 1081
wound, injury, disability, or condition of a nature that 1082
reasonably indicates abuse or neglect of the penitent. 1083

(iii) The abuse or neglect does not arise out of the 1084
penitent's attempt to have an abortion performed upon a child 1085
under eighteen years of age or upon a person under twenty-one 1086
years of age with a developmental disability or physical 1087
impairment without the notification of her parents, guardian, or 1088
custodian in accordance with section 2151.85 of the Revised 1089
Code. 1090

(d) Divisions (A) (4) (a) and (c) of this section do not 1091
apply in a cleric-penitent relationship when the disclosure of 1092
any communication the cleric receives from the penitent is in 1093
violation of the sacred trust. 1094

(e) As used in divisions (A) (1) and (4) of this section, 1095
"cleric" and "sacred trust" have the same meanings as in section 1096
2317.02 of the Revised Code. 1097

(B) Anyone who knows, or has reasonable cause to suspect 1098
based on facts that would cause a reasonable person in similar 1099
circumstances to suspect, that a child under eighteen years of 1100
age, or a person under twenty-one years of age with a 1101
developmental disability or physical impairment, has suffered or 1102
faces a threat of suffering any physical or mental wound, 1103
injury, disability, or other condition of a nature that 1104
reasonably indicates abuse or neglect of the child may report or 1105
cause reports to be made of that knowledge or reasonable cause 1106
to suspect to the entity or persons specified in this division. 1107
Except as provided in section 5120.173 of the Revised Code, a 1108
person making a report or causing a report to be made under this 1109
division shall make it or cause it to be made to the public 1110
children services agency or to a municipal or county peace 1111
officer. In the circumstances described in section 5120.173 of 1112
the Revised Code, a person making a report or causing a report 1113

to be made under this division shall make it or cause it to be 1114
made to the entity specified in that section. 1115

(C) Any report made pursuant to division (A) or (B) of 1116
this section shall be made forthwith either by telephone or in 1117
person and shall be followed by a written report, if requested 1118
by the receiving agency or officer. The written report shall 1119
contain: 1120

(1) The names and addresses of the child and the child's 1121
parents or the person or persons having custody of the child, if 1122
known; 1123

(2) The child's age and the nature and extent of the 1124
child's injuries, abuse, or neglect that is known or reasonably 1125
suspected or believed, as applicable, to have occurred or of the 1126
threat of injury, abuse, or neglect that is known or reasonably 1127
suspected or believed, as applicable, to exist, including any 1128
evidence of previous injuries, abuse, or neglect; 1129

(3) Any other information, including, but not limited to, 1130
results and reports of any medical examinations, tests, or 1131
procedures performed under division (D) of this section, that 1132
might be helpful in establishing the cause of the injury, abuse, 1133
or neglect that is known or reasonably suspected or believed, as 1134
applicable, to have occurred or of the threat of injury, abuse, 1135
or neglect that is known or reasonably suspected or believed, as 1136
applicable, to exist. 1137

(D) (1) Any person, who is required by division (A) of this 1138
section to report child abuse or child neglect that is known or 1139
reasonably suspected or believed to have occurred, may take or 1140
cause to be taken color photographs of areas of trauma visible 1141
on a child and, if medically necessary for the purpose of 1142

diagnosing or treating injuries that are suspected to have 1143
occurred as a result of child abuse or child neglect, perform or 1144
cause to be performed radiological examinations and any other 1145
medical examinations of, and tests or procedures on, the child. 1146

(2) The results and any available reports of examinations, 1147
tests, or procedures made under division (D)(1) of this section 1148
shall be included in a report made pursuant to division (A) of 1149
this section. Any additional reports of examinations, tests, or 1150
procedures that become available shall be provided to the public 1151
children services agency, upon request. 1152

(3) If a health care professional provides health care 1153
services in a hospital, children's advocacy center, or emergency 1154
medical facility to a child about whom a report has been made 1155
under division (A) of this section, the health care professional 1156
may take any steps that are reasonably necessary for the release 1157
or discharge of the child to an appropriate environment. Before 1158
the child's release or discharge, the health care professional 1159
may obtain information, or consider information obtained, from 1160
other entities or individuals that have knowledge about the 1161
child. Nothing in division (D)(3) of this section shall be 1162
construed to alter the responsibilities of any person under 1163
sections 2151.27 and 2151.31 of the Revised Code. 1164

(4) A health care professional may conduct medical 1165
examinations, tests, or procedures on the siblings of a child 1166
about whom a report has been made under division (A) of this 1167
section and on other children who reside in the same home as the 1168
child, if the professional determines that the examinations, 1169
tests, or procedures are medically necessary to diagnose or 1170
treat the siblings or other children in order to determine 1171
whether reports under division (A) of this section are warranted 1172

with respect to such siblings or other children. The results of 1173
the examinations, tests, or procedures on the siblings and other 1174
children may be included in a report made pursuant to division 1175
(A) of this section. 1176

(5) Medical examinations, tests, or procedures conducted 1177
under divisions (D)(1) and (4) of this section and decisions 1178
regarding the release or discharge of a child under division (D) 1179
(3) of this section do not constitute a law enforcement 1180
investigation or activity. 1181

(E)(1) When a municipal or county peace officer receives a 1182
report concerning the possible abuse or neglect of a child or 1183
the possible threat of abuse or neglect of a child, upon receipt 1184
of the report, the municipal or county peace officer who 1185
receives the report shall refer the report to the appropriate 1186
public children services agency. 1187

(2) When a public children services agency receives a 1188
report pursuant to this division or division (A) or (B) of this 1189
section, upon receipt of the report, the public children 1190
services agency shall do both of the following: 1191

(a) Comply with section 2151.422 of the Revised Code; 1192

(b) If the county served by the agency is also served by a 1193
children's advocacy center and the report alleges sexual abuse 1194
of a child or another type of abuse of a child that is specified 1195
in the memorandum of understanding that creates the center as 1196
being within the center's jurisdiction, comply regarding the 1197
report with the protocol and procedures for referrals and 1198
investigations, with the coordinating activities, and with the 1199
authority or responsibility for performing or providing 1200
functions, activities, and services stipulated in the 1201

interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(F) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G) (1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or

allegations made against the person. The information shall be 1233
given in a manner that is consistent with division (I)(1) of 1234
this section and protects the rights of the person making the 1235
report under this section. 1236

A failure to make the investigation in accordance with the 1237
memorandum is not grounds for, and shall not result in, the 1238
dismissal of any charges or complaint arising from the report or 1239
the suppression of any evidence obtained as a result of the 1240
report and does not give, and shall not be construed as giving, 1241
any rights or any grounds for appeal or post-conviction relief 1242
to any person. The public children services agency shall report 1243
each case to the uniform statewide automated child welfare 1244
information system that the department of job and family 1245
services shall maintain in accordance with section 5101.13 of 1246
the Revised Code. The public children services agency shall 1247
submit a report of its investigation, in writing, to the law 1248
enforcement agency. 1249

(2) The public children services agency shall make any 1250
recommendations to the county prosecuting attorney or city 1251
director of law that it considers necessary to protect any 1252
children that are brought to its attention. 1253

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 1254
(I) (3) of this section, any person, health care professional, 1255
hospital, institution, school, health department, or agency 1256
shall be immune from any civil or criminal liability for injury, 1257
death, or loss to person or property that otherwise might be 1258
incurred or imposed as a result of any of the following: 1259

(i) Participating in the making of reports pursuant to 1260
division (A) of this section or in the making of reports in good 1261
faith, pursuant to division (B) of this section; 1262

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;	1263 1264
(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;	1265 1266 1267 1268
(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.	1269 1270 1271 1272
(b) Immunity under division (H) (1) (a) (ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.	1273 1274 1275
(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.	1276 1277 1278 1279 1280 1281
(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.	1282 1283 1284 1285 1286 1287 1288 1289 1290
(I) (1) Except as provided in divisions (I) (4) and (O) of	1291

this section, a report made under this section is confidential. 1292
The information provided in a report made pursuant to this 1293
section and the name of the person who made the report shall not 1294
be released for use, and shall not be used, as evidence in any 1295
civil action or proceeding brought against the person who made 1296
the report. Nothing in this division shall preclude the use of 1297
reports of other incidents of known or suspected abuse or 1298
neglect in a civil action or proceeding brought pursuant to 1299
division (N) of this section against a person who is alleged to 1300
have violated division (A) (1) of this section, provided that any 1301
information in a report that would identify the child who is the 1302
subject of the report or the maker of the report, if the maker 1303
of the report is not the defendant or an agent or employee of 1304
the defendant, has been redacted. In a criminal proceeding, the 1305
report is admissible in evidence in accordance with the Rules of 1306
Evidence and is subject to discovery in accordance with the 1307
Rules of Criminal Procedure. 1308

(2) (a) Except as provided in division (I) (2) (b) of this 1309
section, no person shall permit or encourage the unauthorized 1310
dissemination of the contents of any report made under this 1311
section. 1312

(b) A health care professional that obtains the same 1313
information contained in a report made under this section from a 1314
source other than the report may disseminate the information, if 1315
its dissemination is otherwise permitted by law. 1316

(3) A person who knowingly makes or causes another person 1317
to make a false report under division (B) of this section that 1318
alleges that any person has committed an act or omission that 1319
resulted in a child being an abused child or a neglected child 1320
is guilty of a violation of section 2921.14 of the Revised Code. 1321

(4) If a report is made pursuant to division (A) or (B) of 1322
this section and the child who is the subject of the report dies 1323
for any reason at any time after the report is made, but before 1324
the child attains eighteen years of age, the public children 1325
services agency or municipal or county peace officer to which 1326
the report was made or referred, on the request of the child 1327
fatality review board or the director of health pursuant to 1328
guidelines established under section 3701.70 of the Revised 1329
Code, shall submit a summary sheet of information providing a 1330
summary of the report to the review board of the county in which 1331
the deceased child resided at the time of death or to the 1332
director. On the request of the review board or director, the 1333
agency or peace officer may, at its discretion, make the report 1334
available to the review board or director. If the county served 1335
by the public children services agency is also served by a 1336
children's advocacy center and the report of alleged sexual 1337
abuse of a child or another type of abuse of a child is 1338
specified in the memorandum of understanding that creates the 1339
center as being within the center's jurisdiction, the agency or 1340
center shall perform the duties and functions specified in this 1341
division in accordance with the interagency agreement entered 1342
into under section 2151.428 of the Revised Code relative to that 1343
advocacy center. 1344

(5) A public children services agency shall advise a 1345
person alleged to have inflicted abuse or neglect on a child who 1346
is the subject of a report made pursuant to this section, 1347
including a report alleging sexual abuse of a child or another 1348
type of abuse of a child referred to a children's advocacy 1349
center pursuant to an interagency agreement entered into under 1350
section 2151.428 of the Revised Code, in writing of the 1351
disposition of the investigation. The agency shall not provide 1352

to the person any information that identifies the person who 1353
made the report, statements of witnesses, or police or other 1354
investigative reports. 1355

(J) Any report that is required by this section, other 1356
than a report that is made to the state highway patrol as 1357
described in section 5120.173 of the Revised Code, shall result 1358
in protective services and emergency supportive services being 1359
made available by the public children services agency on behalf 1360
of the children about whom the report is made, in an effort to 1361
prevent further neglect or abuse, to enhance their welfare, and, 1362
whenever possible, to preserve the family unit intact. The 1363
agency required to provide the services shall be the agency 1364
conducting the investigation of the report pursuant to section 1365
2151.422 of the Revised Code. 1366

(K) (1) Each public children services agency shall prepare 1367
a memorandum of understanding that is signed by all of the 1368
following: 1369

(a) If there is only one juvenile judge in the county, the 1370
juvenile judge of the county or the juvenile judge's 1371
representative; 1372

(b) If there is more than one juvenile judge in the 1373
county, a juvenile judge or the juvenile judges' representative 1374
selected by the juvenile judges or, if they are unable to do so 1375
for any reason, the juvenile judge who is senior in point of 1376
service or the senior juvenile judge's representative; 1377

(c) The county peace officer; 1378

(d) All chief municipal peace officers within the county; 1379

(e) Other law enforcement officers handling child abuse 1380
and neglect cases in the county; 1381

(f) The prosecuting attorney of the county; 1382

(g) If the public children services agency is not the 1383
county department of job and family services, the county 1384
department of job and family services; 1385

(h) The Ohio humane society or county humane society; 1386

(i) If the public children services agency participated in 1387
the execution of a memorandum of understanding under section 1388
2151.426 of the Revised Code establishing a children's advocacy 1389
center, each participating member of the children's advocacy 1390
center established by the memorandum. 1391

(2) A memorandum of understanding shall set forth the 1392
normal operating procedure to be employed by all concerned 1393
officials in the execution of their respective responsibilities 1394
under this section and division (C) of section 2919.21, division 1395
(B) (1) of section 2919.22, division (B) of section 2919.23, and 1396
section 2919.24 of the Revised Code and shall have as two of its 1397
primary goals the elimination of all unnecessary interviews of 1398
children who are the subject of reports made pursuant to 1399
division (A) or (B) of this section and, when feasible, 1400
providing for only one interview of a child who is the subject 1401
of any report made pursuant to division (A) or (B) of this 1402
section. A failure to follow the procedure set forth in the 1403
memorandum by the concerned officials is not grounds for, and 1404
shall not result in, the dismissal of any charges or complaint 1405
arising from any reported case of abuse or neglect or the 1406
suppression of any evidence obtained as a result of any reported 1407
child abuse or child neglect and does not give, and shall not be 1408
construed as giving, any rights or any grounds for appeal or 1409
post-conviction relief to any person. 1410

(3) A memorandum of understanding shall include all of the 1411
following: 1412

(a) The roles and responsibilities for handling emergency 1413
and nonemergency cases of abuse and neglect; 1414

(b) Standards and procedures to be used in handling and 1415
coordinating investigations of reported cases of child abuse and 1416
reported cases of child neglect, methods to be used in 1417
interviewing the child who is the subject of the report and who 1418
allegedly was abused or neglected, and standards and procedures 1419
addressing the categories of persons who may interview the child 1420
who is the subject of the report and who allegedly was abused or 1421
neglected. 1422

(4) If a public children services agency participated in 1423
the execution of a memorandum of understanding under section 1424
2151.426 of the Revised Code establishing a children's advocacy 1425
center, the agency shall incorporate the contents of that 1426
memorandum in the memorandum prepared pursuant to this section. 1427

(5) The clerk of the court of common pleas in the county 1428
may sign the memorandum of understanding prepared under division 1429
(K)(1) of this section. If the clerk signs the memorandum of 1430
understanding, the clerk shall execute all relevant 1431
responsibilities as required of officials specified in the 1432
memorandum. 1433

(L)(1) Except as provided in division (L)(4) or (5) of 1434
this section, a person who is required to make a report pursuant 1435
to division (A) of this section may make a reasonable number of 1436
requests of the public children services agency that receives or 1437
is referred the report, or of the children's advocacy center 1438
that is referred the report if the report is referred to a 1439

children's advocacy center pursuant to an interagency agreement 1440
entered into under section 2151.428 of the Revised Code, to be 1441
provided with the following information: 1442

(a) Whether the agency or center has initiated an 1443
investigation of the report; 1444

(b) Whether the agency or center is continuing to 1445
investigate the report; 1446

(c) Whether the agency or center is otherwise involved 1447
with the child who is the subject of the report; 1448

(d) The general status of the health and safety of the 1449
child who is the subject of the report; 1450

(e) Whether the report has resulted in the filing of a 1451
complaint in juvenile court or of criminal charges in another 1452
court. 1453

(2) A person may request the information specified in 1454
division (L)(1) of this section only if, at the time the report 1455
is made, the person's name, address, and telephone number are 1456
provided to the person who receives the report. 1457

When a municipal or county peace officer or employee of a 1458
public children services agency receives a report pursuant to 1459
division (A) or (B) of this section the recipient of the report 1460
shall inform the person of the right to request the information 1461
described in division (L)(1) of this section. The recipient of 1462
the report shall include in the initial child abuse or child 1463
neglect report that the person making the report was so informed 1464
and, if provided at the time of the making of the report, shall 1465
include the person's name, address, and telephone number in the 1466
report. 1467

Each request is subject to verification of the identity of 1468
the person making the report. If that person's identity is 1469
verified, the agency shall provide the person with the 1470
information described in division (L) (1) of this section a 1471
reasonable number of times, except that the agency shall not 1472
disclose any confidential information regarding the child who is 1473
the subject of the report other than the information described 1474
in those divisions. 1475

(3) A request made pursuant to division (L) (1) of this 1476
section is not a substitute for any report required to be made 1477
pursuant to division (A) of this section. 1478

(4) If an agency other than the agency that received or 1479
was referred the report is conducting the investigation of the 1480
report pursuant to section 2151.422 of the Revised Code, the 1481
agency conducting the investigation shall comply with the 1482
requirements of division (L) of this section. 1483

(5) A health care professional who made a report under 1484
division (A) of this section, or on whose behalf such a report 1485
was made as provided in division (A) (1) (c) of this section, may 1486
authorize a person to obtain the information described in 1487
division (L) (1) of this section if the person requesting the 1488
information is associated with or acting on behalf of the health 1489
care professional who provided health care services to the child 1490
about whom the report was made. 1491

(M) The director of job and family services shall adopt 1492
rules in accordance with Chapter 119. of the Revised Code to 1493
implement this section. The department of job and family 1494
services may enter into a plan of cooperation with any other 1495
governmental entity to aid in ensuring that children are 1496
protected from abuse and neglect. The department shall make 1497

recommendations to the attorney general that the department 1498
determines are necessary to protect children from child abuse 1499
and child neglect. 1500

(N) Whoever violates division (A) of this section is 1501
liable for compensatory and exemplary damages to the child who 1502
would have been the subject of the report that was not made. A 1503
person who brings a civil action or proceeding pursuant to this 1504
division against a person who is alleged to have violated 1505
division (A) (1) of this section may use in the action or 1506
proceeding reports of other incidents of known or suspected 1507
abuse or neglect, provided that any information in a report that 1508
would identify the child who is the subject of the report or the 1509
maker of the report, if the maker is not the defendant or an 1510
agent or employee of the defendant, has been redacted. 1511

(O) (1) As used in this division: 1512

(a) "Out-of-home care" includes a nonchartered nonpublic 1513
school if the alleged child abuse or child neglect, or alleged 1514
threat of child abuse or child neglect, described in a report 1515
received by a public children services agency allegedly occurred 1516
in or involved the nonchartered nonpublic school and the alleged 1517
perpetrator named in the report holds a certificate, permit, or 1518
license issued by the state board of education under section 1519
3301.071 or Chapter 3319. of the Revised Code. 1520

(b) "Administrator, director, or other chief 1521
administrative officer" means the superintendent of the school 1522
district if the out-of-home care entity subject to a report made 1523
pursuant to this section is a school operated by the district. 1524

(2) No later than the end of the day following the day on 1525
which a public children services agency receives a report of 1526

alleged child abuse or child neglect, or a report of an alleged 1527
threat of child abuse or child neglect, that allegedly occurred 1528
in or involved an out-of-home care entity, the agency shall 1529
provide written notice of the allegations contained in and the 1530
person named as the alleged perpetrator in the report to the 1531
administrator, director, or other chief administrative officer 1532
of the out-of-home care entity that is the subject of the report 1533
unless the administrator, director, or other chief 1534
administrative officer is named as an alleged perpetrator in the 1535
report. If the administrator, director, or other chief 1536
administrative officer of an out-of-home care entity is named as 1537
an alleged perpetrator in a report of alleged child abuse or 1538
child neglect, or a report of an alleged threat of child abuse 1539
or child neglect, that allegedly occurred in or involved the 1540
out-of-home care entity, the agency shall provide the written 1541
notice to the owner or governing board of the out-of-home care 1542
entity that is the subject of the report. The agency shall not 1543
provide witness statements or police or other investigative 1544
reports. 1545

(3) No later than three days after the day on which a 1546
public children services agency that conducted the investigation 1547
as determined pursuant to section 2151.422 of the Revised Code 1548
makes a disposition of an investigation involving a report of 1549
alleged child abuse or child neglect, or a report of an alleged 1550
threat of child abuse or child neglect, that allegedly occurred 1551
in or involved an out-of-home care entity, the agency shall send 1552
written notice of the disposition of the investigation to the 1553
administrator, director, or other chief administrative officer 1554
and the owner or governing board of the out-of-home care entity. 1555
The agency shall not provide witness statements or police or 1556
other investigative reports. 1557

(P) As used in this section: 1558

(1) "Children's advocacy center" and "sexual abuse of a 1559
child" have the same meanings as in section 2151.425 of the 1560
Revised Code. 1561

(2) "Health care professional" means an individual who 1562
provides health-related services including a physician, hospital 1563
intern or resident, dentist, podiatrist, registered nurse, 1564
licensed practical nurse, visiting nurse, licensed psychologist, 1565
speech pathologist, audiologist, person engaged in social work 1566
or the practice of professional counseling, and employee of a 1567
home health agency. "Health care professional" does not include 1568
a practitioner of a limited branch of medicine as specified in 1569
section 4731.15 of the Revised Code, licensed school 1570
psychologist, independent marriage and family therapist or 1571
marriage and family therapist, or coroner. 1572

(3) "Investigation" means the public children services 1573
agency's response to an accepted report of child abuse or 1574
neglect through either an alternative response or a traditional 1575
response. 1576

Sec. 2921.02. (A) No person, with purpose to corrupt a 1577
public servant or party official, or improperly to influence a 1578
public servant or party official with respect to the discharge 1579
of the public servant's or party official's duty, whether before 1580
or after the public servant or party official is elected, 1581
appointed, qualified, employed, summoned, or sworn, shall 1582
promise, offer, or give any valuable thing or valuable benefit. 1583

(B) No person, either before or after the person is 1584
elected, appointed, qualified, employed, summoned, or sworn as a 1585
public servant or party official, shall knowingly solicit or 1586

accept for self or another person any valuable thing or valuable 1587
benefit to corrupt or improperly influence the person or another 1588
public servant or party official with respect to the discharge 1589
of the person's or the other public servant's or party 1590
official's duty. 1591

(C) No person, with purpose to corrupt a witness or 1592
improperly to influence a witness with respect to the witness's 1593
testimony in an official proceeding, either before or after the 1594
witness is subpoenaed or sworn, shall promise, offer, or give 1595
the witness or another person any valuable thing or valuable 1596
benefit. 1597

(D) No person, either before or after the person is 1598
subpoenaed or sworn as a witness, shall knowingly solicit or 1599
accept for self or another person any valuable thing or valuable 1600
benefit to corrupt or improperly influence self or another 1601
person with respect to testimony given in an official 1602
proceeding. 1603

(E) No person, with purpose to corrupt a director, 1604
officer, or employee of a municipal school district 1605
transformation alliance established under section 3311.86 of the 1606
Revised Code, or improperly to influence a director, officer, or 1607
employee of a municipal school district transformation alliance 1608
with respect to the discharge of the director's, officer's, or 1609
employee's duties, whether before or after the director, 1610
officer, or employee is appointed or employed, shall promise, 1611
offer, or give the director, officer, or employee any valuable 1612
thing or valuable benefit. 1613

(F) No person, either before or after the person is 1614
appointed or employed as a director, officer, or employee of a 1615
municipal school district transformation alliance established 1616

under section 3311.86 of the Revised Code, shall knowingly 1617
solicit or accept for self or another person any valuable thing 1618
or valuable benefit to corrupt or improperly influence the 1619
person or another director, officer, or employee of a municipal 1620
school district transformation alliance with respect to the 1621
discharge of the person's or other director's, officer's, or 1622
employee's duties. 1623

(G) As used in this section, "public servant" includes a 1624
humane society agent approved under section 1717.04 or 1717.06 1625
of the Revised Code. 1626

(H) Whoever violates this section is guilty of bribery, a 1627
felony of the third degree. 1628

~~(H)~~ (I) A public servant or party official, or director, 1629
officer, or employee of a municipal school district 1630
transformation alliance established under section 3311.86 of the 1631
Revised Code, who is convicted of bribery is forever 1632
disqualified from holding any public office, employment, or 1633
position of trust in this state. 1634

Sec. 2931.18. (A) A humane society ~~or its agent~~ may ~~employ~~ 1635
appoint an attorney, and may also ~~employ~~ appoint one or more 1636
assistant attorneys, ~~to prosecute violations of law relating to~~ 1637

~~(1) Except prevention of cruelty to animals, except as~~ 1638
provided in division (B) of this section, ~~prevention of cruelty~~ 1639
~~to animals or children;~~ 1640

~~(2) Abandonment, nonsupport, or ill treatment of a child~~ 1641
~~by its parent;~~ 1642

~~(3) Employment of a child under fourteen years of age in~~ 1643
~~public exhibitions or vocations injurious to health, life, or~~ 1644
~~morals or which cause or permit such child to suffer unnecessary~~ 1645

~~physical or mental pain,~~ 1646

~~(4) Neglect or refusal of an adult to support a destitute~~ 1647
~~parent.~~ 1648

~~Such~~ The attorneys shall be paid out of the county 1649
treasury, from the general fund of the county or from the dog 1650
and kennel fund of the county, in an amount approved as just and 1651
reasonable by the board of county commissioners of that county. 1652

(B) A humane society or its agent shall not employ an 1653
attorney or one or more assistant attorneys to prosecute a 1654
felony violation of section 959.131 of the Revised Code. 1655

Section 2. That existing sections 109.73, 935.19, 935.20, 1656
959.131, 959.132, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 1657
1717.07, 1717.09, 1717.10, 2151.421, 2921.02, and 2931.18 and 1658
section 1717.14 of the Revised Code are hereby repealed. 1659

Section 3. Not later than six months after the effective 1660
date of this act, an individual who is serving as a humane 1661
society agent on that date shall obtain and present proof of 1662
successful completion of training, as required under section 1663
1717.061 of the Revised Code, to the current active approving 1664
authority for approval. The approving authority, not later than 1665
two business days after having received the proof of successful 1666
completion of training, shall notify the appropriate county 1667
sheriff and board of county commissioners, and shall file with 1668
the sheriff a copy of the proof of successful completion of 1669
training. 1670

An individual who has not presented the required proof of 1671
successful completion of training to the approving authority, as 1672
required by this section, is suspended as a humane society agent 1673
by operation of law until the signed proof of successful 1674

completion of training is filed with the county sheriff. 1675

Section 4. Not later than ninety days after the effective 1676
date of this act, the probate judge of a county in which a 1677
humane society agent operates shall send written notice to the 1678
humane society informing the humane society of the requirements 1679
of section 1717.16 of the Revised Code and Section 3 as enacted 1680
in this act. 1681

Section 5. Section 2151.421 of the Revised Code is 1682
presented in this act as a composite of the section as amended 1683
by both Sub. H.B. 158 and Am. Sub. H.B. 493 of the 131st General 1684
Assembly. The General Assembly, applying the principle stated in 1685
division (B) of section 1.52 of the Revised Code that amendments 1686
are to be harmonized if reasonably capable of simultaneous 1687
operation, finds that the composite is the resulting version of 1688
the section in effect prior to the effective date of the section 1689
as presented in this act. 1690