



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 278 of the 131st G.A. **Date:** January 19, 2016
Status: In House Government Accountability and Oversight **Sponsor:** Rep. Hambley

Local Impact Statement Procedure Required: No

Contents: Makes various revisions to the law pertaining to county humane societies and humane society agents

State and Local Fiscal Highlights

- The bill specifies that humane society agents are considered to be public servants for purposes of bribery law. The mandatory state court costs for felony cases is \$60, of which \$30 is deposited into the Indigent Defense Support Fund (Fund 5DY0) and \$30 is deposited into the Victims of Crime/Reparations Fund (Fund 4020).
- Bribery is a felony of the third degree. Such cases would be referred to a county court of common pleas. This could result in an increase in court costs for counties, which could be partially offset through court costs. However the number of such cases is expected to be low.
- The bill abolishes the authority of a humane society or its agent to employ an attorney to prosecute certain violations of the law. Under current law, these attorneys are paid from the county treasury. Therefore, there would not be any new costs to counties under the bill as the county is already paying these costs. However, depending on the compensation given to humane society attorneys, there could either be a minimal increase or decrease in prosecution costs for these cases to be handled by county prosecutors.
- Continuing law specifies that the authority to prosecute the violations of law specified in the bill lies with the prosecuting attorney, village solicitor, city law director, or other chief legal officer. In some cases under the bill, political subdivisions other than counties could have to prosecute such cases and bear those costs. This is in contrast to current law where the county would pay the prosecution costs through the humane society. However, it is possible that many such cases under the bill would be referred to a county prosecutor anyway.

- The bill requires a probate court to hold a hearing for the removal of a humane society agent. It is possible that these courts could experience some cost increases related to conducting these hearings, however, the number of such hearings is likely to be low.
 - The bill requires the applicable appointing authority for a humane society agent to investigate any claims of failure to complete training, or providing false or misleading information on a proof of training document. There could be an increase in costs for such entities which would depend on the number of such complaints.
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Detailed Fiscal Analysis

Overview

The bill makes various revisions to the law pertaining to humane societies and humane society agents. Specifically, the bill makes revisions to the authority of humane officers, makes modifications to the approval of agents, makes revisions to the required training requirements, and makes an increase in the minimum pay for humane agents among other changes. All of the provisions of the bill with a fiscal impact are discussed in greater detail below. In addition to the provisions detailed below, the bill makes several other modifications of the law for agents of the Ohio Humane Society to mirror the law relating to local humane society officers.

Humane society authority to employ attorneys

The bill repeals the statute authorizing a humane society or its agent to employ an attorney and assistant attorneys to prosecute violations of the law relating to (1) prevention of cruelty to animals or children, (2) abandonment, nonsupport, or ill treatment of a child by its parent, (3) employment of a child under 14 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, and (4) neglect or refusal of an adult to support a destitute parent.

Additionally, the law being repealed by the bill contains a provision that requires the attorneys employed by a humane society to be paid out of the county treasury in an amount approved as just and reasonable by a board of county commissioners of that county. Under continuing law, the authority to prosecute the violations of those laws lies with a prosecuting attorney, village solicitor, city law director, or other chief legal officer.

There would not appear to be any new costs to counties under this provision. Depending on the level of compensation given to attorneys employed by humane societies, there could either be a reduction in costs or an increase in costs for county prosecutors to handle such cases. However, any difference in costs would appear to be minimal. In some cases under the bill, political subdivisions other than counties could

have to prosecute such cases and bear those costs, whereas under current law the county pays these prosecution costs through the humane society. Nonetheless, it is quite possible that in many such circumstances, these cases would be referred to a county prosecutor anyway.

Local humane society officer provisions

The bill contains several provisions relating to the appointing of, compensation, and duties of local humane society agents. These are discussed in greater detail below.

Humane society agent pay

The bill increases the minimum monthly salary of a humane society agent as follows: when approved by a village, from \$5 to \$25; when approved by a city, from \$20 to \$125; and when approved by a county, from \$25 to \$150. Furthermore, the bill increases the minimum salary amount by \$5 on January 1, 2017 and every year for five years 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. While the bill increases these minimum compensation levels, it is reasonable to assume that humane society agents are currently being compensated at a rate higher than these minimum levels.

Removal of humane society agent procedures and bribery law

The bill specifies that a humane society agent may be removed from office at the discretion of the applicable probate judge, either upon complaint filed with the judge or upon the judge's own motion. Probate courts could experience some additional costs for conducting removal hearings under this provision. However, there are likely to be few such hearings; therefore, any additional costs arising from the removal procedure under the bill are likely to be minimal.

The bill also specifies that a humane society agent is a public servant for the purposes of bribery law. Under bribery law, no public servant may knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence that person or another public servant with respect to the discharge of that person's duty. The penalty for bribery is a felony of the third degree. The penalty for a felony of the third degree is between nine and 36 months in prison and a fine of \$10,000. Including humane society agents as public servants for the purpose of the bribery law could potentially result in an increase in costs for county courts of common pleas. These costs could be partially defrayed through court costs. Furthermore, the mandatory state court costs for felony cases is \$60, of which \$30 is deposited into the Indigent Defense Support Fund (Fund 5DY0) and \$30 is deposited into the Victims of Crime/Reparations Fund (Fund 4020). It would seem unlikely that there would be many such cases resulting from this provision.

Reports and 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 the records of a humane society agent enforcement activity are public records under Public Records Law, except for records that are confidential law enforcement investigatory records. As a result, county humane societies could bear some additional costs for preparing and submitting these enforcement activity reports.

Humane society agent 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. Additionally, proof of successful training must be signed by the proper approving authority and filed with the county sheriff. Current law only requires that proof of training be submitted to the proper appointing authority. The bill further requires individuals who are currently serving as a humane society agent to file proof of training within six months after the bill's effective date. Humane society agents who do not file proof with the sheriff that they have completed the required training would be suspended as an agent until they submit the necessary documentation. The bill also requires the current authority responsible for approving humane society agent appointments to investigate complaints that a humane society agent has either not successfully completed the required training or has submitted false or misleading information along with the documentation that training has been completed. In either case, the authority must rescind the approval of appointment and order the applicable humane society to revoke the appointment. Altogether, the provisions dealing with training under the bill may result in some small increases in investigatory expenses for county sheriffs and appointing authorities.