

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 278**

**Representative Hambley**

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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