

OPINION NO. 83-050**Syllabus:**

Pursuant to R.C. 959.13(C), the county may pay the fines collected for violations of R.C. 959.13(A) to a society organized and incorporated within the county as a society for the prevention of cruelty to animals, even though such society does not operate under the name of a "Society for the Prevention of Cruelty to Animals."

To: James M. Ronk, Knox County Prosecuting Attorney, Mt. Vernon, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, October 11, 1983

I have before me your opinion request in which you ask whether fines collected pursuant to R.C. 959.13(C) may be paid to the Knox County Humane Society.

R.C. 959.13(A) prohibits certain activities which constitute cruelty to animals. A violation of R.C. 959.13(A) is a misdemeanor of the second degree. R.C. 959.99(D). Pursuant to R.C. 959.13(C), "[a]ll fines collected for violations of [R.C. 959.13] shall be paid to the society or association for the prevention of cruelty to animals, if there be such in the county, township, or municipal corporation where such violation occurred." Your letter states that, although there is no organization in Knox County doing business under the name of "Society for the Prevention of Cruelty to Animals," the Knox County Humane Society protects animals from abuse and performs other services related to the well being of animals. You ask, therefore, whether the county may pay to such humane society the fines collected by the county for violations of R.C. 959.13(A).

R.C. Chapter 959 does not define the term, "society or association for the prevention of cruelty to animals," as used in that chapter. The same term is, however, used in R.C. 955.15, which authorizes the board of county commissioners to furnish a dog pound and states: "In any county in which there is a society for the prevention of cruelty to children and animals. . .maintaining an animal shelter suitable for a dog pound. . .the board need not furnish a dog pound. . . ." As used in R.C. 955.15, the term "society for the prevention of cruelty to children and animals" has been interpreted as including organizations operating under the name of a county humane society. See, e.g., 1966 Op. Att'y Gen. No. 66-126.

I also note that R.C. Chapter 1717 provides generally for organizations known as humane societies. R.C. 1717.03 establishes the state society for the prevention of cruelty to animals, known as the "Ohio Humane Society," and provides for the organization of branches of such society. In addition, R.C. 1717.05 provides for the organization and incorporation within a county of a "society for the prevention of acts of cruelty to animals." R.C. 1717.06 then refers to an agency established under R.C. 1717.05 as a "county humane society." As stated in R.C. 1717.02, the object of a society formed under R.C. 1717.05 is "the enforcement of laws for the prevention of cruelty, especially to children and animals."

It is my understanding that the Knox County Humane Society exists as a corporation and was organized and incorporated for the purpose of preventing cruelty to animals and children. Thus, although this society does not operate under the name of a "Society for the Prevention of Cruelty to Animals," I believe that it is such a society for purposes of R.C. 959.13.

It is, therefore, my opinion, and you are advised, that pursuant to R.C. 959.13(C), the county may pay the fines collected for violations of R.C. 959.13(A) to a society organized and incorporated within the county as a society for the prevention of cruelty to animals, even though such society does not operate under the name of a "Society for the Prevention of Cruelty to Animals."