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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Lanese and Carruthers

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Summary

Child abuse reporting

- Adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township to the list of professionals who must immediately report child abuse to a public children services agency (PCSA) or peace officer.

Animal abuse reporting

- Generally prohibits a veterinarian and specified social service or counseling professionals from failing to report abuse of a companion animal (e.g. a dog or cat).
- Requires the report to be made to a law enforcement officer, humane society agent, or animal control-type professional.
- Similarly prohibits a law enforcement officer, humane society agent, or animal control-type professional from recklessly failing to report abuse of a companion animal to an appropriate social service professional under specified circumstances.
- Sets forth the information that must be included in a report, including a description of the animal and the nature and extent of the suspected abuse.
- Specifies that a violation of either prohibition is punishable by a civil penalty of \$100 for a first offense and \$500 for each subsequent offense.
- Authorizes the Attorney General to sue to enforce the prohibitions and collect the civil penalties.
- Requires the Attorney General to use the money collected from civil penalties to provide funding to support domestic violence victims in arranging temporary shelter or other support for the victims' companion animals.

- Specifies that a person required to make an animal abuse report is immune from civil or criminal liability in connection with making the report when the report is made in good faith.
- Prohibits individuals required to report animal abuse from knowingly making a false report, and specifies that a violation of the prohibition is a fourth degree misdemeanor.

Detailed Analysis

Child abuse reporting

The bill adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township to the list of professionals who must immediately report child abuse (when acting in an official or professional capacity). These individuals must report the abuse to the public children services agency (PCSA) or municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.¹ A violation of the prohibition is generally a fourth degree misdemeanor.²

Animal abuse reporting

The bill establishes two prohibitions that require certain public officials to report animal abuse-type offenses involving a companion animal (any animal that is kept inside a residential dwelling, other than a wild animal, and any dog or cat regardless of where it is kept). The specific offenses for which reporting is required include animal cruelty, abandoning an animal, poisoning an animal, dog fighting, and sexual conduct with an animal.³

The first prohibition applies to a licensed veterinarian, social service professional, and any other person licensed as a counselor, social worker, or marriage and family therapist (when acting in an official or professional capacity). Such persons are prohibited from failing to immediately report abuse of a companion animal to an officer when that person has knowledge or reasonable cause to suspect that the abuse has occurred or is occurring. An officer is any law enforcement officer, agent of a county humane society, dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township. A social service professional is an employee of a private or public children services agency or an employee of a county department of job and family services with responsibility for protective services.⁴

Secondly, the bill prohibits an officer (operating in an official or professional capacity) from failing to immediately report abuse of a companion animal to an appropriate social service professional when both of the following apply:

¹ R.C. 2151.421(A)(1)(b).

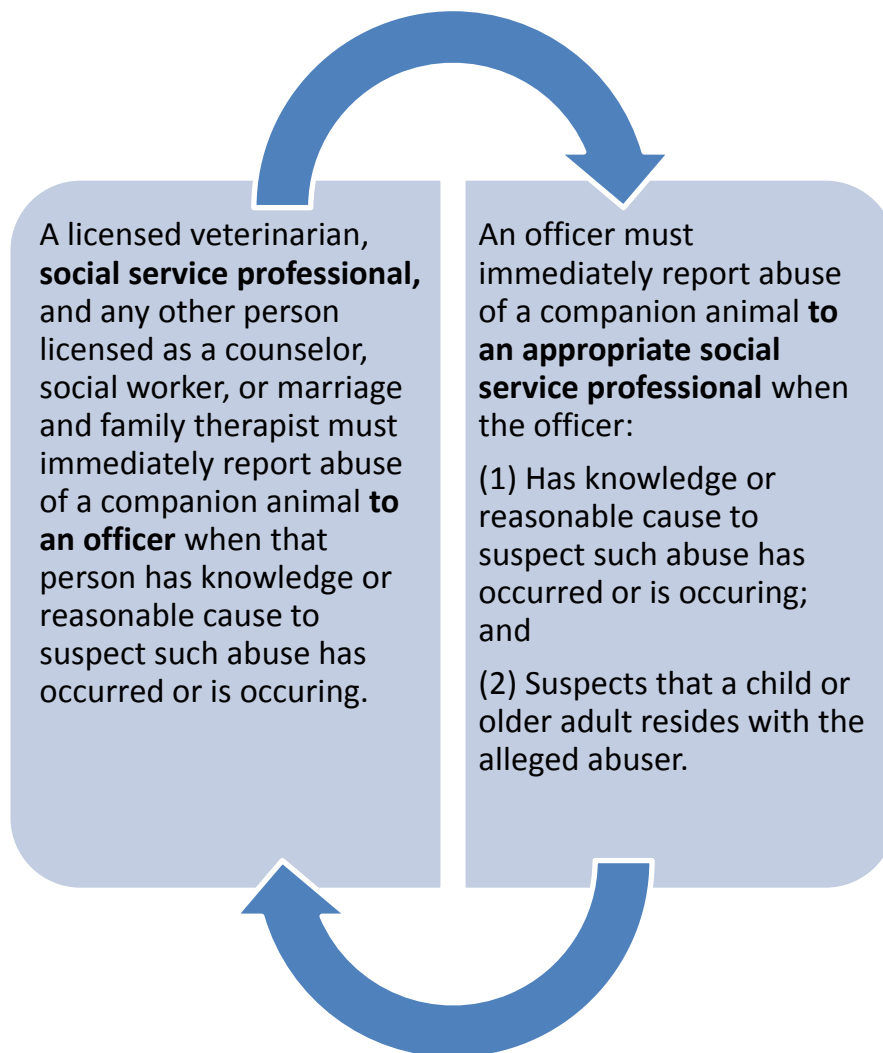
² R.C. 2151.99(A), not in the bill.

³ R.C. 959.07 and 959.08. See R.C. Chapter 959 of the Revised Code for complete descriptions of the animal abuse offenses for which reporting is required.

⁴ R.C. 959.07(A) and (B).

1. The officer has knowledge or reasonable cause to suspect that the abuse has occurred or is occurring; and
2. The officer has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged abuser.⁵

The bill therefore establishes a "cross reporting" relationship as shown below:



Contents of a report

Under the bill, a person required to make a report may do so orally or in writing and must include all of the following in the report:

1. A description of the animal involved and the animal's name, if known;

⁵ R.C. 959.08.

2. The address and telephone number of the owner or other person responsible for the care of the animal, if known;
3. The nature and extent of the suspected abuse;
4. Any other information that the person making the report believes may be useful in establishing the existence of the suspected violation or the identity of the violator.⁶

Civil enforcement

A violation of either of the new prohibitions is punishable by a civil penalty of \$100 for a first offense and \$500 for each subsequent offense. The bill authorizes the Attorney General to bring a civil action to enforce the two new prohibitions and collect the civil penalties. The Attorney General must deposit money collected as civil penalties into the existing Domestic Violence Program Fund and use the money to provide funding for domestic violence programs that assist victims by arranging temporary shelter or other support for the victims' companion animals.⁷

Civil immunity and false reporting

The bill prohibits a person required to report animal abuse from knowingly making a false report. A violation of this prohibition is a fourth degree misdemeanor. However, a person required to make a report under the bill is immune from civil or criminal liability in connection with making the report if the person acted in good faith when making it.⁸

A court must award reasonable attorney's fees and costs to the prevailing party in a civil or criminal action or judicial proceeding if it is proved that participation in making the report was not in good faith. In addition, a court may award those fees and costs to the party against whom a civil action or proceeding is brought in which it is alleged that participation in the making of the report was not in good faith when the action or proceeding is voluntarily dismissed.⁹

History

Action	Date
Introduced	02-12-19

H0033-I-133/ts

⁶ R.C. 959.09(A).

⁷ R.C. 109.46(B) and 959.10.

⁸ R.C. 959.09(B) and (C) and 959.99(C).

⁹ R.C. 959.09(D).