



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: H.B. 147 of the 132nd G.A.

Status: As Reported by House Civil Justice

Sponsor: Rep. Hambley

Local Impact Statement Procedure Required: No

Subject: Revises the law pertaining to humane societies

Local Fiscal Highlights

- The bill subjects humane society officers to provisions of the Bribery Law, a third degree felony. Any resulting prosecutions could lead to added costs for county courts of common pleas. The additional expense would be offset by court costs and penalties assessed by the applicable court.
- The bill limits the potential use of nonprosecution agreements between a humane society and a person alleged to have violated animal cruelty statutes by requiring a municipal or county court judge to review and approve them. Depending on the circumstances, this may lead to more animal cruelty cases being filed with the courts.
- The bill raises the minimum monthly amounts that humane society agents are paid by political subdivisions as follows: for villages, from \$5 to \$25; for cities, from \$20 to \$125; and for counties, from \$25 to \$150. Beginning January 1, 2019 and every five years thereafter, the bill raises these amounts by \$5.
- The bill also gives counties the flexibility to pay for humane society agents as well as attorneys who are appointed to prosecute animal cruelty cases from county general funds as they are now or from dog and kennel funds.

Detailed Fiscal Analysis

Overview

The bill makes various changes to the Humane Society Law dealing with enforcement activities, payments to humane society agents from political subdivisions, and appointment and removal procedures. Overall, the changes appear to only have a minimal fiscal impact on political subdivisions, primarily because humane societies are nonprofit organizations mostly funded through donations. However, some do receive supplemental funding from counties or municipalities. The provisions with possible fiscal effects for political subdivisions are listed below.

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).

Nonprosecution agreements

The bill prohibits humane societies 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 court cases related to animal cruelty heard by local courts. As a point of reference, 49 animal cruelty cases related to violations of the Revised Code were filed with the Environmental Division of the Franklin County Municipal Court in 2017.

Monthly payments by political subdivisions to humane society agents

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. In addition, the bill allows a county to pay the agent from either the county general fund or the dog and kennel fund, giving counties flexibility to cover these costs. Finally, the bill increases the minimum salary amount by \$5 on January 1, 2019, and each fifth year thereafter. The bill also specifies that humane society agents employed by the Ohio Humane Society are entitled to the same pay under the same approval process for county humane society agents. Since most political subdivisions already provide higher rates of payment, this provision will not increase costs for them.

Humane officer training

The bill requires an appointed agent to present proof of successful completion of training to the current active approving authority for approval. This documentation must also be filed with the county sheriff. 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. If not, they are suspended from serving as a humane society agent until they file proof with the county sheriff.

Finally, the bill outlines a process for investigating complaints alleging that a humane society agent has not successfully completed the required training or that the

information provided is false or misleading. As a result, appointing authorities (a municipality, a county, or Franklin County Court of Common Pleas for Ohio Humane Society agents) could see some added costs to follow up and investigate these complaints.

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 probably be infrequent, and any additional costs would be absorbed as part of the daily operating costs of the court.

Appointment of attorneys

The bill also authorizes humane societies to appoint rather than employ attorneys to prosecute certain animal cruelty cases except certain felonies related to cases involving 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.

Ohio Humane Society

The bill also contains several provisions that impact the law specifically 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 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 in locations where dangerous wild animals or restricted snakes are housed and order these animals to be quarantined or relocated. Currently, the Director may designate agents of a county humane society to conduct these inspections and 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.