

As Introduced

133rd General Assembly

Regular Session

H. B. No. 24

2019-2020

Representative Hambley

Cosponsors: Representatives Butler, Wiggam, Perales, O'Brien, Lipps, Kick

A BILL

To amend sections 109.73, 935.19, 935.20, 955.16, 1
959.131, 959.132, 1717.01, 1717.02, 1717.03, 2
1717.04, 1717.06, 1717.07, 1717.08, 1717.09, 3
1717.10, 2151.421, 2921.02, 2931.18, 5101.63, 4
and 5147.22, to enact sections 1717.061, 5
1717.062, 1717.16, 1717.17, and 1717.18, and to 6
repeal sections 1717.14 and 3113.10 of the 7
Revised Code to make changes to humane society 8
law, to make humane society agents subject to 9
bribery law, and to establish procedures for the 10
seizure and impoundment of certain animals and 11
livestock. 12

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

Section 1. That sections 109.73, 935.19, 935.20, 955.16, 13
959.131, 959.132, 1717.01, 1717.02, 1717.03, 1717.04, 1717.06, 14
1717.07, 1717.08, 1717.09, 1717.10, 2151.421, 2921.02, 2931.18, 15
5101.63, and 5147.22 be amended and sections 1717.061, 1717.062, 16
1717.16, 1717.17, and 1717.18 of the Revised Code be enacted to 17
read as follows: 18

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| Sec. 109.73. (A) The Ohio peace officer training | 19 |
| commission shall recommend rules to the attorney general with | 20 |
| respect to all of the following: | 21 |
| (1) The approval, or revocation of approval, of peace | 22 |
| officer training schools administered by the state, counties, | 23 |
| municipal corporations, public school districts, technical | 24 |
| college districts, and the department of natural resources; | 25 |
| (2) Minimum courses of study, attendance requirements, and | 26 |
| equipment and facilities to be required at approved state, | 27 |
| county, municipal, and department of natural resources peace | 28 |
| officer training schools; | 29 |
| (3) Minimum qualifications for instructors at approved | 30 |
| state, county, municipal, and department of natural resources | 31 |
| peace officer training schools; | 32 |
| (4) The requirements of minimum basic training that peace | 33 |
| officers appointed to probationary terms shall complete before | 34 |
| being eligible for permanent appointment, which requirements | 35 |
| shall include training in the handling of the offense of | 36 |
| domestic violence, other types of domestic violence-related | 37 |
| offenses and incidents, and protection orders and consent | 38 |
| agreements issued or approved under section 2919.26 or 3113.31 | 39 |
| of the Revised Code; crisis intervention training; and training | 40 |
| in the handling of missing children and child abuse and neglect | 41 |
| cases; and training in handling violations of section 2905.32 of | 42 |
| the Revised Code; and the time within which such basic training | 43 |
| shall be completed following appointment to a probationary term; | 44 |
| (5) The requirements of minimum basic training that peace | 45 |
| officers not appointed for probationary terms but appointed on | 46 |
| other than a permanent basis shall complete in order to be | 47 |

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| eligible for continued employment or permanent appointment, which requirements shall include training in the handling of the offense of domestic violence, other types of domestic violence- related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, crisis intervention training, and training in the handling of missing children and child abuse and neglect cases, and training in handling violations of section 2905.32 of the Revised Code, and the time within which such basic training shall be completed following appointment on other than a permanent basis; | 48 49 50 51 52 53 54 55 56 57 58 |
| (6) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, in crisis intervention, and in the handling of missing children and child abuse and neglect cases, and in handling violations of section 2905.32 of the Revised Code, and minimum courses of study and attendance requirements with respect to such categories or classifications; | 59 60 61 62 63 64 65 66 67 68 |
| (7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are | 69 70 71 72 73 74 75 76 77 78 |

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| appointed and commissioned as amusement park police officers | 79 |
| pursuant to section 4973.17 of the Revised Code, to attend | 80 |
| approved peace officer training schools, including the Ohio | 81 |
| peace officer training academy, and to receive certificates of | 82 |
| satisfactory completion of basic training programs, if the | 83 |
| private college or university that established the campus police | 84 |
| department; qualified nonprofit corporation police department; | 85 |
| bank, savings and loan association, savings bank, credit union, | 86 |
| or association of banks, savings and loan associations, savings | 87 |
| banks, or credit unions; railroad company; hospital; or | 88 |
| amusement park sponsoring the police officers pays the entire | 89 |
| cost of the training and certification and if trainee vacancies | 90 |
| are available; | 91 |
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| (8) Permitting undercover drug agents to attend approved | 92 |
| peace officer training schools, other than the Ohio peace | 93 |
| officer training academy, and to receive certificates of | 94 |
| satisfactory completion of basic training programs, if, for each | 95 |
| undercover drug agent, the county, township, or municipal | 96 |
| corporation that employs that undercover drug agent pays the | 97 |
| entire cost of the training and certification; | 98 |
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| (9) (a) The requirements for basic training programs for | 99 |
| bailiffs and deputy bailiffs of courts of record of this state | 100 |
| and for criminal investigators employed by the state public | 101 |
| defender that those persons shall complete before they may carry | 102 |
| a firearm while on duty; | 103 |
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| (b) The requirements for any training received by a | 104 |
| bailiff or deputy bailiff of a court of record of this state or | 105 |
| by a criminal investigator employed by the state public defender | 106 |
| prior to June 6, 1986, that is to be considered equivalent to | 107 |
| the training described in division (A) (9) (a) of this section. | 108 |

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| (10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies; | 109 110 |
| (11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility; | 111 112 113 114 |
| (12) Establishing requirements for the training of <u>humane society agents of a county humane society</u> under section <u>1717.06</u> <u>1717.061</u> of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices; | 115 116 117 118 119 120 |
| (13) Permitting tactical medical professionals to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A) (14) of this section and to receive certificates of satisfactory completion of training programs described in that division; | 121 122 123 124 125 126 |
| (14) The requirements for training programs that tactical medical professionals shall complete to qualify them to carry firearms while on duty under section 109.771 of the Revised Code, which requirements shall include at least the firearms training specified in division (A) of section 109.748 of the Revised Code. | 127 128 129 130 131 132 |
| (B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to | 133 134 135 136 137 |

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| Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their expenses within the amounts available for reimbursement by appropriation and with the approval of the commission. | 138 139 140 141 142 143 144 |
| (C) The commission may do all of the following: | 145 |
| (1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code; | 146 147 148 149 |
| (2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made; | 150 151 152 |
| (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; | 153 154 155 156 |
| (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; | 157 158 159 |
| (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; | 160 161 162 163 |
| (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. | 164 165 166 |

(D) In establishing the requirements, under division (A) 167
(12) of this section, the commission may consider any portions 168
of the curriculum for instruction on the topic of animal 169
husbandry practices, if any, of the Ohio state university 170
college of veterinary medicine. No person or entity that fails 171
to provide instruction on traditional animal husbandry methods 172
and training techniques, including customary owner-performed 173
practices, shall qualify to train a humane agent for appointment 174
under ~~section~~sections 1717.04 and 1717.06 of the Revised Code. 175

Sec. 935.19. (A) (1) The director of agriculture or the 176
director's designee may enter at all reasonable times any 177
premises at which a dangerous wild animal or restricted snake is 178
confined, with the consent of the owner of the premises, for the 179
purpose of determining compliance with this chapter and rules. 180

(2) If the director or the director's designee is denied 181
access to any such premises, and if the director reasonably 182
suspects that the person who possesses the dangerous wild animal 183
or restricted snake is not in compliance with this chapter or 184
rules, the director may apply to a court of competent 185
jurisdiction in the county in which the premises is located for 186
a search warrant authorizing access to the premises for the 187
purposes of this section. 188

(3) The court shall issue the search warrant for the 189
purposes requested if there is probable cause to believe that 190
the person is not in compliance with this chapter or rules. The 191
finding of probable cause may be based on hearsay, provided that 192
there is a substantial basis for believing that the source of 193
the hearsay is credible and that there is a factual basis for 194
the information furnished. 195

(B) The director may designate any of the following to 196

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| conduct inspections under this section: | 197 |
| (1) Employees of the department of agriculture; | 198 |
| (2) Natural resources law enforcement officers with the consent of the director of natural resources; | 199 200 |
| (3) Employees of the department of health with the consent of the director of health; | 201 202 |
| (4) Employees of a board of health with the consent of the board; | 203 204 |
| (5) Agents of a humane <u>Humane</u> society <u>agents</u> appointed under section <u>1717.04</u> or <u>1717.06</u> of the Revised Code with the consent of the humane society. | 205 206 207 |
| (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. | 208 209 210 211 212 213 |
| 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: | 214 215 216 217 |
| (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. | 218 219 220 221 |
| (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. | 222 223 224 |

(3) A dangerous wild animal or restricted snake is being 225
treated or kept in a manner that is in violation of this chapter 226
or rules. 227

For purposes of the investigation, the director or the 228
director's designee may order the animal or snake that is the 229
subject of the notification to be quarantined or may order the 230
transfer of the animal or snake to a facility that is on the 231
list maintained by the director under this section. If the 232
director's designee orders the animal or snake to be quarantined 233
or transferred, the designee shall provide a copy of the order 234
to the director. 235

(B) The director shall attempt to notify the person owning 236
or possessing an animal or snake that has been ordered to be 237
quarantined or transferred under division (A) of this section. 238
The notice shall be delivered in person or by certified mail. 239
The director also may post a copy of a quarantine order at two 240
conspicuous locations on the premises where the animal or snake 241
is quarantined. The director shall maintain a copy of an order 242
issued under this section and evidence that the director 243
attempted to notify the person owning or possessing the animal 244
or snake. 245

(C) A quarantine or transfer order issued under this 246
section shall contain all of the following: 247

(1) The name and address of the person owning or 248
possessing the animal or snake, if known; 249

(2) A description of the quarantined or transferred animal 250
or snake; 251

(3) A description of the premises affected by the 252
quarantine or transfer; 253

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| (4) The reason for the quarantine or transfer; | 254 |
| (5) Any terms and conditions of the quarantine or transfer; | 255 256 |
| (6) A notice that a person adversely affected by the order may request a hearing to review the order. | 257 258 |
| (D) A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within thirty days after the order is issued, may request in writing an adjudication in accordance with Chapter 119. of the Revised Code. A request for an adjudication does not stay a quarantine or transfer order. | 259 260 261 262 263 264 265 |
| (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. | 266 267 268 269 270 271 272 273 274 275 276 277 |
| (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 | 278 279 280 281 282 |

director. The director may order the animal or snake to be 283
humanely euthanized by a veterinarian if the state veterinarian 284
has indicated that euthanization is medically necessary. 285

(G) A quarantine or transfer order issued under this 286
section shall remain in effect until one of the following 287
occurs: 288

(1) The director, after reviewing the results of the 289
investigation conducted under division (A) of this section, 290
issues a written notice of release. 291

(2) A court of competent jurisdiction orders the 292
quarantine or transfer order to be terminated in a proceeding 293
conducted under division (H) of this section. 294

(3) A court of competent jurisdiction orders the seizure 295
of the dangerous wild animal or restricted snake in a proceeding 296
conducted under division (H) of this section. 297

(H) If, after reviewing the results of an investigation 298
concerning a dangerous wild animal or restricted snake conducted 299
under division (A) of this section and after resolution of any 300
proceeding conducted under division (D) of this section, the 301
director determines that a circumstance described in division 302
(A) (1), (2), or (3) of this section is or was occurring, the 303
director shall initiate, in a court of competent jurisdiction, a 304
proceeding for the permanent seizure of the animal or snake, as 305
applicable. If the court affirms the director's determination 306
that a circumstance described in division (A) (1), (2), or (3) of 307
this section is or was occurring, the court shall order the 308
animal or snake seized and shall order the method of disposition 309
of the animal or snake. The court may order the person owning or 310
possessing the animal or snake to pay all reasonable costs 311

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| associated with the seizure and, if applicable, the costs | 312 |
| associated with the quarantine or transfer of the animal or | 313 |
| snake, including the costs of transportation, housing, food, and | 314 |
| veterinary care of the animal or snake. If the court does not | 315 |
| affirm the director's determination, the court shall order the | 316 |
| quarantine or transfer order to be terminated and the animal or | 317 |
| snake to be returned to the person owning or possessing it, if | 318 |
| applicable. | 319 |
| (I) The director may authorize any of the following to | 320 |
| conduct an investigation and order the quarantine or transfer of | 321 |
| a dangerous wild animal or restricted snake under division (A) | 322 |
| of this section: | 323 |
| (1) Employees of the department of agriculture; | 324 |
| (2) Natural resources law enforcement officers with the | 325 |
| consent of the director of natural resources; | 326 |
| (3) Employees of the department of health with the consent | 327 |
| of the director of health; | 328 |
| (4) Employees of a board of health with the consent of the | 329 |
| board; | 330 |
| (5) Agents of a humane <u>Humane society agents</u> appointed | 331 |
| under section <u>1717.04 or</u> 1717.06 of the Revised Code with the | 332 |
| consent of the humane society; | 333 |
| (6) Law enforcement officers with the consent of the | 334 |
| sheriff of the county or the chief law enforcement officer of | 335 |
| the township or municipal corporation, as applicable, by whom | 336 |
| the law enforcement officers are employed; | 337 |
| (7) Law enforcement officers who are state highway patrol | 338 |
| troopers with the consent of the superintendent of the state | 339 |

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| highway patrol. | 340 |
| (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: | 341 342 343 344 |
| (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; | 345 346 347 348 349 350 |
| (2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund, which is hereby created in each health district, that shall be used exclusively for the administration and enforcement of this chapter and rules; | 351 352 353 354 355 |
| (3) If the animal or snake was quarantined or transferred by an agent of a humane society, a special fund, which is hereby created in each county that has a humane society, that shall be used exclusively for the administration and enforcement of this chapter and rules; | 356 357 358 359 360 |
| (4) If the animal or snake was quarantined or transferred by a law enforcement officer who is not a state highway patrol trooper, the special fund that is created in the political subdivision that employs the law enforcement officer in division (D) of section 935.16 of the Revised Code. | 361 362 363 364 365 |
| (K) The director shall maintain a list of facilities inside and outside the state that the director determines are eligible to accept dangerous wild animals and restricted snakes | 366 367 368 |

for the purposes of this section. 369

Sec. 955.16. (A) Dogs that have been seized by the county 370
dog warden and impounded shall be kept, housed, and fed for 371
three days for the purpose of redemption, as provided by section 372
955.18 of the Revised Code, unless any of the following applies: 373

(1) Immediate humane destruction of the dog is necessary 374
because of obvious disease or injury. If the diseased or injured 375
dog is registered, as determined from the current year's 376
registration list maintained by the warden and the county 377
auditor of the county where the dog is registered, the necessity 378
of destroying the dog shall be certified by a licensed 379
veterinarian or a registered veterinary technician. If the dog 380
is not registered, the decision to destroy it shall be made by 381
the warden. 382

(2) The dog is currently registered on the registration 383
list maintained by the warden and the auditor of the county 384
where the dog is registered and the attempts to notify the 385
owner, keeper, or harborer under section 955.12 of the Revised 386
Code have failed, in which case the dog shall be kept, housed, 387
and fed for fourteen days for the purpose of redemption. 388

(3) The warden has contacted the owner, keeper, or 389
harborer under section 955.12 of the Revised Code, and the 390
owner, keeper, or harborer has requested that the dog remain in 391
the pound or animal shelter until the owner, harborer, or keeper 392
redeems the dog. The time for such redemption shall be not more 393
than forty-eight hours following the end of the appropriate 394
redemption period. 395

At any time after such periods of redemption, any dog not 396
redeemed shall be donated to any nonprofit special agency that 397

is engaged in the training of any type of assistance dogs and 398
that requests that the dog be donated to it. Any dog not 399
redeemed that is not requested by such an agency may be sold, 400
except that no dog sold to a person other than a nonprofit 401
teaching or research institution or organization of the type 402
described in division (B) of this section shall be discharged 403
from the pound or animal shelter until the animal has been 404
registered and furnished with a valid registration tag. 405

(B) Any dog that is not redeemed within the applicable 406
period as specified in this section or section 955.12 of the 407
Revised Code from the time notice is mailed to its owner, 408
keeper, or harborer or is posted at the pound or animal shelter, 409
as required by section 955.12 of the Revised Code, and that is 410
not required to be donated to a nonprofit special agency engaged 411
in the training of any type of assistance dogs may, upon payment 412
to the dog warden or poundkeeper of the sum of three dollars, be 413
sold to any nonprofit Ohio institution or organization that is 414
certified by the director of health as being engaged in teaching 415
or research concerning the prevention and treatment of diseases 416
of human beings or animals. Any dog that is donated to a 417
nonprofit special agency engaged in the training of any type of 418
assistance dogs in accordance with division (A) of this section 419
and any dog that is sold to any nonprofit teaching or research 420
institution or organization shall be discharged from the pound 421
or animal shelter without registration and may be kept by the 422
agency or by the institution or organization without 423
registration so long as the dog is being trained, or is being 424
used for teaching and research purposes. 425

Any institution or organization certified by the director 426
that obtains dogs for teaching and research purposes pursuant to 427
this section shall, at all reasonable times, make the dogs 428

available for inspection by agents of the Ohio ~~humane~~—society
for the prevention of cruelty to animals, appointed pursuant to
section 1717.04 of the Revised Code, and agents of county humane
societies, appointed pursuant to section 1717.06 of the Revised
Code, in order that the agents may prevent the perpetration of
any act of cruelty, as defined in section 1717.01 of the Revised
Code, to the dogs.

(C) Any dog that the dog warden or poundkeeper is unable
to dispose of, in the manner provided by this section and
section 955.18 of the Revised Code, may be humanely destroyed,
except that no dog shall be destroyed until twenty-four hours
after it has been offered to a nonprofit teaching or research
institution or organization, as provided in this section, that
has made a request for dogs to the dog warden or poundkeeper.

(D) An owner of a dog that is wearing a valid registration
tag who presents the dog to the dog warden or poundkeeper may
specify in writing that the dog shall not be offered to a
nonprofit teaching or research institution or organization, as
provided in this section.

(E) A record of all dogs impounded, the disposition of the
same, the owner's name and address, if known, and a statement of
costs assessed against the dogs shall be kept by the
poundkeeper, and the poundkeeper shall furnish a transcript
thereof to the county treasurer quarterly.

A record of all dogs received and the source that supplied
them shall be kept, for a period of three years from the date of
acquiring the dogs, by all institutions or organizations engaged
in teaching or research concerning the prevention and treatment
of diseases of human beings or animals.

(F) No person shall destroy any dog by the use of a high 458
altitude decompression chamber or by any method other than a 459
method that immediately and painlessly renders the dog initially 460
unconscious and subsequently dead. 461

Sec. 959.131. (A) As used in this section: 462

(1) "Companion animal" means any animal that is kept 463
inside a residential dwelling and any dog or cat regardless of 464
where it is kept, including a pet store as defined in section 465
956.01 of the Revised Code. "Companion animal" does not include 466
livestock or any wild animal. 467

(2) "Cruelty," "torment," and "torture" have the same 468
meanings as in section 1717.01 of the Revised Code. 469

(3) "Residential dwelling" means a structure or shelter or 470
the portion of a structure or shelter that is used by one or 471
more humans for the purpose of a habitation. 472

(4) "Practice of veterinary medicine" has the same meaning 473
as in section 4741.01 of the Revised Code. 474

(5) "Wild animal" has the same meaning as in section 475
1531.01 of the Revised Code. 476

(6) "Federal animal welfare act" means the "Laboratory 477
Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 478
U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 479
1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal 480
Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 481
417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99- 482
198, 99 Stat. 1354 (1985), and as it may be subsequently 483
amended. 484

(7) "Dog kennel" means an animal rescue for dogs that is 485

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| registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel. | 486 487 |
| (8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code. | 488 489 |
| (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. | 490 491 492 |
| (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. | 493 494 495 496 497 |
| (11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code. | 498 499 |
| (12) "Serious physical harm" means any of the following: | 500 |
| (a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death; | 501 502 |
| (b) Physical harm that involves either partial or total permanent incapacity; | 503 504 |
| (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; | 505 506 507 |
| (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. | 508 509 510 511 |
| (B) No person shall knowingly torture, torment, needlessly | 512 |

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| mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal. | 513 514 |
| (C) No person shall knowingly cause serious physical harm to a companion animal. | 515 516 |
| (D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following: | 517 518 519 |
| (1) Torture, torment, or commit an act of cruelty against the companion animal; | 520 521 |
| (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; | 522 523 524 525 526 527 |
| (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight 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 lack of adequate shelter. | 528 529 530 531 532 533 |
| (E) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following: | 534 535 536 |
| (1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal; | 537 538 539 |
| (2) Deprive the companion animal of necessary sustenance | 540 |

or confine the companion animal without supplying it during the 541
confinement with sufficient quantities of good, wholesome food 542
and water if it is reasonably expected that the companion animal 543
would die or experience unnecessary or unjustifiable pain or 544
suffering as a result of the deprivation or confinement; 545

(3) Impound or confine the companion animal without 546
affording it, during the impoundment or confinement, with access 547
to shelter from heat, cold, wind, rain, snow, or excessive 548
direct sunlight if it is reasonably expected that the companion 549
animal would die or experience unnecessary or unjustifiable pain 550
or suffering as a result of or due to the lack of adequate 551
shelter. 552

(F) No owner, manager, or employee of a dog kennel who 553
confines or is the custodian or caretaker of a companion animal 554
shall negligently do any of the following: 555

(1) Torture, torment, or commit an act of cruelty against 556
the companion animal; 557

(2) Deprive the companion animal of necessary sustenance 558
or confine the companion animal without supplying it during the 559
confinement with sufficient quantities of good, wholesome food 560
and water if it can reasonably be expected that the companion 561
animal would become sick or suffer in any other way as a result 562
of or due to the deprivation or confinement; 563

(3) Impound or confine the companion animal without 564
affording it, during the impoundment or confinement, with access 565
to shelter from heat, cold, wind, rain, snow, or excessive 566
direct sunlight if it can reasonably be expected that the 567
companion animal would become sick or suffer in any other way as 568
a result of or due to the lack of adequate shelter. 569

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|---|-----|
| (G) Divisions (B), (C), (D), (E), and (F) of this section | 570 |
| do not apply to any of the following: | 571 |
| (1) A companion animal used in scientific research | 572 |
| conducted by an institution in accordance with the federal | 573 |
| animal welfare act and related regulations; | 574 |
| (2) The lawful practice of veterinary medicine by a person | 575 |
| who has been issued a license, temporary permit, or registration | 576 |
| certificate to do so under Chapter 4741. of the Revised Code; | 577 |
| (3) Dogs being used or intended for use for hunting or | 578 |
| field trial purposes, provided that the dogs are being treated | 579 |
| in accordance with usual and commonly accepted practices for the | 580 |
| care of hunting dogs; | 581 |
| (4) The use of common training devices, if the companion | 582 |
| animal is being treated in accordance with usual and commonly | 583 |
| accepted practices for the training of animals; | 584 |
| (5) The administering of medicine to a companion animal | 585 |
| that was properly prescribed by a person who has been issued a | 586 |
| license, temporary permit, or registration certificate under | 587 |
| Chapter 4741. of the Revised Code. | 588 |
| (H) Notwithstanding any section of the Revised Code that | 589 |
| otherwise provides for the distribution of fine moneys, the | 590 |
| clerk of court shall forward all fines the clerk collects that | 591 |
| are so imposed for any violation of this section to the | 592 |
| treasurer of the political subdivision or the state, whose | 593 |
| county humane society or law enforcement agency is to be paid | 594 |
| the fine money, <u>or to the treasurer of Franklin county, if the</u> | 595 |
| <u>Ohio society for the prevention of cruelty to animals is to be</u> | 596 |
| <u>paid the fine money,</u> as determined under this division. The | 597 |
| treasurer to whom the fines are forwarded shall pay the fine | 598 |

moneys to the county humane society, the Ohio society for the prevention of cruelty to animals, or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society, or the Ohio society for the prevention of cruelty to animals, receives any fine moneys under this division, the ~~county~~ humane society shall use the fine moneys either to provide the training that is required for humane society agents under section ~~1717.06~~ 1717.061 of the Revised Code or to provide additional training for humane society agents.

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

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

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

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

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

(B) An officer may seize and cause to be impounded at an

impounding agency ~~a companion~~ an animal that the officer has 628
probable cause to believe is the subject of an offense. No 629
officer or impounding agency shall impound ~~a companion~~ an animal 630
that is the subject of an offense in a shelter owned, operated, 631
or controlled by a board of county commissioners pursuant to 632
Chapter 955. of the Revised Code unless the board, by 633
resolution, authorizes the impoundment of such ~~a companion~~ an 634
animal in a shelter owned, operated, or controlled by that board 635
and has executed, in the case when the officer is other than a 636
dog warden or assistant dog warden, a contract specifying the 637
terms and conditions of the impoundment. 638

(C) The officer shall give written notice of the seizure 639
and impoundment to the owner, keeper, or harborer of the 640
~~companion~~ animal ~~that not later than twenty-four hours after the~~ 641
animal was seized and impounded. If the officer is unable to 642
give the notice to the owner, keeper, or harborer of the 643
~~companion~~ animal, the officer shall post the notice on the door 644
of the residence or in another conspicuous place on the premises 645
at which the ~~companion~~ animal was seized. The notice shall 646
include a statement that a hearing will be held not later than 647
ten days after the notice is provided or at the next available 648
court date to determine whether the officer had probable cause 649
to seize the ~~companion~~ animal and, if applicable, to determine 650
the amount of a bond or cash deposit that is needed to provide 651
for the ~~companion~~ animal's care and keeping for not less than 652
thirty days beginning on the date on which the ~~companion~~ animal 653
was impounded. 654

(D) ~~A companion~~ An animal that is seized under this 655
section may be humanely destroyed immediately or at any time 656
during impoundment if a licensed veterinarian determines it to 657
be necessary because the ~~companion~~ animal is suffering. 658

(E) (1) Not later than ten days after notice is provided or 659
at the next available court date, the court shall hold a hearing 660
to determine whether the officer impounding ~~a companion-an~~ 661
animal had probable cause to seize the ~~companion-animal~~. If the 662
court determines that probable cause exists, the court shall 663
determine the amount of a bond or cash deposit that is ~~needed-~~ 664
necessary and reasonable to provide for the ~~companion-animal~~'s 665
care and keeping for not less than thirty days beginning on the 666
date on which the ~~companion-animal~~ was impounded. 667

(2) If the court determines that probable cause does not 668
exist, the court immediately shall order the impounding agency 669
to return the ~~companion-animal~~ to its owner if possible. If the 670
~~companion-animal~~ cannot be returned because it has died as a 671
result of neglect or other misconduct by the impounding agency 672
or if the ~~companion-animal~~ is injured as a result of neglect or 673
other misconduct by the impounding agency, the court shall order 674
the impounding agency to pay the owner an amount determined by 675
the court to be equal to the reasonable market value of the 676
~~companion-animal~~ at the time that it was impounded plus 677
statutory interest as defined in section 1343.03 of the Revised 678
Code from the date of the impoundment or an amount determined by 679
the court to be equal to the reasonable cost of treatment of the 680
injury to the ~~companion-animal~~, as applicable. The requirement 681
established in division (E) (2) of this section regarding the 682
payment of the reasonable market value of the ~~companion-animal~~ 683
shall not apply in the case of a dog that, in violation of 684
section 955.01 of the Revised Code, was not registered at the 685
time it was seized and impounded. 686

(3) If the court determines that probable cause exists and 687
determines the amount of a bond or cash deposit, the case shall 688
continue and the owner shall post a bond or cash deposit to 689

provide for the ~~companion~~-animal's care and keeping for not less 690
than thirty days beginning on the date on which the ~~companion~~ 691
animal was impounded. The owner may renew a bond or cash deposit 692
by posting, not later than ten days following the expiration of 693
the period for which a previous bond or cash deposit was posted, 694
a new bond or cash deposit in an amount that the court, in 695
consultation with the impounding agency, determines is 696
sufficient-necessary and reasonable to provide for the ~~companion~~ 697
animal's care and keeping for not less than thirty days 698
beginning on the date on which the previous period expired. If 699
no bond or cash deposit is posted or if a bond or cash deposit 700
expires and is not renewed, the impounding agency may determine 701
the disposition of the ~~companion~~-animal unless the court issues 702
an order that specifies otherwise. 703

(F) If a person is convicted of committing an offense, the 704
court may impose the following additional penalties against the 705
person: 706

(1) A requirement that the person pay for the costs 707
incurred by the impounding agency in caring for ~~a companion-an~~ 708
animal involved in the applicable offense, provided that the 709
costs were incurred during the ~~companion~~-animal's impoundment. A 710
bond or cash deposit posted under this section may be applied to 711
the costs. 712

(2) An order permanently terminating the person's right to 713
possession, title, custody, or care of the ~~companion~~-animal that 714
was involved in the offense. If the court issues such an order, 715
the court shall order the disposition of the ~~companion~~-animal. 716

(G) If a person is found not guilty of committing an 717
offense, the court immediately shall order the impounding agency 718
to return the ~~companion~~-animal to its owner if possible and to 719

return the entire amount of any bond or cash deposit posted 720
under division (E) of this section. If the ~~companion~~-animal 721
cannot be returned because it has died as a result of neglect or 722
other misconduct by the impounding agency or if the ~~companion~~ 723
animal is injured as a result of neglect or other misconduct by 724
the impounding agency, the court shall order the impounding 725
agency to pay the owner an amount determined by the court to be 726
equal to the reasonable market value of the ~~companion~~-animal at 727
the time that it was impounded plus statutory interest as 728
defined in section 1343.03 of the Revised Code from the date of 729
the impoundment or an amount determined by the court to be equal 730
to the reasonable cost of treatment of the injury to the 731
~~companion~~-animal, as applicable. The requirements established in 732
this division regarding the return of a bond or cash deposit and 733
the payment of the reasonable market value of the ~~companion~~- 734
animal shall not apply in the case of a dog that, in violation 735
of section 955.01 of the Revised Code, was not registered at the 736
time it was seized and impounded. 737

(H) If charges are filed under section 959.131 of the 738
Revised Code against the custodian or caretaker of a companion 739
animal, but the companion animal that is the subject of the 740
charges is not impounded, the court in which the charges are 741
pending may order the owner or person having custody of the 742
companion animal to provide to the companion animal the 743
necessities described in division (D)(2), (D)(3), (E)(2), (E) 744
(3), (F)(2), or (F)(3) of section 959.131 of the Revised Code 745
until the final disposition of the charges. If the court issues 746
an order of that nature, the court also may authorize an officer 747
or another person to visit the place where the companion animal 748
is being kept, at the times and under the conditions that the 749
court may set, to determine whether the companion animal is 750

receiving those necessities and to remove and impound the
companion animal if the companion animal is not receiving those
necessities. 751
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Sec. 1717.01. As used in sections 1717.01 to ~~1717.14,~~
~~inclusive,~~ 1717.18 of the Revised Code, and in every law
relating to animals: 754
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(A) "Animal" includes every living dumb creature; 757

(B) "Cruelty," "torment," and "torture" include every act,
omission, or neglect by which unnecessary or unjustifiable pain
or suffering is caused, permitted, or allowed to continue, when
there is a reasonable remedy or relief; 758
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(C) "Owner" and "person" include corporations. For the
purpose of this section the knowledge and acts of the agents and
employees of a corporation, in regard to animals transported,
owned, or employed by, or in the custody of, such agents and
employees, are the knowledge and acts of the corporation. 762
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Sec. 1717.02. The objects of the Ohio humane society for
the prevention of cruelty to animals, and all societies
organized under section 1717.05 of the Revised Code, shall be
the inculcation of humane principles and the enforcement of laws
for the prevention of cruelty, ~~especially~~ to ~~children and~~
animals. To promote those objects such societies may acquire
property, real or personal, by purchase or gift. All property
acquired by such a society, by gift, devise, or bequest, for
special purposes, shall be vested in its board of trustees,
which shall consist of three members elected by the society. The
board shall manage such property and apply it in accordance with
the terms of the gift, devise, or bequest, and may sell it and
reinvest the proceeds. 767
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Sec. 1717.03. The ~~state~~ Ohio society for the prevention of
cruelty to animals ~~shall remain a body corporate, under the name~~ 780
~~of "the Ohio humane society," with the powers, privileges,~~ 781
~~immunities, and duties possessed before March 21, 1887, by the~~ 782
~~state society for the prevention of cruelty to animals, has the~~ 783
~~powers specified by sections 1717.01 to 1717.14, inclusive,~~ 784
~~1717.18 of the Revised Code, as to county humane societies.~~ 785
786

Branches of the ~~Ohio~~ humane society consisting of not less 787
than ten members each may be organized in any part of the state 788
to prosecute the work of the societies in their several 789
localities, under rules and regulations prescribed by the ~~Ohio~~ 790
~~humane~~ society. Humane societies organized in any county under 791
section 1717.05 of the Revised Code may become branches of the 792
~~Ohio~~ humane society by resolution adopted at a meeting called 793
for that purpose, a copy of which resolution shall be forwarded 794
to the secretary of state. 795

The ~~Ohio~~ humane society may elect such officers, and make 796
such rules, regulations, and bylaws, as are deemed expedient by 797
its members for their own government and the proper management 798
of its affairs. 799

Sec. 1717.04. (A) The ~~Ohio~~ humane society for the 800
prevention of cruelty to animals is a humane society and may 801
appoint humane society agents, in any county where no active 802
county humane society exists under section 1717.05 of the 803
Revised Code, to represent it ~~and to~~ within a specified 804
jurisdiction of a county or of a municipal corporation. The 805
society may receive and account for all funds coming to it from 806
fines or otherwise, ~~and~~. The society also may also appoint 807
agents at large to prosecute its work throughout the state. Such 808
The agents may arrest any person found violating any law for the 809

protection of ~~persons or~~ animals, or the prevention of cruelty
thereto. Upon making such 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 ~~him~~ the person.

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

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

(C) The approving authority shall notify the appropriate
county sheriff and the board of county commissioners when the
appointment of a humane society agent has been approved and, not
later than two business days after the appointment has been
approved, shall file a copy of the proof of successful

completion of training with the sheriff. An approving authority 840
that has approved an at large agent shall notify the sheriff of 841
Franklin county and the board of county commissioners of 842
Franklin county, and shall file a copy of the proof of 843
successful completion of training with the sheriff of Franklin 844
county. The county sheriff shall maintain as a public record a 845
copy of the proof for each humane society agent that is 846
operating in the county. 847

(D) The Ohio society for the prevention of cruelty to 848
animals shall notify the county sheriff and the approving 849
authority when all approved humane society agents have ceased to 850
perform the duties of the appointment and no agents are 851
operating within the jurisdiction. 852

(E) A humane society agent only has the specific authority 853
granted to the agent under the Revised Code. 854

Sec. 1717.06. (A) A county humane society organized under 855
section 1717.05 of the Revised Code may appoint humane society 856
agents for the purpose of prosecuting any person guilty of an 857
act of cruelty to ~~persons or~~ animals. Such agents may arrest any 858
person found violating this chapter or any other law for 859
protecting ~~persons or~~ animals or preventing acts of cruelty 860
thereto. Upon making an arrest the agent forthwith shall convey 861
the person arrested before ~~some~~a court or magistrate having 862
jurisdiction of the offense, and there make complaint against 863
the person on oath or affirmation of the offense. 864

All appointments of agents The appointment of an agent 865
under this section is subject to the requirements of section 866
1717.061 of the Revised Code, and is not final until the 867
appointment has been approved under division (B) of this 868
section. 869

(B) The appointment of an agent under this section shall 870
~~be does not take effect unless it has been~~ approved by the mayor 871
of the municipal corporation for which ~~they are it is~~ made. If 872
the society ~~exists operates~~ outside a municipal corporation, 873
~~such appointments shall be the appointment does not take effect~~ 874
~~until it has been~~ approved by the probate judge of the county 875
for which ~~they are it is~~ made. The mayor or probate judge shall 876
keep a record of ~~such the appointments and shall maintain as a~~ 877
~~public record a copy of the proof of successful completion of~~ 878
~~training for each humane society agent acting within the~~ 879
~~approving authority's jurisdiction.~~ 880

~~In order to qualify for appointment as a humane agent~~ 881
~~under this section, a person first shall successfully complete a~~ 882
~~minimum of twenty hours of training on issues relating to the~~ 883
~~investigation and prosecution of cruelty to and neglect of~~ 884
~~animals. The training shall comply with rules recommended by the~~ 885
~~peace officer training commission under section 109.73 of the~~ 886
~~Revised Code and shall include, without limitation, instruction~~ 887
~~regarding animal husbandry practices as described in division~~ 888
~~(A) (12) of that section. A person who has been appointed as a~~ 889
~~humane agent under this section prior to April 9, 2003, may~~ 890
~~continue to act as a humane agent for a period of time on and~~ 891
~~after April 9, 2003, without completing the training. However,~~ 892
~~on or before December 31, 2004, a person who has been appointed~~ 893
~~as a humane agent under this section prior to April 9, 2003,~~ 894
~~shall successfully complete the training described in this~~ 895
~~paragraph and submit proof of its successful completion to the~~ 896
~~appropriate appointing mayor or probate judge in order to~~ 897
~~continue to act as a humane agent after December 31, 2004.~~ 898

(C) The approving authority shall notify the appropriate 899
county sheriff and the board of county commissioners when the 900

appointment of a humane society agent has been approved and, not 901
later than two business days after the appointment has been 902
approved, shall file a copy of the proof of successful 903
completion of training with the sheriff. The county sheriff 904
shall maintain as a public record a copy of the proof for each 905
humane society agent that is operating in the county. 906

(D) A humane society shall notify the county sheriff and 907
the approving authority when all approved humane society agents 908
have ceased to perform the duties of the appointment and there 909
are no humane society agents operating in the county. 910

(E) An agent of a county humane society only has the 911
specific authority granted to the agent under ~~this section and~~ 912
~~section 1717.08 of the Revised Code.~~ 913

Sec. 1717.061. In order to qualify for appointment as a 914
humane society agent under section 1717.04 or 1717.06 of the 915
Revised Code, an individual shall do both of the following: 916

(A) Successfully complete a minimum of twenty hours of 917
training on issues relating to the investigation and prosecution 918
of cruelty to and neglect of animals. The training shall comply 919
with rules recommended by the peace officer training commission 920
under section 109.73 of the Revised Code and shall include, 921
without limitation, instruction regarding animal husbandry 922
practices as described in division (A) (12) of that section. 923

(B) Present proof of successful completion of training, 924
that has been signed by the chief executive officer of the 925
organization or entity that provided the training, or the 926
officer's designee, to the current active approving authority 927
for approval. 928

Sec. 1717.062. (A) An individual who has reasonable cause 929

to believe that a humane society agent has not successfully 930
completed the training that is required under section 1717.061 931
of the Revised Code or who has reasonable cause to believe that 932
an agent's proof of successful completion of training contains 933
false or misleading information may file a complaint, in the 934
form of a affidavit sworn to by the individual, with the current 935
acting authority that is responsible for considering approval of 936
agent appointments within the jurisdiction. The authority shall 937
notify the agent's humane society, and shall investigate the 938
complaint. 939

(B) If the authority finds that the agent has not provided 940
signed proof of successful completion of training as required 941
under section 1717.061 of the Revised Code, the authority shall 942
provide written notification to the agent's humane society to 943
inform the society that the agent has a right to cure period of 944
thirty days from the date of the notification. If the agent has 945
not provided signed proof by the end of the right to cure 946
period, the authority shall rescind the approval of the 947
appointment and order the applicable humane society to revoke 948
the appointment. 949

(C) If the authority finds that the agent knowingly 950
provided proof of successful completion of training that 951
contains false or misleading information, the authority shall 952
rescind the approval of the appointment and order the applicable 953
humane society to revoke the appointment. 954

(D) The applicable humane society shall file written 955
notice with the county sheriff of the revocation under this 956
section of a humane society agent's appointment. 957

Sec. 1717.07. Upon the approval by the mayor of a 958
municipal corporation of the appointment of an agent under 959

section 1717.04 or 1717.06 of the Revised Code, the legislative authority of such municipal corporation shall pay monthly to such agent, from the general revenue fund of the municipal corporation, such the salary as that the legislative authority ~~deems~~considers just and reasonable. Upon the approval by the probate judge of a county of such an appointment, the board of county commissioners of such the county shall pay monthly to such the agent, from the general ~~revenue~~ fund of the county, such or from the dog and kennel fund of the county, the salary as that the board ~~deems~~considers just and reasonable. Such board and such legislative authority may agree upon the amount each is to pay such the agent monthly. The salary to be paid monthly to such the agent by the legislative authority of a village shall be not less than five twenty-five dollars; by the legislative authority of a city, not less than twenty one hundred twenty-five dollars; and by the board of county commissioners of a county, not less than twenty five one hundred fifty dollars. Beginning January 1, 2020, and on the first day of January every five years thereafter, these salary amounts shall increase by five dollars. Not more than one such agent in each county shall receive remuneration from the board under this section.

Sec. 1717.08. An officer, agent, or member of the Ohio ~~humane~~ society for the prevention of cruelty to animals or of a county humane society may interfere to prevent the perpetration of any act of cruelty to animals in his the officer's, agent's, or member's presence, may use such force as is necessary to prevent it, and to that end may summon to his the officer's, agent's, or member's aid any bystanders.

Sec. 1717.09. A member of the Ohio ~~humane~~ society for the prevention of cruelty to animals or of a county humane society

may require the sheriff of any county, the constable of any 991
township, the marshal or a ~~policeman~~ police officer of any 992
municipal corporation, or any agent of such a society, to arrest 993
any person found violating the laws in relation to cruelty to 994
~~persons or~~ animals, and to take possession of any animal cruelly 995
treated in their respective counties or municipal corporations, 996
and deliver such animal to the proper officers of the society. 997

Sec. 1717.10. For all services rendered in carrying out 998
sections 1717.01 to ~~1717.14~~, inclusive, 1717.18 of the Revised 999
Code, a sheriff, constable, marshal, or ~~policeman~~ police officer 1000
shall be paid such fees as ~~he~~ the sheriff, constable, marshal, 1001
or police officer is allowed for like services in other cases. 1002
Such fees must be charged as costs, and reimbursed to the humane 1003
society by the person convicted. 1004

Sec. 1717.16. (A) Annually, a county humane society shall 1005
submit enforcement activity reports to the county sheriff. The 1006
Ohio society for the prevention of cruelty to animals shall 1007
submit the annual enforcement activity reports to the sheriff of 1008
Franklin county. 1009

(B) Records of an enforcement activity by a humane society 1010
agent are public records under section 149.43 of the Revised 1011
Code, except that any such records that are confidential law 1012
enforcement investigatory records, as defined in division (A) (2) 1013
of section 149.43 of the Revised Code, are not public records. 1014

Sec. 1717.17. A probate judge of a county in which a 1015
humane society agent operates may revoke the approval of an 1016
appointment for just cause, under the following procedure. A 1017
movant may commence the procedure by filing with the probate 1018
court a motion to revoke the appointment, in the form of an 1019
affidavit sworn to by the movant, describing the conduct that 1020

constitutes just cause for the motion. The probate judge, upon a 1021
review of the facts, may dismiss the motion without a hearing, 1022
or shall direct the clerk of the probate court to serve the 1023
humane society agent and the humane society with a summons and a 1024
copy of the motion and any accompanying memorandum in accordance 1025
with the Rules of Civil Procedure. The summons shall state the 1026
time and place at which the probate court will conduct a hearing 1027
on the motion. The humane society agent may waive the right to a 1028
hearing. If the humane society agent waives the right to a 1029
hearing, the probate judge shall revoke the humane society 1030
agent's approval of appointment as prayed for in the motion. If 1031
the humane society agent does not waive the right to a hearing, 1032
the probate judge shall conduct a hearing on the motion. The 1033
humane society agent is entitled to the assistance of counsel at 1034
the hearing. The Rules of Evidence govern conduct of the 1035
hearing. At the hearing, the movant has the burden of proving, 1036
by a preponderance of the evidence, that just cause exists for 1037
the revocation of the humane society agent's appointment. If, 1038
after the hearing, the probate judge finds that the movant has 1039
not sustained the burden of proof, the probate judge shall deny 1040
the motion. If, after the hearing, the probate judge finds that 1041
the movant has sustained the burden of proof, the probate judge 1042
shall grant the motion and revoke the humane society agent's 1043
approval of appointment. 1044

Sec. 1717.18. (A) A humane society may not enter into a 1045
written agreement with a person, wherein the humane society 1046
agrees not to prosecute the person for an alleged violation of 1047
law, unless the proposed agreement has been reviewed and 1048
approved by the judge that has presided over the hearing that is 1049
required to determine if the officer had probable cause to seize 1050
the animal, and which is related to the case that is the subject 1051

of the agreement. As part of the review, if bond has previously 1052
been set, the judge shall reconsider whether or not the amount 1053
of the bond determined by the court to be needed for the 1054
animal's care is necessary and reasonable. A judge shall not 1055
approve a nonprosecution agreement that requires a person to 1056
provide financial compensation that is in excess of what is 1057
necessary and reasonable for the animal's care for the duration 1058
of the impoundment. 1059

(B) A nonprosecution agreement between a humane society 1060
and a person, as described in division (A) of this section, is 1061
void and unenforceable unless it has been approved under 1062
division (A) of this section. 1063

Sec. 2151.421. (A) (1) (a) No person described in division 1064
(A) (1) (b) of this section who is acting in an official or 1065
professional capacity and knows, or has reasonable cause to 1066
suspect based on facts that would cause a reasonable person in a 1067
similar position to suspect, that a child under eighteen years 1068
of age, or a person under twenty-one years of age with a 1069
developmental disability or physical impairment, has suffered or 1070
faces a threat of suffering any physical or mental wound, 1071
injury, disability, or condition of a nature that reasonably 1072
indicates abuse or neglect of the child shall fail to 1073
immediately report that knowledge or reasonable cause to suspect 1074
to the entity or persons specified in this division. Except as 1075
otherwise provided in this division or section 5120.173 of the 1076
Revised Code, the person making the report shall make it to the 1077
public children services agency or a peace officer in the county 1078
in which the child resides or in which the abuse or neglect is 1079
occurring or has occurred. If the person making the report is a 1080
peace officer, the officer shall make it to the public children 1081
services agency in the county in which the child resides or in 1082

which the abuse or neglect is occurring or has occurred. In the 1083
circumstances described in section 5120.173 of the Revised Code, 1084
the person making the report shall make it to the entity 1085
specified in that section. 1086

(b) Division (A) (1) (a) of this section applies to any 1087
person who is an attorney; health care professional; 1088
practitioner of a limited branch of medicine as specified in 1089
section 4731.15 of the Revised Code; licensed school 1090
psychologist; independent marriage and family therapist or 1091
marriage and family therapist; coroner; administrator or 1092
employee of a child day-care center; administrator or employee 1093
of a residential camp, child day camp, or private, nonprofit 1094
therapeutic wilderness camp; administrator or employee of a 1095
certified child care agency or other public or private children 1096
services agency; school teacher; school employee; school 1097
authority; peace officer; agent of the Ohio society for the 1098
prevention of cruelty to animals or of a county humane society; 1099
person, other than a cleric, rendering spiritual treatment 1100
through prayer in accordance with the tenets of a well- 1101
recognized religion; employee of a county department of job and 1102
family services who is a professional and who works with 1103
children and families; superintendent or regional administrator 1104
employed by the department of youth services; superintendent, 1105
board member, or employee of a county board of developmental 1106
disabilities; investigative agent contracted with by a county 1107
board of developmental disabilities; employee of the department 1108
of developmental disabilities; employee of a facility or home 1109
that provides respite care in accordance with section 5123.171 1110
of the Revised Code; employee of an entity that provides 1111
homemaker services; a person performing the duties of an 1112
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1113

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| third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem. | 1114 1115 1116 |
| (c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section. | 1117 1118 1119 1120 1121 1122 1123 |
| (2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding. | 1124 1125 1126 1127 1128 1129 1130 1131 1132 |
| (3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply: | 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 |
| (a) The client or patient, at the time of the | 1143 |

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| communication, is a child under eighteen years of age or is a | 1144 |
| person under twenty-one years of age with a developmental | 1145 |
| disability or physical impairment. | 1146 |
| (b) The attorney or physician knows, or has reasonable | 1147 |
| cause to suspect based on facts that would cause a reasonable | 1148 |
| person in similar position to suspect that the client or patient | 1149 |
| has suffered or faces a threat of suffering any physical or | 1150 |
| mental wound, injury, disability, or condition of a nature that | 1151 |
| reasonably indicates abuse or neglect of the client or patient. | 1152 |
| (c) The abuse or neglect does not arise out of the | 1153 |
| client's or patient's attempt to have an abortion without the | 1154 |
| notification of her parents, guardian, or custodian in | 1155 |
| accordance with section 2151.85 of the Revised Code. | 1156 |
| (4) (a) No cleric and no person, other than a volunteer, | 1157 |
| designated by any church, religious society, or faith acting as | 1158 |
| a leader, official, or delegate on behalf of the church, | 1159 |
| religious society, or faith who is acting in an official or | 1160 |
| professional capacity, who knows, or has reasonable cause to | 1161 |
| believe based on facts that would cause a reasonable person in a | 1162 |
| similar position to believe, that a child under eighteen years | 1163 |
| of age, or a person under twenty-one years of age with a | 1164 |
| developmental disability or physical impairment, has suffered or | 1165 |
| faces a threat of suffering any physical or mental wound, | 1166 |
| injury, disability, or condition of a nature that reasonably | 1167 |
| indicates abuse or neglect of the child, and who knows, or has | 1168 |
| reasonable cause to believe based on facts that would cause a | 1169 |
| reasonable person in a similar position to believe, that another | 1170 |
| cleric or another person, other than a volunteer, designated by | 1171 |
| a church, religious society, or faith acting as a leader, | 1172 |
| official, or delegate on behalf of the church, religious | 1173 |

society, or faith caused, or poses the threat of causing, the 1174
wound, injury, disability, or condition that reasonably 1175
indicates abuse or neglect shall fail to immediately report that 1176
knowledge or reasonable cause to believe to the entity or 1177
persons specified in this division. Except as provided in 1178
section 5120.173 of the Revised Code, the person making the 1179
report shall make it to the public children services agency or a 1180
peace officer in the county in which the child resides or in 1181
which the abuse or neglect is occurring or has occurred. In the 1182
circumstances described in section 5120.173 of the Revised Code, 1183
the person making the report shall make it to the entity 1184
specified in that section. 1185

(b) Except as provided in division (A) (4) (c) of this 1186
section, a cleric is not required to make a report pursuant to 1187
division (A) (4) (a) of this section concerning any communication 1188
the cleric receives from a penitent in a cleric-penitent 1189
relationship, if, in accordance with division (C) of section 1190
2317.02 of the Revised Code, the cleric could not testify with 1191
respect to that communication in a civil or criminal proceeding. 1192

(c) The penitent in a cleric-penitent relationship 1193
described in division (A) (4) (b) of this section is deemed to 1194
have waived any testimonial privilege under division (C) of 1195
section 2317.02 of the Revised Code with respect to any 1196
communication the cleric receives from the penitent in that 1197
cleric-penitent relationship, and the cleric shall make a report 1198
pursuant to division (A) (4) (a) of this section with respect to 1199
that communication, if all of the following apply: 1200

(i) The penitent, at the time of the communication, is a 1201
child under eighteen years of age or is a person under twenty- 1202
one years of age with a developmental disability or physical 1203

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| impairment. | 1204 |
| (ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent. | 1205 1206 1207 1208 1209 1210 1211 |
| (iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code. | 1212 1213 1214 1215 1216 1217 1218 |
| (d) Divisions (A) (4) (a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust. | 1219 1220 1221 1222 |
| (e) As used in divisions (A) (1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code. | 1223 1224 1225 |
| (B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that | 1226 1227 1228 1229 1230 1231 1232 |

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| reasonably indicates abuse or neglect of the child may report or | 1233 |
| cause reports to be made of that knowledge or reasonable cause | 1234 |
| to suspect to the entity or persons specified in this division. | 1235 |
| Except as provided in section 5120.173 of the Revised Code, a | 1236 |
| person making a report or causing a report to be made under this | 1237 |
| division shall make it or cause it to be made to the public | 1238 |
| children services agency or to a peace officer. In the | 1239 |
| circumstances described in section 5120.173 of the Revised Code, | 1240 |
| a person making a report or causing a report to be made under | 1241 |
| this division shall make it or cause it to be made to the entity | 1242 |
| specified in that section. | 1243 |
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| (C) Any report made pursuant to division (A) or (B) of | 1244 |
| this section shall be made forthwith either by telephone or in | 1245 |
| person and shall be followed by a written report, if requested | 1246 |
| by the receiving agency or officer. The written report shall | 1247 |
| contain: | 1248 |
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| (1) The names and addresses of the child and the child's | 1249 |
| parents or the person or persons having custody of the child, if | 1250 |
| known; | 1251 |
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| (2) The child's age and the nature and extent of the | 1252 |
| child's injuries, abuse, or neglect that is known or reasonably | 1253 |
| suspected or believed, as applicable, to have occurred or of the | 1254 |
| threat of injury, abuse, or neglect that is known or reasonably | 1255 |
| suspected or believed, as applicable, to exist, including any | 1256 |
| evidence of previous injuries, abuse, or neglect; | 1257 |
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| (3) Any other information, including, but not limited to, | 1258 |
| results and reports of any medical examinations, tests, or | 1259 |
| procedures performed under division (D) of this section, that | 1260 |
| might be helpful in establishing the cause of the injury, abuse, | 1261 |
| or neglect that is known or reasonably suspected or believed, as | 1262 |

applicable, to have occurred or of the threat of injury, abuse, 1263
or neglect that is known or reasonably suspected or believed, as 1264
applicable, to exist. 1265

(D) (1) Any person, who is required by division (A) of this 1266
section to report child abuse or child neglect that is known or 1267
reasonably suspected or believed to have occurred, may take or 1268
cause to be taken color photographs of areas of trauma visible 1269
on a child and, if medically necessary for the purpose of 1270
diagnosing or treating injuries that are suspected to have 1271
occurred as a result of child abuse or child neglect, perform or 1272
cause to be performed radiological examinations and any other 1273
medical examinations of, and tests or procedures on, the child. 1274

(2) The results and any available reports of examinations, 1275
tests, or procedures made under division (D)(1) of this section 1276
shall be included in a report made pursuant to division (A) of 1277
this section. Any additional reports of examinations, tests, or 1278
procedures that become available shall be provided to the public 1279
children services agency, upon request. 1280

(3) If a health care professional provides health care 1281
services in a hospital, children's advocacy center, or emergency 1282
medical facility to a child about whom a report has been made 1283
under division (A) of this section, the health care professional 1284
may take any steps that are reasonably necessary for the release 1285
or discharge of the child to an appropriate environment. Before 1286
the child's release or discharge, the health care professional 1287
may obtain information, or consider information obtained, from 1288
other entities or individuals that have knowledge about the 1289
child. Nothing in division (D)(3) of this section shall be 1290
construed to alter the responsibilities of any person under 1291
sections 2151.27 and 2151.31 of the Revised Code. 1292

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| (4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section. | 1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 |
| (5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity. | 1305 1306 1307 1308 1309 |
| (E) (1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child. | 1310 1311 1312 1313 1314 1315 1316 1317 |
| (2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following: | 1318 1319 1320 1321 |
| (a) Comply with section 2151.422 of the Revised Code; | 1322 |

(b) If the county served by the agency is also served by a
children's advocacy center and the report alleges sexual abuse
of a child or another type of abuse of a child that is specified
in the memorandum of understanding that creates the center as
being within the center's jurisdiction, comply regarding the
report with the protocol and procedures for referrals and
investigations, with the coordinating activities, and with the
authority or responsibility for performing or providing
functions, activities, and services stipulated in the
interagency agreement entered into under section 2151.428 of the
Revised Code relative to that center. 1323
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(F) No 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. 1334
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(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
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the circumstances surrounding the injuries, abuse, or neglect or 1354
the threat of injury, abuse, or neglect, the cause of the 1355
injuries, abuse, neglect, or threat, and the person or persons 1356
responsible. The investigation shall be made in cooperation with 1357
the law enforcement agency and in accordance with the memorandum 1358
of understanding prepared under division (K) of this section. A 1359
representative of the public children services agency shall, at 1360
the time of initial contact with the person subject to the 1361
investigation, inform the person of the specific complaints or 1362
allegations made against the person. The information shall be 1363
given in a manner that is consistent with division (I)(1) of 1364
this section and protects the rights of the person making the 1365
report under this section. 1366

A failure to make the investigation in accordance with the 1367
memorandum is not grounds for, and shall not result in, the 1368
dismissal of any charges or complaint arising from the report or 1369
the suppression of any evidence obtained as a result of the 1370
report and does not give, and shall not be construed as giving, 1371
any rights or any grounds for appeal or post-conviction relief 1372
to any person. The public children services agency shall report 1373
each case to the uniform statewide automated child welfare 1374
information system that the department of job and family 1375
services shall maintain in accordance with section 5101.13 of 1376
the Revised Code. The public children services agency shall 1377
submit a report of its investigation, in writing, to the law 1378
enforcement agency. 1379

(2) The public children services agency shall make any 1380
recommendations to the county prosecuting attorney or city 1381
director of law that it considers necessary to protect any 1382
children that are brought to its attention. 1383

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| (H) (1) (a) Except as provided in divisions (H) (1) (b) and (I) (3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following: | 1384 1385 1386 1387 1388 1389 |
| (i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section; | 1390 1391 1392 |
| (ii) Participating in medical examinations, tests, or procedures under division (D) of this section; | 1393 1394 |
| (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; | 1395 1396 1397 1398 |
| (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. | 1399 1400 1401 1402 |
| (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. | 1403 1404 1405 |
| (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. | 1406 1407 1408 1409 1410 1411 |
| (2) In any civil or criminal action or proceeding in which | 1412 |

it is alleged and proved that participation in the making of a 1413
report under this section was not in good faith or participation 1414
in a judicial proceeding resulting from a report made under this 1415
section was not in good faith, the court shall award the 1416
prevailing party reasonable attorney's fees and costs and, if a 1417
civil action or proceeding is voluntarily dismissed, may award 1418
reasonable attorney's fees and costs to the party against whom 1419
the civil action or proceeding is brought. 1420

(I)(1) Except as provided in divisions (I)(4) and (O) of 1421
this section, a report made under this section is confidential. 1422
The information provided in a report made pursuant to this 1423
section and the name of the person who made the report shall not 1424
be released for use, and shall not be used, as evidence in any 1425
civil action or proceeding brought against the person who made 1426
the report. Nothing in this division shall preclude the use of 1427
reports of other incidents of known or suspected abuse or 1428
neglect in a civil action or proceeding brought pursuant to 1429
division (N) of this section against a person who is alleged to 1430
have violated division (A)(1) of this section, provided that any 1431
information in a report that would identify the child who is the 1432
subject of the report or the maker of the report, if the maker 1433
of the report is not the defendant or an agent or employee of 1434
the defendant, has been redacted. In a criminal proceeding, the 1435
report is admissible in evidence in accordance with the Rules of 1436
Evidence and is subject to discovery in accordance with the 1437
Rules of Criminal Procedure. 1438

(2)(a) Except as provided in division (I)(2)(b) of this 1439
section, no person shall permit or encourage the unauthorized 1440
dissemination of the contents of any report made under this 1441
section. 1442

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| (b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law. | 1443 1444 1445 1446 |
| (3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code. | 1447 1448 1449 1450 1451 |
| (4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death or to the director. On the request of the review board or director, the agency or peace officer may, at its discretion, make the report available to the review board or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center. | 1452 1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463 1464 1465 1466 1467 1468 1469 1470 1471 1472 1473 |

(5) A public children services agency shall advise a 1474
person alleged to have inflicted abuse or neglect on a child who 1475
is the subject of a report made pursuant to this section, 1476
including a report alleging sexual abuse of a child or another 1477
type of abuse of a child referred to a children's advocacy 1478
center pursuant to an interagency agreement entered into under 1479
section 2151.428 of the Revised Code, in writing of the 1480
disposition of the investigation. The agency shall not provide 1481
to the person any information that identifies the person who 1482
made the report, statements of witnesses, or police or other 1483
investigative reports. 1484

(J) Any report that is required by this section, other 1485
than a report that is made to the state highway patrol as 1486
described in section 5120.173 of the Revised Code, shall result 1487
in protective services and emergency supportive services being 1488
made available by the public children services agency on behalf 1489
of the children about whom the report is made, in an effort to 1490
prevent further neglect or abuse, to enhance their welfare, and, 1491
whenever possible, to preserve the family unit intact. The 1492
agency required to provide the services shall be the agency 1493
conducting the investigation of the report pursuant to section 1494
2151.422 of the Revised Code. 1495

(K) (1) Each public children services agency shall prepare 1496
a memorandum of understanding that is signed by all of the 1497
following: 1498

(a) If there is only one juvenile judge in the county, the 1499
juvenile judge of the county or the juvenile judge's 1500
representative; 1501

(b) If there is more than one juvenile judge in the 1502
county, a juvenile judge or the juvenile judges' representative 1503

selected by the juvenile judges or, if they are unable to do so
for any reason, the juvenile judge who is senior in point of
service or the senior juvenile judge's representative; 1504
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(c) The county peace officer; 1507

(d) All chief municipal peace officers within the county; 1508

(e) Other law enforcement officers handling child abuse
and neglect cases in the county; 1509
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(f) The prosecuting attorney of the county; 1511

(g) If the public children services agency is not the
county department of job and family services, the county
department of job and family services; 1512
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(h) The Ohio humane society for the prevention of cruelty
to animals or the county humane society; 1515
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(i) If the public children services agency participated in
the execution of a memorandum of understanding under section
2151.426 of the Revised Code establishing a children's advocacy
center, each participating member of the children's advocacy
center established by the memorandum. 1517
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(2) A memorandum of understanding shall set forth the
normal operating procedure to be employed by all concerned
officials in the execution of their respective responsibilities
under this section and division (C) of section 2919.21, division
(B) (1) of section 2919.22, division (B) of section 2919.23, and
section 2919.24 of the Revised Code and shall have as two of its
primary goals the elimination of all unnecessary interviews of
children who are the subject of reports made pursuant to
division (A) or (B) of this section and, when feasible,
providing for only one interview of a child who is the subject 1522
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of any report made pursuant to division (A) or (B) of this 1532
section. A failure to follow the procedure set forth in the 1533
memorandum by the concerned officials is not grounds for, and 1534
shall not result in, the dismissal of any charges or complaint 1535
arising from any reported case of abuse or neglect or the 1536
suppression of any evidence obtained as a result of any reported 1537
child abuse or child neglect and does not give, and shall not be 1538
construed as giving, any rights or any grounds for appeal or 1539
post-conviction relief to any person. 1540

(3) A memorandum of understanding shall include all of the 1541
following: 1542

(a) The roles and responsibilities for handling emergency 1543
and nonemergency cases of abuse and neglect; 1544

(b) Standards and procedures to be used in handling and 1545
coordinating investigations of reported cases of child abuse and 1546
reported cases of child neglect, methods to be used in 1547
interviewing the child who is the subject of the report and who 1548
allegedly was abused or neglected, and standards and procedures 1549
addressing the categories of persons who may interview the child 1550
who is the subject of the report and who allegedly was abused or 1551
neglected. 1552

(4) If a public children services agency participated in 1553
the execution of a memorandum of understanding under section 1554
2151.426 of the Revised Code establishing a children's advocacy 1555
center, the agency shall incorporate the contents of that 1556
memorandum in the memorandum prepared pursuant to this section. 1557

(5) The clerk of the court of common pleas in the county 1558
may sign the memorandum of understanding prepared under division 1559
(K) (1) of this section. If the clerk signs the memorandum of 1560

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| understanding, the clerk shall execute all relevant | 1561 |
| responsibilities as required of officials specified in the | 1562 |
| memorandum. | 1563 |
| (L) (1) Except as provided in division (L) (4) or (5) of | 1564 |
| this section, a person who is required to make a report pursuant | 1565 |
| to division (A) of this section may make a reasonable number of | 1566 |
| requests of the public children services agency that receives or | 1567 |
| is referred the report, or of the children's advocacy center | 1568 |
| that is referred the report if the report is referred to a | 1569 |
| children's advocacy center pursuant to an interagency agreement | 1570 |
| entered into under section 2151.428 of the Revised Code, to be | 1571 |
| provided with the following information: | 1572 |
| (a) Whether the agency or center has initiated an | 1573 |
| investigation of the report; | 1574 |
| (b) Whether the agency or center is continuing to | 1575 |
| investigate the report; | 1576 |
| (c) Whether the agency or center is otherwise involved | 1577 |
| with the child who is the subject of the report; | 1578 |
| (d) The general status of the health and safety of the | 1579 |
| child who is the subject of the report; | 1580 |
| (e) Whether the report has resulted in the filing of a | 1581 |
| complaint in juvenile court or of criminal charges in another | 1582 |
| court. | 1583 |
| (2) A person may request the information specified in | 1584 |
| division (L) (1) of this section only if, at the time the report | 1585 |
| is made, the person's name, address, and telephone number are | 1586 |
| provided to the person who receives the report. | 1587 |
| When a peace officer or employee of a public children | 1588 |

services agency receives a report pursuant to division (A) or 1589
(B) of this section the recipient of the report shall inform the 1590
person of the right to request the information described in 1591
division (L)(1) of this section. The recipient of the report 1592
shall include in the initial child abuse or child neglect report 1593
that the person making the report was so informed and, if 1594
provided at the time of the making of the report, shall include 1595
the person's name, address, and telephone number in the report. 1596

Each request is subject to verification of the identity of 1597
the person making the report. If that person's identity is 1598
verified, the agency shall provide the person with the 1599
information described in division (L)(1) of this section a 1600
reasonable number of times, except that the agency shall not 1601
disclose any confidential information regarding the child who is 1602
the subject of the report other than the information described 1603
in those divisions. 1604

(3) A request made pursuant to division (L)(1) of this 1605
section is not a substitute for any report required to be made 1606
pursuant to division (A) of this section. 1607

(4) If an agency other than the agency that received or 1608
was referred the report is conducting the investigation of the 1609
report pursuant to section 2151.422 of the Revised Code, the 1610
agency conducting the investigation shall comply with the 1611
requirements of division (L) of this section. 1612

(5) A health care professional who made a report under 1613
division (A) of this section, or on whose behalf such a report 1614
was made as provided in division (A)(1)(c) of this section, may 1615
authorize a person to obtain the information described in 1616
division (L)(1) of this section if the person requesting the 1617
information is associated with or acting on behalf of the health 1618

care professional who provided health care services to the child 1619
about whom the report was made. 1620

(M) The director of job and family services shall adopt 1621
rules in accordance with Chapter 119. of the Revised Code to 1622
implement this section. The department of job and family 1623
services may enter into a plan of cooperation with any other 1624
governmental entity to aid in ensuring that children are 1625
protected from abuse and neglect. The department shall make 1626
recommendations to the attorney general that the department 1627
determines are necessary to protect children from child abuse 1628
and child neglect. 1629

(N) Whoever violates division (A) of this section is 1630
liable for compensatory and exemplary damages to the child who 1631
would have been the subject of the report that was not made. A 1632
person who brings a civil action or proceeding pursuant to this 1633
division against a person who is alleged to have violated 1634
division (A) (1) of this section may use in the action or 1635
proceeding reports of other incidents of known or suspected 1636
abuse or neglect, provided that any information in a report that 1637
would identify the child who is the subject of the report or the 1638
maker of the report, if the maker is not the defendant or an 1639
agent or employee of the defendant, has been redacted. 1640

(O) (1) As used in this division: 1641

(a) "Out-of-home care" includes a nonchartered nonpublic 1642
school if the alleged child abuse or child neglect, or alleged 1643
threat of child abuse or child neglect, described in a report 1644
received by a public children services agency allegedly occurred 1645
in or involved the nonchartered nonpublic school and the alleged 1646
perpetrator named in the report holds a certificate, permit, or 1647
license issued by the state board of education under section 1648

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| 3301.071 or Chapter 3319. of the Revised Code. | 1649 |
| (b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district. | 1650 1651 1652 1653 |
| (2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports. | 1654 1655 1656 1657 1658 1659 1660 1661 1662 1663 1664 1665 1666 1667 1668 1669 1670 1671 1672 1673 1674 |
| (3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of | 1675 1676 1677 1678 |

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| alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. | 1679 |
| The agency shall not provide witness statements or police or other investigative reports. | 1680 |
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| (P) As used in this section: | 1687 |
| (1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code. | 1688 |
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| (2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner. | 1691 |
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| (3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. | 1702 |
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| (4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police | 1706 |
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district, marshal, deputy marshal, municipal police officer, or 1708
a state highway patrol trooper. 1709

Sec. 2921.02. (A) No person, with purpose to corrupt a 1710
public servant or party official, or improperly to influence a 1711
public servant or party official with respect to the discharge 1712
of the public servant's or party official's duty, whether before 1713
or after the public servant or party official is elected, 1714
appointed, qualified, employed, summoned, or sworn, shall 1715
promise, offer, or give any valuable thing or valuable benefit. 1716

(B) No person, either before or after the person is 1717
elected, appointed, qualified, employed, summoned, or sworn as a 1718
public servant or party official, shall knowingly solicit or 1719
accept for self or another person any valuable thing or valuable 1720
benefit to corrupt or improperly influence the person or another 1721
public servant or party official with respect to the discharge 1722
of the person's or the other public servant's or party 1723
official's duty. 1724

(C) No person, with purpose to corrupt a witness or 1725
improperly to influence a witness with respect to the witness's 1726
testimony in an official proceeding, either before or after the 1727
witness is subpoenaed or sworn, shall promise, offer, or give 1728
the witness or another person any valuable thing or valuable 1729
benefit. 1730

(D) No person, either before or after the person is 1731
subpoenaed or sworn as a witness, shall knowingly solicit or 1732
accept for self or another person any valuable thing or valuable 1733
benefit to corrupt or improperly influence self or another 1734
person with respect to testimony given in an official 1735
proceeding. 1736

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| (E) No person, with purpose to corrupt a director, officer, or employee of a municipal school district transformation alliance established under section 3311.86 of the Revised Code, or improperly to influence a director, officer, or employee of a municipal school district transformation alliance with respect to the discharge of the director's, officer's, or employee's duties, whether before or after the director, officer, or employee is appointed or employed, shall promise, offer, or give the director, officer, or employee any valuable thing or valuable benefit. | 1737 1738 1739 1740 1741 1742 1743 1744 1745 1746 |
| (F) No person, either before or after the person is appointed or employed as a director, officer, or employee of a municipal school district transformation alliance established under section 3311.86 of the Revised Code, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another director, officer, or employee of a municipal school district transformation alliance with respect to the discharge of the person's or other director's, officer's, or employee's duties. | 1747 1748 1749 1750 1751 1752 1753 1754 1755 1756 |
| (G) <u>As used in this section, "public servant" includes a humane society agent approved under section 1717.04 or 1717.06 of the Revised Code.</u> | 1757 1758 1759 |
| (H) <u>Whoever violates this section is guilty of bribery, a felony of the third degree.</u> | 1760 1761 |
| (I) <u>A public servant or party official, or director, officer, or employee of a municipal school district transformation alliance established under section 3311.86 of the Revised Code, who is convicted of bribery is forever disqualified from holding any public office, employment, or</u> | 1762 1763 1764 1765 1766 |

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| position of trust in this state. | 1767 |
| Sec. 2931.18. (A) A humane society or its agent may employ appoint an attorney, and may also employ appoint one or more assistant attorneys, to prosecute violations of law relating to: | 1768 1769 1770 |
| (1) Except prevention of cruelty to animals, except as provided in division (B) of this section, prevention of cruelty to animals or children, | 1771 1772 1773 |
| (2) Abandonment, nonsupport, or ill-treatment of a child by its parent, | 1774 1775 |
| (3) Employment of a child under fourteen years of age in public exhibitions or vocations injurious to health, life, or morals or which cause or permit such child to suffer unnecessary physical or mental pain, | 1776 1777 1778 1779 |
| (4) Neglect or refusal of an adult to support a destitute parent. | 1780 1781 |
| Such The attorneys shall be paid out of the county treasury, from the general fund of the county or from the dog and kennel fund of the county, in an amount approved as just and reasonable by the board of county commissioners of that county. | 1782 1783 1784 1785 |
| (B) A humane society or its agent shall not employ an attorney or one or more assistant attorneys to prosecute a felony violation of section 959.131 of the Revised Code. | 1786 1787 1788 |
| Sec. 5101.63. (A) (1) Any individual listed in division (A) (2) of this section having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. | 1789 1790 1791 1792 1793 1794 |

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| (2) All of the following are subject to division (A) (1) of this section: | 1795 1796 |
| (a) An attorney admitted to the practice of law in this state; | 1797 1798 |
| (b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; | 1799 1800 1801 |
| (c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor; | 1802 1803 |
| (d) An individual licensed under Chapter 4715. of the Revised Code as a dentist; | 1804 1805 |
| (e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse; | 1806 1807 |
| (f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist; | 1808 1809 |
| (g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist; | 1810 1811 1812 1813 1814 |
| (h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist; | 1815 1816 |
| (i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code; | 1817 1818 1819 |
| (j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code; | 1820 1821 |

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| (k) An employee of an outpatient health facility; | 1822 |
| (l) An employee of a hospital, as defined in section 3727.01 of the Revised Code; | 1823 1824 |
| (m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code; | 1825 1826 |
| (n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code; | 1827 1828 |
| (o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; | 1829 1830 1831 1832 |
| (p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; | 1833 1834 1835 1836 |
| (q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code; | 1837 1838 |
| (r) An agent of a county A humane society organized under section 1717.05 agent appointed under section 1717.04 or 1717.06 of the Revised Code; | 1839 1840 1841 |
| (s) An individual who is a firefighter for a lawfully constituted fire department; | 1842 1843 |
| (t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code; | 1844 1845 1846 |
| (u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as | 1847 1848 |

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| those terms are defined in section 4765.01 of the Revised Code; | 1849 |
| (v) An official employed by a local building department to conduct inspections of houses and other residential buildings; | 1850 |
| (w) A peace officer; | 1852 |
| (x) A coroner; | 1853 |
| (y) A member of the clergy; | 1854 |
| (z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant; | 1855 |
| (aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson; | 1856 |
| (bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public; | 1861 |
| (cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States; | 1863 |
| (dd) An investment adviser, as defined in section 1707.01 of the Revised Code; | 1866 |
| (ee) A financial planner accredited by a national accreditation agency; | 1868 |
| (ff) Any other individual who is a senior service provider, other than a representative of the office of the state long-term care <u>ombudsman</u> program as defined in section 173.14 of the Revised Code. | 1870 |
| (B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, | 1874 |
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or cause a report to be made of such belief to the county 1876
department of job and family services. 1877

This division applies to a representative of the office of 1878
the state long-term care ombudsman program only to the extent 1879
permitted by federal law. 1880

(C) The reports made under this section shall be made 1881
orally or in writing except that oral reports shall be followed 1882
by a written report if a written report is requested by the 1883
department. Written reports shall include: 1884

(1) The name, address, and approximate age of the adult 1885
who is the subject of the report; 1886

(2) The name and address of the individual responsible for 1887
the adult's care, if any individual is, and if the individual is 1888
known; 1889

(3) The nature and extent of the alleged abuse, neglect, 1890
or exploitation of the adult; 1891

(4) The basis of the reporter's belief that the adult has 1892
been abused, neglected, or exploited. 1893

(D) Any person with reasonable cause to believe that an 1894
adult is suffering abuse, neglect, or exploitation who makes a 1895
report pursuant to this section or who testifies in any 1896
administrative or judicial proceeding arising from such a 1897
report, or any employee of the state or any of its subdivisions 1898
who is discharging responsibilities under section 5101.65 of the 1899
Revised Code shall be immune from civil or criminal liability on 1900
account of such investigation, report, or testimony, except 1901
liability for perjury, unless the person has acted in bad faith 1902
or with malicious purpose. 1903

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| (E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section: | 1904 1905 1906 |
| (1) Discharge, demote, transfer, or prepare a negative work performance evaluation; | 1907 1908 |
| (2) Reduce benefits, pay, or work privileges; | 1909 |
| (3) Take any other action detrimental to an employee or in any way retaliate against the employee. | 1910 1911 |
| (F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the name and identifying information related to the person who made the report. | 1912 1913 1914 1915 1916 1917 1918 1919 1920 1921 1922 1923 1924 |
| (G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week. | 1925 1926 1927 |
| Sec. 5147.22. Except for prisoners participating in a county jail industry program established under section 5147.30 of the Revised Code, the board of county commissioners, or officer in charge of any workhouse or jail, shall place to the credit of each prisoner the amount of the prisoner's earnings | 1928 1929 1930 1931 1932 |

that the board or officer considers equitable and just, taking
into consideration the character of the prisoner, the nature of
the crime for which ~~he~~ the prisoner is imprisoned, and the
prisoner's general deportment. The board or officer may cancel
any portion of that credit for violation of the rules, want of
propriety, or other misconduct. When such earnings are credited
to any such prisoner and the prisoner has a child under the age
of sixteen or a spouse, the board or officer in control of the
workhouse or jail shall pay the earnings weekly to the person
having custody of the child, ~~to any incorporated humane society~~
~~that will serve as trustees for the child without compensation,~~
or to the spouse of the prisoner, as the board or officer
determines. When the prisoner has no such child or spouse, the
earnings shall be paid to the prisoner upon discharge.

Section 2. That existing sections 109.73, 935.19, 935.20,
955.16, 959.131, 959.132, 1717.01, 1717.02, 1717.03, 1717.04,
1717.06, 1717.07, 1717.08, 1717.09, 1717.10, 2151.421, 2921.02,
2931.18, 5101.63, and 5147.22 of the Revised Code are hereby
repealed.

Section 3. That sections 1717.14 and 3113.10 of the
Revised Code are hereby repealed.

Section 4. Not later than six months after the effective
date of this act, an individual who is serving as a humane
society agent on that date shall obtain and present proof of
successful completion of training, as required under section
1717.061 of the Revised Code, to the current active approving
authority for approval. The approving authority, not later than
two business days after having received the proof of successful
completion of training, shall notify the appropriate county
sheriff and board of county commissioners, and shall file with

the sheriff a copy of the proof of successful completion of training. 1963
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An individual who has not presented the required proof of successful completion of training to the approving authority, as required by this section, is suspended as a humane society agent by operation of law until the signed proof of successful completion of training is filed with the county sheriff. 1965
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Section 5. Not later than ninety days after the effective date of this act, the probate judge of a county in which a humane society agent operates shall send written notice to the humane society informing the humane society of the requirements of section 1717.16 of the Revised Code and Section 4 as enacted in this act. 1970
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