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H.B. 24
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsor: Rep. Hambley

Local Impact Statement Procedure Required: No

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Highlights

- Subjecting humane society officers to provisions of the bribery law, a third degree felony, could lead to some new cases in county courts of common pleas. However, the number of such cases and the costs involved would probably be small.
- The bill increases the minimum monthly salary of a humane agent paid by a political subdivision 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 fiscal effect of this change is probably minimal, as in most cases humane agents are being paid more than these monthly minimums.
- The bill provides counties with funding flexibility to pay for humane society agents or attorneys retained to prosecute animal cruelty cases by allowing these costs to be paid from either the general fund or the county dog and kennel fund.

Detailed 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 with regard to humane agents. These changes and the associated fiscal impact are detailed below. Humane societies are 501(c)3 nonprofit organizations. They operate shelters and investigate cases of animal cruelty and work with counties and cities on a contractual basis to oversee animal cruelty laws. For example, a humane society may be formed in one county and have contracts to assist in others. Humane agents employed by these entities must be trained and certified and are appointed by probate courts in the case of counties. For cities or villages, these appointments are made by city or village councils. While humane

societies are nonprofit entities, they do receive grants and funding from political subdivisions through contractual service agreements.

Bribery law

The bill subjects humane society agents to provisions of bribery law. 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 provides some flexibility in the way humane societies retain attorneys to prosecute certain violations of the animal cruelty law, except certain felony violations related to companion animals. Specifically, the bill allows for these attorneys to be appointed rather than employed. The bill also allows for flexibility in the way these costs are covered by allowing these attorneys to be paid from the county general fund or the dog and kennel fund. Altogether, these provisions do not appear to have any substantial impact on the amount that would be paid to these attorneys for humane societies that choose to appoint them.

Humane society agent pay

The bill increases the minimum monthly salary of a humane 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. Additionally, the bill increases the minimum salary amount by \$5 on January 1, 2019, and each fifth year thereafter. The bill also allows a county to pay these costs from the dog and kennel fund, in addition to the county general fund, as allowed under current law. This change would allow for greater flexibility in terms of the funding source counties use to pay for the services of humane agents.

Complaints regarding humane officer training

The bill requires that a complaint that a humane agent has not successfully completed the required training or has provided false or misleading information about that training be investigated. If this complaint is found to be true, the appointing authority (typically a probate judge for counties and city councils for cities) must rescind the approval of the appointment and order the applicable humane society to revoke the appointment. It is possible that counties or municipalities might incur some additional administrative costs for carrying out these investigations.

Removal from office

The bill permits the probate judge of a county in which a humane 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.

Reports as public records

The bill requires each county humane society to annually submit enforcement activity reports to the county sheriff. The bill also specifies these reports are public records. In this case, there could be some small cost for sheriffs to comply with requests to furnish this information.