



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: H.B. 147 of the 132nd G.A.
(L_132_0725-11)

Status: In House Civil Justice

Sponsor: Rep. Hambley

Local Impact Statement Procedure Required: No

Subject: Revises the law pertaining to humane societies

State & Local Fiscal Highlights

- The bill subjects humane society officers to provisions of the Bribery Law. Currently, such offenses are a third degree felony. Any additional cases arising from this provision would result in cost increases to county courts of common pleas. These costs would be offset in court costs and penalties. However, the number of such cases would appear to be small.
- Any state court costs arising from the addition of humane officers to the Bribery Law would be deposited into the Indigent Defense Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- The bill establishes a procedure for the removal of a humane officer by a probate judge. While such instances would appear to be rare, any additional costs would likely be absorbed by the applicable probate court.
- The bill increases the minimum monthly salary of a humane society agent in the following manner: (1) when a village approves the agent, from \$5 to \$25, (2) when a city approves the agent, from \$20 to \$125, and (3) when a county approves the agent, from \$25 to \$150. It would appear unlikely that this would impact any distributions made to humane societies from counties.
- The bill allows a county to use its dog and kennel fund in addition to its county general fund to pay for humane society agents, providing funding flexibility.
- The bill authorizes humane societies to appoint rather than employ attorneys to prosecute certain violations of the law. This provision does not appear to impact the amount paid to attorneys to prosecute such cases.
- The bill requires the current acting authority, which is responsible for considering approval of agent appointments, to investigate a complaint submitted by an individual who suspects that a humane society agent has not successfully completed the required training. The costs of conducting such investigations would appear to be minimal.

Detailed Fiscal Analysis

Overview

The bill makes various changes to the Humane Society Law, including making changes regarding enforcement activities, appointment and removal procedures, criminal law applicability, and salaries. These changes and the associated fiscal impact are detailed below. Those provisions that do not have a fiscal impact are not included, and can be found in the LSC Bill Analysis. Overall, the provisions of the bill appear to only have a minimal fiscal impact on political subdivisions. This is primarily because humane societies are generally 501(c)3 nonprofit organizations. These organizations are usually funded through donations. However, some do receive supplemental funding from counties or municipalities.

Humane society procedures

Removal from office

The bill permits the probate judge of a county in which a humane society agent operates to revoke the approval of an appointment for just cause under the procedure established in the bill. The removal procedures in the bill may increase some costs to probate courts if any such hearings should be held. However, the number of such hearings would appear to be infrequent, and any additional costs would be absorbed as part of the daily operating costs of the court.

Bribery law

The bill specifies that a humane society agent is a public servant for the purposes of bribery law. Under continuing bribery law, no public servant may knowingly solicit or accept for self or another person or another public servant regarding the discharge of the public servant's duty. Bribery is a third degree felony, which includes a prison sentence between nine and 36 months and a fine of up to \$10,000. It would appear any such cases related to this provision would be rare. However, if such cases were to arise, there would be costs to the responsible county court of common pleas. These court costs would be partially offset through any applicable court fines and penalties recovered. In the case of felonies, a court assesses related costs of \$60, of which \$30 is deposited into the Indigent Defense Support Fund (Fund 5DY0) and \$30 into the Victims of Crime/Reparations Fund (Fund 4020). As stated above, because such cases would appear to be rare, any additional costs, and corresponding court fine and penalty revenue, would appear to be minimal.

Appointment and pay of attorneys

The bill authorizes humane societies to appoint rather than employ attorneys to prosecute certain violations of the law. Under the bill, a humane society may appoint an attorney and one or more assistant attorneys to prosecute violations of law relating to prevention of cruelty to animals, except certain felony violations related to companion animals. The bill further authorizes a county to pay humane society prosecuting

attorneys from the general fund of the county or from the dog and kennel fund of the county. Currently, a humane society may employ an attorney to prosecute certain violations of the law, and these attorneys are paid out of the county treasury in an amount approved as just and reasonable by the board of county commissioners. Overall, these provisions do not appear to have any substantial impact on the amount that would be paid to these attorneys for those humane societies that choose to appoint them.

The bill also prohibits a humane society from entering into a written agreement not to prosecute a person for an alleged violation of law unless the agreement has been reviewed and approved by the municipal or county court judge that has presided over the hearing related to the case. This provision could increase the number of cases resulting from the bill.

Humane society agent pay

The bill increases the minimum monthly salary of a humane society agent in the following manner: (1) when a village approves the agent, from \$5 to \$25, (2) when a city approves the agent, from \$20 to \$125, and (3) when a county approves the agent, from \$25 to \$150. The bill allows a county to pay the agent from the dog and kennel fund, in addition to the county general fund, which is allowed under current law. Additionally, the bill increases the minimum salary amount by \$5 on January 1, 2019, and each fifth year thereafter. The bill also clarifies that an Ohio Humane Society agent is entitled to the same pay under the same approval process as applies to county humane society agents. These provisions would allow for greater flexibility in terms of the funding source counties use to pay these positions. However, it would appear that these provisions would not increase the overall salaries of these officers substantially.

Humane officer training

The bill requires an appointed agent to present proof of successful completion of training, that has been signed by the chief executive officer of the organization or entity that provided the training and by the chief officer of the humane society appointing the agent, to the current active approving authority for approval. Also, proof of successful completion of training must be signed by the appropriate approving authority and filed with the county sheriff. Current law requires that proof of training only be submitted to the appropriate appointing authority. The bill further requires individuals who are currently serving as humane society agents to file the proof of training within six months after the bill's effective date. An individual who has not filed the proof of successful completion of training with the county sheriff, as required by this provision, is suspended as a humane society agent by operation of law until the individual files proof with the county sheriff.

The bill also requires the current acting authority, which is responsible for considering approval of agent appointments, to investigate a complaint submitted by an individual who suspects that a humane society agent has not successfully completed the required training or that an agent's proof of successful completion of training

contains false or misleading information. The complaint must be in the form of an affidavit and the individual filing the complaint is required to have reasonable cause to file. If this complaint is found to be true, the authority must rescind the approval of the appointment and order the applicable humane society to revoke the appointment. The authority is also required to inform the humane society when such a complaint is received. The humane society must file written notice of a revocation with the county sheriff. Overall, these provisions related to training do not appear to have any fiscal impact, however, the acting authority that is required to investigate any complaints may experience some minimal cost increases to do so.

Reports as public records

The bill requires each county humane society to annually submit enforcement activity reports to the county sheriff. Similarly, the Ohio Humane Society must submit annual enforcement activity reports to the Franklin County Sheriff. The bill also specifies that records of humane society agent enforcement activities are public records under Public Records Law, except those that are confidential law enforcement investigatory records. There could be some minimal costs associated with maintaining these records and producing them under Public Records Law.

Ohio Humane Society provisions

The bill also contains several provisions that impact the law for Ohio Humane Society agents. First, the bill requires the agents of the Ohio Humane Society to complete the same training requirements that county humane society agents must do under current law and the bill.

The bill also authorizes the Director of Agriculture to designate an agent of the Ohio Humane Society to conduct inspections of a premises at which a dangerous wild animal or restricted snake is confined, and to investigate and order the quarantine or transfer of a dangerous wild animal or restricted snake. Currently, the Director may designate agents of a county humane society to conduct these inspections and investigations. This provision does not change the compensation mechanism used by the Department of Agriculture for conducting these investigations.

Finally, the bill adds agents of the Ohio Humane Society to the list of professionals, such as nurses and social workers, who have a duty to report child abuse. Current law includes an agent of a county humane society, but not those of the Ohio Humane Society. The Duty to Report Law requires the person to make a report either by telephone or in person to a public children services agency or to a peace officer. There does not appear to be any fiscal impact to this provision.

Synopsis of Fiscal Effect Changes

The substitute bill (L_132_0725-11) makes several changes, many of which have no fiscal impact. Primarily, the bill prohibits a humane society from entering into a written nonprosecution agreement unless approved by the municipal or county court judge presiding over the case. This provision could result in an increase in such cases to

municipal or county courts. The bill also revises the process for filing of complaints against humane society officers. The substitute bill requires that the individual filing the complaint have reasonable cause and that the complaint be in the form of an affidavit sworn to by the individual. These changes to the complaint procedure could potentially result in fewer complaints filed, thereby reducing the number of investigations by the appointing authority.

The bill also makes several changes to the law related to the seizure, impoundments, and bond for animal care due for the impoundment of companion animals. Additionally, the bill makes modifications to the notification requirements for the appointment or revocation of appointment of humane society officers. These provisions do not appear to have any fiscal impact.