



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

Daniel M. DeSantis

H.B. 278

131st General Assembly
(H. Government Accountability and Oversight)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| Topic | Previous Version (LSC 131 1502-5) | Sub. Version (LSC 131 1502-7) |
|--|--|--|
| Humane society attorney as special prosecutor | Repeals the authority in current law for a humane society to employ an attorney, and to employ one or more assistant attorneys, to prosecute certain violations of law relating to prevention of cruelty to animals or children (<i>R.C. 2931.18</i>). | Authorizes a humane society to appoint an attorney, and also to appoint one or more assistant attorneys, to prosecute violations of law relating to prevention of cruelty to animals. Requires that the attorneys be paid out of the county treasury, from the general fund of the county or from the dog and kennel fund of the county (<i>R.C. 2931.18</i>). |
| Notification when humane society agent ceases to perform the duties | No provision. | Requires a humane society to notify the probate judge, the county sheriff, and the Board of County Commissioners when an approved humane society agent has ceased to perform the duties of the appointment (<i>R.C. 1717.04 and 1717.06</i>). |
| Revocation of humane society agent's appointment | Authorizes a probate judge, at the judge's own discretion or upon a complaint filed, to remove a humane society agent. In either case, the judge must conduct a hearing on the | Authorizes a probate judge of the county in which a humane society agent operated to revoke the approval of an appointment, as a humane society agent, for just cause, under the following procedure. The procedure is commenced when a motion that the appointment be revoked is filed with the probate |

| Topic | Previous Version (LSC 131 1502-5) | Sub. Version (LSC 131 1502-7) |
|---|---|--|
| | <p>removal. The judge must notify the agent and any other interested person or governmental entity not less than ten days before the hearing. An order removing the agent must state the reasons for the removal, and must be entered upon the probate court's records (<i>R.C. 1717.17</i>).</p> | <p>court. The movant must describe in the motion, or in a memorandum accompanying the motion, the conduct that constitutes just cause for the motion. The clerk of the probate court must serve the humane society agent with a summons and a copy of the motion and any accompanying memorandum in accordance with the Rules of Civil Procedure. The summons must state the time and place at which the probate court will conduct a hearing on the motion. The humane society agent may waive the right to a hearing. If the humane society agent waives the right to a hearing, the probate judge must revoke the humane society agent's approval of appointment as prayed for in the motion. If the humane society agent does not waive the right to a hearing, the probate judge must conduct a hearing on the motion. The humane society agent is entitled to the assistance of counsel at the hearing. The Rules of Evidence govern conduct of the hearing. At the hearing, the movant has the burden of proving, by a preponderance of the evidence, that just cause exists for revocation of the humane society agent's appointment. If, after the hearing, the probate judge finds that the movant has not sustained the burden of proof, the probate judge must deny the motion. If, after the hearing, the probate judge finds that the movant has sustained the burden of proof, the probate judge must grant the motion and revoke the humane society agent's approval of appointment (<i>R.C. 1717.17</i>).</p> |
| <p>Humane society agent pay source</p> | <p>Retains current law provision that requires the pay for a humane society agent, whose appointment is approved by the county probate judge, to be paid from the general revenue fund of the county (<i>R.C. 1717.07</i>).</p> | <p>Authorizes the pay for a humane society agent, whose appointment is approved by the county probate judge, to be paid from the general fund of the county, or from the dog and kennel fund of the county (<i>R.C. 1717.07</i>).</p> |