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Sub. H. B. No. 347

Representatives McColley, Brinkman

Cosponsors: Representatives Antani, Becker, Brenner, Dever, Duffey, Hambley, Henne, Hood, LaTourette, Retherford, Roegner, Schuring, Terhar, Thompson, Vitale, Young, Zeltwanger, Amstutz, Koehler, Rezabek, Romanchuk

A BILL

To amend sections 2329.84, 2329.85, 2329.86, 1
2981.01, 2981.03, 2981.04, 2981.05, 2981.06, 2
2981.09, 2981.11, 2981.12, 2981.13, and 2981.14 3
and to enact sections 2307.59 and 2927.21 of the 4
Revised Code to modify the laws governing 5
criminal and civil asset forfeitures, to revise 6
the procedures upon a writ of execution of goods 7
claimed by a person other than the defendant, 8
and to establish the offense of receiving 9
proceeds of a drug abuse, theft, or human 10
trafficking offense and permit the state to file 11
a civil action against the person who allegedly 12
committed that offense under certain 13
circumstances. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2329.84, 2329.85, 2329.86, 15
2981.01, 2981.03, 2981.04, 2981.05, 2981.06, 2981.09, 2981.11, 16
2981.12, 2981.13, and 2981.14 be amended and sections 2307.59 17

and 2927.21 of the Revised Code be enacted to read as follows: 18

Sec. 2307.59. (A) As used in this section: 19

(1) "Drug abuse offense" has the same meaning as in 20
section 2925.01 of the Revised Code. 21

(2) "Offense of trafficking in persons" means a violation 22
of section 2905.32 of the Revised Code. 23

(3) "Proceeds" has the same meaning as in section 2981.01 24
of the Revised Code. 25

(4) "Theft offense" has the same meaning as in section 26
2913.01 of the Revised Code. 27

(B) (1) The state may file a civil action against any 28
person who is alleged to have received, retained, possessed, or 29
disposed of proceeds, in an amount exceeding twenty-five 30
thousand dollars, knowing or having reasonable cause to believe 31
that the proceeds were allegedly derived from the commission of 32
a drug abuse offense, a theft offense, or the offense of 33
trafficking in persons in violation of section 2927.21 of the 34
Revised Code. The complaint shall be filed in the court of 35
common pleas of the county in which the proceeds were alleged to 36
have been received, retained, possessed, or disposed of by the 37
person. The complaint shall specify all of the following: 38

(a) That the person against whom the complaint is filed is 39
alleged to have received, retained, possessed, or disposed of 40
proceeds, in an amount exceeding twenty-five thousand dollars, 41
knowing or having reasonable cause to believe that the proceeds 42
were allegedly derived from the commission of a drug abuse 43
offense, a theft offense, or the offense of trafficking in 44
persons in violation of section 2927.21 of the Revised Code; 45

(b) That the state has the right to recover the proceeds 46
described in division (B) (1) (a) of this section; 47

(c) The actual amount of the proceeds described in 48
division (B) (1) (a) of this section. 49

(2) If at the time of the filing of the complaint under 50
division (B) (1) of this section, any law enforcement agency has 51
possession of the proceeds described in that division, the law 52
enforcement agency shall place the proceeds in escrow until the 53
termination of the proceedings in the civil action. 54

(C) A civil action filed under this section shall be 55
stayed if a criminal complaint, indictment, or information is 56
filed against the person who is alleged to have received, 57
retained, possessed, or disposed of proceeds, in an amount 58
exceeding twenty-five thousand dollars, knowing or having 59
reasonable cause to believe that the proceeds were derived from 60
the commission of a drug abuse, theft, or trafficking in persons 61
offense in violation of section 2927.21 of the Revised Code. 62

(D) In a civil action filed under this section, the state 63
has the burden to prove by clear and convincing evidence all of 64
the following: 65

(1) That the person received, retained, possessed, or 66
disposed of the proceeds involved; 67

(2) That the person knew or had reasonable cause to 68
believe that the proceeds were derived from the alleged 69
commission of a drug abuse offense, a theft offense, or the 70
offense of trafficking in persons in violation of section 71
2927.21 of the Revised Code; 72

(3) The actual amount of the proceeds received, retained, 73
possessed, or disposed of by the person that exceeds twenty-five 74

thousand dollars. 75

(E) Any statements made in a civil action under this 76
section are inadmissible as evidence in a criminal action 77
brought against the person involved for a violation of section 78
2927.21 of the Revised Code, except for purposes of impeachment. 79

(F) A civil action under this section shall be commenced 80
within two years after the latest date on which a person 81
allegedly received, retained, possessed, or disposed of 82
proceeds, in an amount exceeding twenty-five thousand dollars, 83
knowing or having reasonable cause to believe that the proceeds 84
were allegedly derived from the commission of a drug abuse 85
offense, a theft offense, or the offense of trafficking in 86
persons in violation of section 2927.21 of the Revised Code. 87

(G) The court shall complete the trial of the civil action 88
under this section within one year after the action is commenced 89
unless the parties to the action mutually agree to extend the 90
one-year period or the extension of that period is for good 91
cause shown. 92

Sec. 2329.84. If, by virtue of a writ of execution issued 93
from a court of record in this state, an officer levies it on 94
goods and chattels claimed by a person other than the defendant, 95
such officer ~~forthwith~~ shall give written notice to a judge of 96
the court of common pleas, municipal court, or county court, 97
~~which whichever~~ court has jurisdiction. The notice shall contain 98
the names of the plaintiff, defendant, and claimant, and at the 99
same time furnish the judge a schedule of the property claimed. 100
~~Immediately upon~~ As soon as is practicable after the receipt of 101
the notice and schedule, the judge shall ~~make an entry of them~~ 102
~~on his docket, and issue a summons directed to the sheriff or~~ 103
~~any constable of the county commanding him to summon five~~ 104

~~disinterested men, having the qualifications of electors, to be~~ 105
~~named in the summons, to appear before him, at the time and~~ 106
~~place therein mentioned, which shall not be more than three days~~ 107
~~after the date of the writ, to try and schedule a hearing to~~ 108
determine the claimant's right to the property in controversy. 109
~~The claimant shall give two days' notice, in writing, to the~~ 110
~~plaintiff, or other party, for whose benefit the execution was~~ 111
~~issued and levied, his agent, or attorney, if within the county,~~ 112
~~of the time and place of trial. The claimant shall prove to the~~ 113
~~satisfaction of the judge that such notice was given, or that it~~ 114
~~could not be given by reason of the absence of the party, his~~ 115
~~agent, or attorney.~~ 116

Sec. 2329.85. ~~The jurors summoned under section 2329.84 of~~ 117
~~the Revised Code shall be sworn to try and determine the right~~ 118
~~of the claimant to the property in controversy, and give a true~~ 119
~~verdict according to the evidence. If at the hearing under~~ 120
~~section 2329.84 of the Revised Code the jury judge of the court~~ 121
~~of common pleas, municipal court, or county court finds that the~~ 122
right to the goods and chattels, in whole or part, is in the 123
claimant, ~~they~~ the judge also shall find the value ~~thereof~~ of 124
the goods and chattels. The judge ~~of the county court~~ shall 125
render judgment on such finding for the claimant that ~~he~~ the 126
claimant recover ~~his~~ the claimant's costs against the plaintiff 127
in execution, or other party for whose benefit the writ of 128
execution is issued, and also have restitution of the goods and 129
chattels, or any part ~~thereof~~ of them, according to the finding 130
of the ~~jury judge~~. If the jury judge finds that no right to any 131
part of the goods and chattels, is in the claimant, the judge 132
shall render judgment on such finding in favor of the plaintiff 133
in execution, or other party for whose benefit ~~it~~ the writ of 134
execution is issued, and against the claimant, for costs, and 135

award execution ~~thereon on the judgment~~. If the jury fails to 136
agree and is discharged, costs shall be taxed, to abide the 137
final event of the proceedings, and another jury shall be 138
~~summoned as before~~. Unless a bond is executed, as provided in 139
section 2329.86 of the Revised Code, a judgment for the claimant 140
shall be a justification of the officer in returning "no goods" 141
to the writ by virtue of which the levy was made, as to ~~such the~~ 142
part of the goods and chattels ~~as that~~ were found to belong to 143
the claimant. The same fees shall be allowed and taxed by the 144
judge, for ~~himself self~~, officers, ~~jurors~~, and witnesses, ~~as~~ 145
~~that~~ are allowed by law for ~~like similar~~ services. 146

Sec. 2329.86. If the ~~jury summoned~~ judge at the hearing 147
under section 2329.84 of the Revised Code finds that the right 148
to the property, or a part of it, is in the claimant, and the 149
plaintiff in execution within three days after the ~~trial hearing~~ 150
tenders to the officer having the property in ~~his~~ the officer's 151
custody, a bond in double the amount of its value as assessed by 152
the ~~jury judge~~, with good and sufficient sureties, payable to 153
the claimant, to the effect that they will pay all damages 154
sustained by reason of the detention or sale of the property, 155
the officer shall deliver such bond to the claimant, sell the 156
property as if no ~~trial hearing~~ of the right ~~thereto to the~~ 157
property had taken place, and shall not be liable to the 158
claimant ~~therefor for the property~~. 159

Sec. 2927.21. (A) As used in this section: 160

(1) "Drug abuse offense" has the same meaning as in 161
section 2925.01 of the Revised Code. 162

(2) "Offense of trafficking in persons" means a violation 163
of section 2905.32 of the Revised Code. 164

(3) "Proceeds" has the same meaning as in section 2981.01 165
of the Revised Code. 166

(4) "Theft offense" has the same meaning as in section 167
2913.01 of the Revised Code. 168

(5) "Vehicle" has the same meaning as in section 4501.01 169
of the Revised Code. 170

(B) No person shall receive, retain, possess, or dispose 171
of proceeds knowing or having reasonable cause to believe that 172
the proceeds were derived from the commission of a drug abuse 173
offense, a theft offense, or the offense of trafficking in 174
persons. 175

(C) It is not a defense to a charge of receiving proceeds 176
of a drug abuse, theft, or trafficking in persons offense in 177
violation of this section that the proceeds were derived by 178
means other than the commission of a drug abuse offense, a theft 179
offense, or the offense of trafficking in persons if the 180
property was explicitly represented to the accused person as 181
having been derived from the commission of a drug abuse offense, 182
a theft offense, or the offense of trafficking in persons. 183

(D) A person shall be considered to have received, 184
retained, possessed, or disposed of proceeds if the proceeds are 185
found anywhere in a vehicle and the person was the last person 186
who operated the vehicle immediately prior to the search of the 187
vehicle by the law enforcement officer who found the proceeds. 188

(E) Whoever violates this section is guilty of receiving 189
proceeds of a drug abuse, theft, or trafficking in persons 190
offense. If the value of the proceeds involved is less than one 191
thousand dollars, receiving proceeds of a drug abuse, theft, or 192
human trafficking offense is a misdemeanor of the first degree. 193

If the value of the proceeds involved is one thousand dollars or more and is less than twenty-five thousand dollars, receiving proceeds of a drug abuse, theft, or human trafficking offense is a felony of the fifth degree. If the value of the proceeds involved is twenty-five thousand dollars or more and is less than one hundred fifty thousand dollars, receiving proceeds of a drug abuse, theft, or human trafficking offense is a felony of the fourth degree. If the value of the proceeds involved is one hundred fifty thousand dollars or more, receiving proceeds of a drug abuse, theft, or human trafficking offense is a felony of the third degree.

Sec. 2981.01. (A) Forfeitures under this chapter shall be governed by all of the following purposes:

(1) To provide economic disincentives and remedies to deter and offset the economic effect of offenses by seizing and forfeiting contraband, proceeds, and certain instrumentalities;

(2) To ensure that seizures and forfeitures of instrumentalities are proportionate to the offense committed;

(3) To protect third parties from wrongful forfeiture of their property;

(4) To prioritize restitution for victims of offenses.

(B) As used in this chapter:

(1) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code.

(2) "Computers," "computer networks," "computer systems," "computer software," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(3) "Financial institution" means a bank, credit union,

savings and loan association, or a licensee or registrant under	222
Chapter 1321. of the Revised Code.	223
(4) "Firearm" and "dangerous ordnance" have the same	224
meanings as in section 2923.11 of the Revised Code.	225
(5) "Innocent person" includes any bona fide purchaser of	226
property that is subject to forfeiture, including any person who	227
establishes a valid claim to or interest in the property in	228
accordance with section 2923.04 <u>2981.04</u> of the Revised Code, and	229
any victim of an alleged offense.	230
(6) "Instrumentality" means property otherwise lawful to	231
possess that is used in or intended to be used in an offense. An	232
"instrumentality" may include, but is not limited to, a firearm,	233
a mobile instrumentality, a computer, a computer network, a	234
computer system, computer software, a telecommunications device,	235
money, and any other means of exchange.	236
(7) "Law enforcement agency" includes, but is not limited	237
to, the state board of pharmacy, the enforcement division of the	238
department of taxation, the Ohio casino control commission, and	239
the office of the prosecutor.	240
(8) "Mobile instrumentality" means an instrumentality that	241
is inherently mobile and used in the routine transport of	242
persons. "Mobile instrumentality" includes, but is not limited	243
to, any vehicle, any watercraft, and any aircraft.	244
(9) "Money" has the same meaning as in section 1301.201 of	245
the Revised Code.	246
(10) "Offense" means any act or omission that could be	247
charged as a criminal offense or a delinquent act, whether or	248
not a formal criminal prosecution or delinquent child proceeding	249
began at the time the forfeiture is initiated. Except as	250

otherwise specified, an offense for which property may be 251
forfeited includes any felony and any misdemeanor. The 252
commission of an "offense" includes the commission of a 253
delinquent act. 254

(11) "Proceeds" means both of the following: 255

(a) In cases involving unlawful goods, services, or 256
activities, "proceeds" means any property derived directly or 257
indirectly from an offense. "Proceeds" may include, but is not 258
limited to, money or any other means of exchange. "Proceeds" is 259
not limited to the net gain or profit realized from the offense. 260
"Proceeds" does not include property, including money or other 261
means of exchange, if all of the following apply to that 262
property: 263

(i) It is held under clear title by a law enforcement 264
agency. 265

(ii) It is used or may be used to purchase contraband for 266
the purpose of investigating any drug abuse offense, as defined 267
in section 2925.01 of the Revised Code. 268

(iii) If it is used to purchase contraband under division 269
(B) (11) (a) (ii) of this section, the property continues to be 270
considered the property of the law enforcement agency if the 271
agency establishes a clear chain of custody of it. 272

(b) In cases involving lawful goods or services that are 273
sold or provided in an unlawful manner, "proceeds" means the 274
amount of money or other means of exchange acquired through the 275
illegal transactions resulting in the forfeiture, less the 276
direct costs lawfully incurred in providing the goods or 277
services. The lawful costs deduction does not include any part 278
of the overhead expenses of, or income taxes paid by, the entity 279

providing the goods or services. The alleged offender or 280
delinquent child has the burden to prove that any costs are 281
lawfully incurred. 282

(12) "Property" means "property" as defined in section 283
2901.01 of the Revised Code and any benefit, privilege, claim, 284
position, interest in an enterprise, or right derived, directly 285
or indirectly, from the offense. 286

(13) "Property subject to forfeiture" includes contraband 287
and proceeds and may include instrumentalities as provided in 288
this chapter. 289

(14) "Prosecutor" has the same meaning as in section 290
2935.01 of the Revised Code. When relevant, "prosecutor" also 291
includes the attorney general. 292

(15) "Vehicle" has the same meaning as in section 4501.01 293
of the Revised Code. 294

(16) "Watercraft" has the same meaning as in section 295
1547.01 of the Revised Code. 296

(C) The penalties and procedures under Chapters 2923., 297
2925., 2933., and 3772. of the Revised Code remain in effect to 298
the extent that they do not conflict with this chapter. 299

Sec. 2981.03. (A) (1) The state or political subdivision 300
acquires provisional title to property subject to forfeiture 301
under this chapter upon a person's commission of an offense 302
giving rise to forfeiture, subject to third party claims and a 303
final adjudication under section 2981.04 or 2981.05 of the 304
Revised Code. Provisional title authorizes the state or 305
political subdivision to seize and hold the property, and to act 306
to protect the property, under this section before any 307
proceeding under this chapter. Title to the property vests with 308

the state or political subdivision when the trier of fact 309
renders a final forfeiture verdict or order under section 310
2981.04 or 2981.05 of the Revised Code, but that title is 311
subject to third party claims adjudicated under those sections. 312

(2) ~~A~~ Except as otherwise provided in division (A) (3) of 313
this section, a law enforcement officer may seize property that 314
the officer has probable cause to believe is property subject to 315
forfeiture. If a law enforcement officer seizes property that is 316
titled or registered under law, the officer or the law 317
enforcement agency that employs the officer shall notify the 318
property owner of the seizure. The agency shall give notice to 319
the property owner at the owner's last known address as soon as 320
practical after the seizure and may give the notice by certified 321
mail or orally by any means, including telephone. If the officer 322
or agency is unable to provide the notice required by this 323
division despite reasonable, good faith efforts, those efforts 324
constitute fulfillment of the notice requirement. 325

(3) ~~In~~ If a civil forfeiture case under this chapter in 326
~~which the state or political subdivision seeks to seize real~~ 327
~~property, the property owner may request~~ the prosecutor shall 328
file a motion in the appropriate court to request a hearing 329
~~before the seizure,~~ and in shall notify the property owner of 330
the motion. The court shall hold the hearing not sooner than 331
twenty-one days after the motion is filed. At the hearing, the 332
court shall grant the motion if the state or political 333
~~subdivision shall show probable cause~~ demonstrates by a 334
preponderance of the evidence that the real property is subject 335
to forfeiture. 336

(4) A person aggrieved by an alleged unlawful seizure of 337
property may seek relief from the seizure by filing a motion in 338

the appropriate court that shows the person's interest in the 339
property, states why the seizure was unlawful, and requests the 340
property's return. If the motion is filed before an indictment, 341
information, or a complaint seeking forfeiture of the property 342
is filed, the court shall ~~promptly~~ schedule a hearing on the 343
motion, ~~and at~~ not later than twenty-one days after it is filed. 344
The court may extend the time for the hearing on the motion by 345
consent of the parties or for good cause shown. At the hearing, 346
if the property seized is titled or registered under law, the 347
person-state or political subdivision shall demonstrate by a 348
preponderance of the evidence that the seizure was ~~unlawful~~ 349
lawful and that the person is not entitled to the property. If 350
the property seized is not titled or registered under law, the 351
person shall demonstrate by a preponderance of the evidence that 352
the seizure was unlawful and that the person is entitled to the 353
property. If the motion is filed by a defendant after an 354
indictment, information, or a complaint seeking forfeiture of 355
the property has been filed, the court shall treat the motion as 356
a motion to suppress evidence. If the motion is filed by a third 357
party after an indictment, information, or complaint seeking 358
forfeiture of the property has been filed, the court shall treat 359
the motion as a petition of a person with an alleged interest in 360
the subject property, pursuant to divisions (E) and (F) of 361
section 2981.04 of the Revised Code. 362

(5) (a) In any action under section 2981.04 or 2981.05 of 363
the Revised Code, if a property owner or third party claims 364
lawful interest in the subject property alleged to be proceeds, 365
the state or political subdivision has provisional title and a 366
right to hold property if it proves both of the following by a 367
preponderance of the evidence: 368

(i) The interest in the property was acquired by the 369

alleged offender or delinquent child during the commission of 370
the offense or within a reasonable time after that period. 371

(ii) There is no likely source for the interest in the 372
property other than as proceeds derived from or acquired through 373
the commission of the offense. 374

(b) ~~The~~ In any action under section 2981.04 or 2981.05 of 375
the Revised Code, the alleged offender or delinquent child shall 376
have the burden to prove the amount of any direct costs lawfully 377
incurred. 378

(B) (1) Upon application by the prosecutor who prosecutes 379
or brings an action that allows forfeiture under this chapter, 380
the court in which the action is prosecuted or filed may issue 381
an order taking any reasonable action necessary to preserve the 382
reachability of the property including, but not limited to, a 383
restraining order or injunction, an order requiring execution of 384
a satisfactory bond or insurance policy, an order to inspect, 385
photograph, or inventory the property, an order placing a lien 386
or lis pendens against the property, or an order appointing a 387
receiver or trustee. The court may issue an order of this nature 388
at any of the following times: 389

(a) Upon the filing of a complaint, indictment, or 390
information alleging the property to be subject to forfeiture 391
under section 2981.02 of the Revised Code; 392

(b) Prior to the filing of a complaint, an indictment, or 393
information alleging the property to be subject to forfeiture 394
under section 2981.02 of the Revised Code, if, after giving 395
notice to all persons known to have ~~a~~ an interest in the 396
property and giving those persons an opportunity to be heard, 397
the court determines that all of the following apply: 398

(i) There is a substantial probability the state or political subdivision will prevail on the forfeiture issue. 399
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(ii) There is a substantial probability that failure to enter the order will result in the property being destroyed, being removed from the court's jurisdiction, or otherwise being made unavailable for forfeiture. 401
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(iii) The need to preserve the availability of the property outweighs the hardship on the person against whom the order is to be entered. 405
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(c) As a condition of releasing the property based on a determination of substantial hardship under division (D) of this section. 408
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(2) Except as otherwise provided in division (B)(3) of this section, the court shall make an order under division (B)(1)(b) of this section effective for not more than ninety days, but the court may extend the order if the prosecutor demonstrates that the need to preserve the reachability of the property still exists or for other good cause shown and shall extend the order if an indictment, information, or a complaint is filed alleging that the property is subject to forfeiture. 411
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(3) A court may issue an order under division (B)(1) of this section without giving notice or a hearing to a person known to have an interest in the property if the prosecutor demonstrates that the property is subject to forfeiture and that giving notice and a hearing will jeopardize the availability of the property for forfeiture. Notwithstanding the ninety-day limit described in division (B)(2) of this section, the court shall make an order under division (B)(3) of this section effective for not more than ten days, but the court may extend 419
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the order if the prosecutor again demonstrates that the property 428
is subject to forfeiture and that a hearing will jeopardize the 429
availability of the property or for other good cause shown or if 430
the person subject to the order consents to a longer period. If 431
a party requests a hearing on the order, the court shall hold 432
the hearing at the earliest possible time before the order 433
expires. 434

(4) At any hearing under division (B) of this section, the 435
court may receive and consider evidence and information that is 436
inadmissible under the Rules of Evidence. The court shall cause 437
the hearing to be recorded and shall cause a transcript to be 438
made. If property is to be seized as a result of the hearing, 439
the recording and transcript shall not be a public record for 440
purposes of section 149.43 of the Revised Code until the 441
property is seized. This section does not authorize making 442
available for inspection any confidential law enforcement 443
investigatory record or trial preparation record, as defined in 444
section 149.43 of the Revised Code. 445

(C) Except as otherwise provided in division (E) of this 446
section, any replevin, conversion, or other civil action brought 447
concerning property subject to a criminal or civil forfeiture 448
action under this chapter shall be stayed until the forfeiture 449
action is resolved. 450

(D) (1) A person with an interest in property that is 451
subject to forfeiture and that is seized under this chapter may 452
seek conditional release of the property by requesting 453
possession from the person with custody of the property. The 454
request shall demonstrate how the person meets the requirements 455
specified in divisions (D) (3) (a), (b), and (c) of this section. 456

(2) If the person with custody of the property does not 457

release the property within fifteen days after a person makes a 458
request under division (D) (1) of this section, or within seven 459
days after a person makes the request if the property was seized 460
as a mobile instrumentality or if the request is to copy 461
records, the person who made the request may file a petition for 462
conditional release with the court in which the complaint, 463
indictment, or information is filed or, if no complaint, 464
indictment, or information is filed, the court that issued the 465
seizure warrant for the property. The petition shall demonstrate 466
how the person meets the requirements specified in divisions (D) 467
(3) (a), (b), and (c) of this section and the steps the person 468
has taken to secure release of the property from the official. 469
Unless extended for good cause shown, the petition shall be 470
filed either within thirty days of the filing of a complaint, an 471
indictment, or information in the forfeiture action or, if no 472
complaint, indictment, or information is filed, within thirty 473
days of the ~~issuance of the seizure warrant~~ of the property. 474

If the court finds that the person meets the criteria 475
specified in divisions (D) (3) (a), (b), and (c) of this section, 476
the court shall order the property's conditional return to the 477
person pending completion of the forfeiture action. In issuing 478
this order, the court shall notify the person of the 479
prohibitions against interfering with or diminishing property in 480
section 2981.07 of the Revised Code and may make any order 481
necessary to ensure that the value of the property is 482
maintained. 483

If personal, business, or governmental records are seized, 484
including those contained in computer files, a person may 485
petition the court for a prompt opportunity to copy, at the 486
person's expense, any records that are not contraband. The court 487
may grant the petition if the person demonstrates how the person 488

meets the requirements specified in divisions (D) (3) (a) and (c) 489
of this section. The court shall order a competent person to 490
supervise the copying. 491

(3) Except when there is probable cause that the property 492
is contraband, property that must be held for a reasonable time 493
as evidence related to an offense, or property that is likely to 494
be used in additional offenses or except when the state or 495
political subdivision meets the burden imposed under division 496
(A) (5) of this section regarding alleged proceeds, a court may 497
conditionally release property subject to forfeiture to a person 498
who demonstrates all of the following: 499

(a) A possessory interest in the property; 500

(b) Sufficient ties to the community to provide assurance 501
that the property will be available at the time of trial; 502

(c) That failure to conditionally release the property 503
will cause a substantial hardship to the claimant. 504

(4) In determining whether a substantial hardship exists, 505
the court shall weigh the claimant's likely hardship from the 506
state's or political subdivision's continued possession of the 507
property against the risk that the property will be destroyed, 508
damaged, lost, concealed, or transferred if returned to the 509
claimant. The court shall consider in favor of release the 510
possibility that withholding the property would prevent a 511
legitimate business from functioning, prevent the claimant's or 512
an innocent person from maintaining employment, or leave the 513
claimant or an innocent person homeless. 514

(5) If the state or political subdivision shows that the 515
claimant's petition is frivolous, the court shall deny the 516
petition. Otherwise, the state or political subdivision may 517

respond to the petition by submitting evidence ex parte to avoid 518
disclosing any matter that may adversely affect an ongoing 519
criminal investigation or pending trial. 520

(6) The court shall decide on the petition not more than 521
~~thirty twenty-one~~ days after it is filed. If the property seized 522
is alleged to be a mobile instrumentality, the court shall 523
decide on the petition ~~as soon as practicable within the thirty-~~ 524
~~day period not more than ten days after it is filed.~~ If 525
personal, business, or governmental records were seized and a 526
person files a petition to copy the records, the court shall 527
decide on the petition as soon as practicable, but not later 528
than thirty days after it is filed. In any case, the court may 529
extend the time for deciding on the petition by consent of the 530
parties or for good cause shown. 531

(E) Nothing in this section precludes a financial 532
institution that has or purports to have a security interest in 533
or lien on property described in section 2981.02 of the Revised 534
Code from filing an action in connection with the property, 535
prior to its disposition under this chapter, to obtain 536
possession of the property in order to foreclose or otherwise 537
enforce the security interest or lien. 538

If a financial institution commences a civil action or 539
takes any other appropriate legal action to sell the property 540
prior to its seizure or prior to its disposition under this 541
chapter, if the person who is responsible for conducting the 542
sale has actual knowledge of the commencement of a forfeiture 543
action under either section 2981.04 or 2981.05 of the Revised 544
Code, and if the property is sold, then the person shall dispose 545
of the proceeds of the sale in the following order: 546

(1) First, to the payment of the costs of the sale, 547

excluding any associated attorney's fees, and to the payment of 548
the costs incurred by law enforcement agencies and financial 549
institutions in connection with the seizure, storage, and 550
maintenance of, and provision of security for, the property; 551

(2) Second, in the order of priority of the security 552
interests and liens, to the payment of valid security interests 553
and liens pertaining to the property that, at the time at which 554
the state or political subdivision gains provisional title, are 555
held by known secured parties and lienholders; 556

(3) Third, to the court that has or would have 557
jurisdiction in a case or proceeding under section 2981.04 or 558
~~section~~ 2981.05 of the Revised Code for disposition under this 559
chapter. 560

(F) A prosecutor may file a forfeiture action under 561
section 2981.04 or 2981.05 of the Revised Code, or both. If 562
property is seized pursuant to this section ~~and a criminal~~ 563
~~forfeiture has not begun under section 2981.04 of the Revised~~ 564
~~Code,~~ the prosecutor of the county in which the seizure occurred 565
shall commence a civil action to forfeit that property under 566
section 2981.05 of the Revised Code, if that section applies. 567

~~If the property seized includes property alleged to be a~~ 568
~~mobile instrumentality or includes personal, business, or~~ 569
~~governmental records, the civil forfeiture action shall be~~ 570
~~brought within thirty days of seizure. Otherwise, the action~~ 571
~~shall be brought within sixty days of seizure. In either case,~~ 572
~~the period within which the action shall be brought may be~~ 573
~~extended by agreement of the parties or by the court for good~~ 574
~~cause shown.~~ 575

A prosecutor may file an appropriate charging instrument 576

under section 2981.04 of the Revised Code to seek a criminal 577
forfeiture after a civil forfeiture action begins. Filing a 578
charging instrument for an offense that is also the basis of a 579
civil forfeiture action shall stay the civil forfeiture action. 580

~~A civil action to obtain civil forfeiture may be commenced 581
as described in section 2981.05 of the Revised Code regardless 582
of whether the offender or delinquent child has pleaded guilty 583
to, been convicted of, or been adjudicated a delinquent child 584
for the act that is the basis of the order. 585~~

(G) The prosecutor shall maintain an accurate record of 586
each item disposed of under section 2981.04 or 2981.05 of the 587
Revised Code. The record shall not identify or enable the 588
identification of the officer who seized the property. The 589
record is a public record open for inspection under section 590
149.43 of the Revised Code. 591

Sec. 2981.04. (A) (1) Property described in division (A) of 592
section 2981.02 of the Revised Code may be forfeited under this 593
section only if the defendant is convicted of an offense or the 594
juvenile is adjudicated a delinquent child for committing an act 595
that would be an offense if committed by an adult and the 596
complaint, indictment, or information charging the offense or 597
municipal violation, or the complaint charging the delinquent 598
act, contains a specification of the type described in section 599
2941.1417 of the Revised Code that sets forth all of the 600
following to the extent it is reasonably known at the time of 601
the filing: 602

(a) The nature and extent of the alleged offender's or 603
delinquent child's interest in the property; 604

(b) A description of the property; 605

(c) If the property is alleged to be an instrumentality, 606
the alleged use or intended use of the property in the 607
commission or facilitation of the offense. 608

(2) If any property is not reasonably foreseen to be 609
subject to forfeiture at the time of filing the indictment, 610
information, or complaint, the trier of fact still may return a 611
verdict of forfeiture concerning that property in the hearing 612
described in division (B) of this section if the prosecutor, 613
upon discovering the property to be subject to forfeiture, gave 614
prompt notice of this fact to the alleged offender or delinquent 615
child under Criminal Rule 7(E) or Juvenile Rule 10(B). 616

~~(3) For good cause shown, the court may consider issues of 617
the guilt of the alleged offender or the delinquency of the 618
alleged delinquent child separate from whether property 619
specified as subject to forfeiture should be forfeited. 620~~

(B) If a person pleads guilty to or is convicted of an 621
offense or is adjudicated a delinquent child for committing a 622
delinquent act and the complaint, indictment, or information 623
charging the offense or act contains a specification covering 624
property subject to forfeiture under section 2981.02 of the 625
Revised Code, the trier of fact shall determine whether the 626
person's property shall be forfeited. If the state or political 627
subdivision proves by ~~a preponderance of the clear and~~ 628
convincing evidence that the property is in whole or part 629
subject to forfeiture under section 2981.02 of the Revised Code, 630
after a proportionality review under section 2981.09 of the 631
Revised Code when relevant, the trier of fact shall return a 632
verdict of forfeiture that specifically describes the extent of 633
the property subject to forfeiture. If the trier of fact is a 634
jury, on the offender's or delinquent child's motion, the court 635

shall make the determination of whether the property shall be 636
forfeited. 637

(C) If the court enters a verdict of forfeiture under this 638
section, the court imposing sentence or disposition, in addition 639
to any other sentence authorized by Chapter 2929. of the Revised 640
Code or any disposition authorized by Chapter 2152. of the 641
Revised Code, shall order that the offender or delinquent child 642
forfeit to the state or political subdivision the offender's or 643
delinquent child's interest in the property. The property vests 644
with the state or political subdivision subject to the claims of 645
third parties. The court may issue any additional order to 646
affect the forfeiture, including, but not limited to, an order 647
under section 2981.06 of the Revised Code. 648

(D) After the entry of a forfeiture order under this 649
section, the prosecutor shall attempt to identify any person 650
with an interest in the property subject to forfeiture by 651
searching appropriate public records and making reasonably 652
diligent inquiries. The prosecutor shall give notice of the 653
forfeiture that remains subject to the claims of third parties 654
and proposed disposal of the forfeited property to any person 655
known to have an interest in the property. The prosecutor also 656
shall publish notice of the forfeiture that remains subject to 657
the claims of third parties and proposed disposal of the 658
forfeited property once each week for two consecutive weeks in a 659
newspaper of general circulation in the county in which the 660
property was seized. 661

(E) (1) Any person, other than the offender or delinquent 662
child whose conviction or plea of guilty or delinquency 663
adjudication is the basis of the forfeiture order, who asserts a 664
legal interest in the property that is the subject of the order 665

may petition the court that issued the order for a hearing under 666
division (E) (3) of this section to adjudicate the validity of 667
the person's alleged interest in the property. All of the 668
following apply to the petition: 669

(a) It shall be filed within thirty days after the final 670
publication of notice or the person's receipt of notice under 671
division (D) of this section. 672

(b) It shall be signed by the petitioner under the 673
penalties for falsification specified in section 2921.13 of the 674
Revised Code. 675

(c) It shall describe the nature and extent of the 676
petitioner's interest in the property, the time and 677
circumstances of the petitioner's acquisition of that interest, 678
any additional facts supporting the petitioner's claim, and the 679
relief sought. 680

(d) It shall state that one of the following conditions 681
applies to the petitioner: 682

(i) The petitioner has a legal interest in the property 683
that is subject to the forfeiture order that renders the order 684
completely or partially invalid because the legal interest in 685
the property was vested in the petitioner, rather than the 686
offender or delinquent child whose conviction or plea of guilty 687
or delinquency adjudication is the basis of the order, or was 688
superior to any interest of that offender or delinquent child, 689
at the time of the commission of the offense or delinquent act 690
that is the basis of the order. 691

(ii) The petitioner is a bona fide purchaser for value of 692
the interest in the property that is subject to the forfeiture 693
order and was, at the time of the purchase, reasonably without 694

cause to believe that it was subject to forfeiture. 695

(2) (a) In lieu of filing a petition as described in 696
division (E) (1) of this section, a person, other than the 697
offender or delinquent child whose conviction or plea of guilty 698
or delinquency adjudication is the basis of the forfeiture 699
order, may file an affidavit as described in this division to 700
establish the validity of the alleged right, title, or interest 701
in the property that is the subject of the forfeiture order if 702
the person is a secured party or other lienholder of record that 703
asserts a legal interest in the property, including, but not 704
limited to, a mortgage, security interest, or other type of 705
lien. The affidavit shall contain averments that the secured 706
party or other lienholder acquired its alleged right, title, or 707
interest in the property in the regular course of its business, 708
for a specified valuable consideration, without actual knowledge 709
of any facts pertaining to the offense that was the basis of the 710
forfeiture order, in good faith, and without the intent to 711
prevent or otherwise impede the state or political subdivision 712
from seizing or obtaining a forfeiture of the property. The 713
person shall file the affidavit within thirty days after the 714
earlier of the final publication of notice or the receipt of 715
notice under division (D) of this section. 716

(b) Except as otherwise provided in this section, the 717
affidavit shall constitute prima-facie evidence of the validity 718
of the affiant's alleged interest in the property. 719

(c) Unless the prosecutor files a motion challenging the 720
affidavit within ten days after its filing and unless the 721
prosecutor establishes by ~~a preponderance of the~~ clear and 722
convincing evidence at the hearing held under division (E) (3) of 723
this section that the affiant does not possess the alleged 724

interest in the property or that the affiant had actual 725
knowledge of facts pertaining to the offense or delinquent act 726
that was the basis of the forfeiture order, the affidavit shall 727
constitute conclusive evidence of the validity of the affiant's 728
interest in the property. 729

(d) Any subsequent purchaser or other transferee of 730
property pursuant to forfeiture under this section shall take 731
the property subject to the continued validity of the interest 732
of the affiant. 733

(3) Upon receipt of a petition or affidavit filed under 734
division (E) (1) or (2) of this section, the court shall hold a 735
hearing to determine the validity of the petitioner's interest 736
in the property that is the subject of the forfeiture order or, 737
if the affidavit was challenged, to determine the validity of 738
the affiant's interest in the property. To the extent 739
practicable and consistent with the interests of justice, the 740
court shall hold the hearing within thirty days after the filing 741
of the petition or within thirty days after the prosecutor files 742
the motion challenging the affidavit. The court may consolidate 743
the hearing with a hearing on any other petition or affidavit 744
that is filed by a person other than the offender or delinquent 745
child whose conviction or plea of guilty or delinquency 746
adjudication is the basis of the forfeiture order and that 747
relates to the property that is the subject of the forfeiture 748
order. 749

At the hearing, the petitioner or affiant may testify, 750
present evidence and witnesses on the petitioner's or affiant's 751
behalf, and cross-examine witnesses for the state or political 752
subdivision. In regards to a petition, the state or political 753
subdivision may present evidence and witnesses in rebuttal and 754

in defense of its claim to the property and may cross-examine 755
witnesses for the petitioner. In regards to an affidavit, the 756
prosecutor may present evidence and witnesses and cross-examine 757
witnesses for the affiant. 758

In addition to the evidence and testimony presented at the 759
hearing, the court also shall consider the relevant portions of 760
the record in the criminal or delinquent child case that 761
resulted in the forfeiture order. 762

(F) (1) If the hearing involves a petition, the court shall 763
amend its forfeiture order if it determines at the hearing held 764
pursuant to division (E) (3) of this section that the petitioner 765
has established ~~either of the following~~ by a preponderance of 766
the evidence+ 767

~~(a) The petitioner has a legal interest in the property 768
that is subject to the forfeiture order that renders the order 769
completely or partially invalid because the legal interest in 770
the property was vested in the petitioner, rather than the 771
offender or delinquent child whose conviction or plea of guilty- 772
or delinquency adjudication is the basis of the order, or was 773
superior to any interest of that offender or delinquent child, 774
at the time of the commission of the offense or delinquent act- 775
that is the basis of the order. 776~~

~~(b) The petitioner is a bona fide purchaser for value of 777
the interest in the property that is subject to the forfeiture 778
order and was, at the time of the purchase, reasonably without 779
cause to believe that it was subject that the applicable 780
condition alleged by the petitioner under division (E) (1) (d) of 781
this section applies to forfeiture the petitioner. 782~~

(2) The court also shall amend its forfeiture order to 783

reflect any interest of a secured party or other lienholder of 784
record in the property subject to forfeiture who prevails at a 785
hearing on the petition or affidavit filed pursuant to division 786
(E) (1) or (2) of this section. 787

(G) If the court disposes of all petitions or affidavits 788
timely filed under this section in favor of the state or 789
political subdivision, the state or political subdivision shall 790
have clear title to the property that is the subject of a 791
forfeiture order issued under this section, but only to the 792
extent that other parties' lawful interests in the property are 793
not infringed. To the extent that the state or political 794
subdivision has clear title to the property, the state or 795
political subdivision may warrant good title to any subsequent 796
purchaser or other transferee. 797

Sec. 2981.05. (A) ~~The prosecutor of the political~~ 798
~~subdivision in which~~ After the seizure of property described in 799
division (A) of section 2981.02 of the Revised Code and not 800
sooner than three months after the property owner is deceased as 801
described in division (A) (1) (a) of this section, not sooner than 802
three months after the property owner has not claimed, or 803
asserted any interest in, the property as described in division 804
(A) (2) of this section, or not sooner than one year after 805
division (A) (1) (b) (i) or (ii) of this section applies, the 806
prosecutor of the political subdivision in which the property is 807
located may commence a civil forfeiture action under this 808
section by filing in the court of common pleas of the county in 809
which the property is located a complaint requesting an order 810
that forfeits the property to the state or a political 811
subdivision. A complaint for civil forfeiture may only be filed 812
under this division if the property was seized with probable 813
cause that it was involved in the commission of a felony or a 814

gambling offense or was directly or indirectly obtained through 815
the commission of a felony or a gambling offense and either of 816
the following applies: 817

(1) The property owner is unavailable to the court for one 818
of the following reasons: 819

(a) The property owner is deceased. 820

(b) An indictment for a felony or a charge for a gambling 821
offense has been filed against the property owner, a warrant was 822
issued for the arrest of the property owner, and either of the 823
following applies: 824

(i) The property owner is outside the state and unable to 825
be extradited or brought back to the state for prosecution for 826
the felony or gambling offense. 827

(ii) Reasonable efforts have been made by law enforcement 828
authorities to locate and arrest the property owner, but the 829
property owner has not been located. 830

(2) The property owner has not claimed the property 831
subject to forfeiture or asserted any interest in the property 832
at any time during or after its seizure, verbally or in writing, 833
and all claims brought under division (A) (4) of section 2981.03 834
of the Revised Code have been denied. 835

(B) (1) The filing of a complaint for civil forfeiture 836
under division (A) of this section shall be consistent with 837
division (F) of section 2981.03 of the Revised Code. The 838
complaint shall state all of the following: 839

(a) The facts that support the state's or political 840
subdivision's allegations in the complaint; 841

(b) The alleged felony or gambling offense that subjects 842

the property to forfeiture under division (A) of section 2981.02 843
of the Revised Code. 844

(2) If the property owner is unavailable to the court 845
because the property owner is deceased as provided in division 846
(A) (1) (a) of this section, the complaint shall include a 847
certified copy of the death certificate of the property owner. 848

(C) Simultaneously with or after the filing of a 849
complaint, indictment, or information charging an offense or a 850
complaint charging a delinquent act, the prosecutor may commence 851
a civil forfeiture action by filing in the court in which the 852
applicable complaint, indictment, or information is filed a 853
complaint requesting an order that forfeits to the state or 854
political subdivision any property that is involved in the 855
offense or delinquent act and is subject to forfeiture under 856
section 2981.02 of the Revised Code. The civil forfeiture action 857
filed under this division shall be stayed during the pendency of 858
the applicable criminal or delinquency proceedings. That civil 859
forfeiture action shall proceed after the defendant is convicted 860
of the offense involved or the juvenile is adjudicated a 861
delinquent child for the delinquent act involved. 862

(D) For purposes of this section, there is a rebuttable 863
presumption that the person in possession of the property at the 864
time of its seizure is considered to be the owner of the 865
property unless legal title to the property states otherwise. 866

~~(B)~~ (E) Prior to ~~or upon~~ the commencement of a civil 867
forfeiture action under this section, the prosecutor shall 868
attempt to identify any person with an interest in the property 869
subject to forfeiture by searching appropriate public records 870
and making reasonably diligent inquiries. ~~The~~ At the time of 871
filing the complaint, the prosecutor shall give notice of the 872

commencement of the civil action, together with a copy of the 873
complaint, to each person who is reasonably known to have any 874
interest in the property, by certified mail, return receipt 875
requested, or by personal service. The prosecutor shall cause a 876
similar notice to be published once each week for the two 877
consecutive weeks immediately after the filing of the complaint 878
in a newspaper of general circulation in the county in which the 879
property is located. The published notice shall contain the date 880
and location of the seizure of the property and an itemized list 881
of the property seized that is sought to be forfeited in the 882
complaint. 883

~~(C)~~ (F) A person with an interest in the property subject 884
to forfeiture may petition the court to release the property 885
pursuant to division (D) of section 2981.03 of the Revised Code. 886
The court shall consider the petition as provided in that 887
section. If a timely petition for pretrial hardship release is 888
not filed, or if a petition is filed but not granted, the person 889
may file a claim for the release of the property under the Rules 890
of Civil Procedure. The court shall dispose of any petitions 891
timely filed under this division. 892

~~(D)~~ (G) The court shall issue a civil forfeiture order if 893
it determines that the prosecutor has proved by ~~a preponderance~~ 894
~~of the clear and convincing~~ evidence that the property is 895
subject to forfeiture under section 2981.02 of the Revised Code, 896
and, after a proportionality review under section 2981.09 of the 897
Revised Code when relevant, the trier of fact specifically 898
describes the extent of the property to be forfeited. A civil 899
forfeiture order shall state that all interest in the property 900
in question of the property owner who committed the felony or 901
gambling offense if division (A) of this section applies, or of 902
the adult or juvenile who committed the act if division (C) of 903

this section applies, that is the basis of the order is 904
forfeited to the state or political subdivision and shall make 905
due provision for the interest in that property of any other 906
person, when appropriate under this section. The court may issue 907
any additional order to affect the forfeiture, including, but 908
not limited to, one or more orders under section 2981.06 of the 909
Revised Code. 910

~~(E)~~ (H) If the court disposes of all petitions timely 911
filed under this section in favor of the state or political 912
subdivision, the state or political subdivision shall have clear 913
title to the property that is the subject of a forfeiture order 914
under this section, but only to the extent that other parties' 915
lawful interests in the property are not infringed. To the 916
extent that the state or political subdivision has clear title 917
to the property, the state or political subdivision may warrant 918
good title to any subsequent purchaser or other transferee. 919

(I) As used in this section, "gambling offense" has the 920
same meaning as in section 2915.01 of the Revised Code. 921

Sec. 2981.06. (A) Upon the entry of a forfeiture order 922
under section 2981.04 or 2981.05 of the Revised Code, if 923
necessary, the court shall order an appropriate law enforcement 924
officer to seize the forfeited property on conditions that the 925
court considers proper. If necessary, the court shall order the 926
person in possession of the property to deliver the property by 927
a specific date to the law enforcement agency involved in the 928
initial seizure of the property. The court shall deliver the 929
order by personal service or certified mail. 930

(B) With respect to property that is the subject of a 931
forfeiture order issued under section 2981.04 or 2981.05 of the 932
Revised Code, the court that issued the order, upon petition of 933

the prosecutor who prosecuted the underlying offense or act or 934
brought the civil forfeiture action, may do any of the 935
following: 936

(1) Enter any appropriate restraining orders or 937
injunctions; require execution of satisfactory performance 938
bonds; appoint receivers, conservators, appraisers, accountants, 939
or trustees; or take any other action necessary to safeguard and 940
maintain the forfeited property; 941

(2) Authorize the payment of rewards to persons who 942
provide information resulting in forfeiture of the property 943
under this chapter from funds provided under division (F) of 944
section 2981.12 of the Revised Code; 945

(3) Authorize the prosecutor to settle claims; 946

(4) Restore forfeited property to victims and grant 947
petitions for mitigation or remission of forfeiture; 948

(5) Authorize a stay of the forfeiture order pending 949
appeal or resolution of any claim to the property if requested 950
by a person other than the defendant or a person acting in 951
concert with, or on behalf of, the defendant. 952

(C) To facilitate the identification and location of 953
property that is the subject of a forfeiture order and to 954
facilitate the disposition of petitions for remission or 955
mitigation issued under this section, after the issuance of a 956
forfeiture order and upon application by the prosecutor, the 957
court, consistent with the Civil Rules, may order that the 958
testimony of any witness relating to the forfeited property be 959
taken by deposition and that any designated material that is not 960
privileged be produced at the same time and place as the 961
testimony. 962

(D) (1) The court shall order forfeiture of any other 963
property of the offender or delinquent child up to the value of 964
the unreachable property if the state or political subdivision 965
demonstrates by clear and convincing evidence that any of the 966
following describe any property subject to a forfeiture order 967
under section 2981.04 or 2981.05 of the Revised Code: 968

~~(1)~~ (a) It cannot be located through due diligence. 969

~~(2)~~ (b) It has been transferred, sold, or deposited with a 970
an innocent or bona-fide third party. 971

~~(3)~~ (c) It has been placed beyond the jurisdiction of the 972
court. 973

~~(4)~~ (d) It has been substantially diminished in value or 974
has been commingled with other property and cannot be divided 975
without difficulty or undue injury to innocent persons. 976

(2) If property that is subject to a forfeiture order 977
under section 2981.04 or 2981.05 of the Revised Code has been 978
transferred, sold, or deposited with a third party, the court 979
shall order forfeiture of the transferred, sold, or deposited 980
property instead of ordering the forfeiture of other property 981
under division (D)(1) of this section if the state or political 982
subdivision demonstrates by clear and convincing evidence that 983
the transferred, sold, or deposited property was transferred, 984
sold, or deposited in violation of section 2981.07 of the 985
Revised Code. 986

(3) The requirements of divisions (D), (E), and (F) of 987
section 2981.04 of the Revised Code or the requirements of 988
divisions (E) and (F) of section 2981.05 of the Revised Code, 989
whichever are applicable, apply to property forfeited under 990
division (D)(1) or (2) of this section. 991

(E) After the state or political subdivision is granted 992
clear title under section 2981.04 or 2981.05 of the Revised 993
Code, the prosecutor shall direct disposition of the property 994
pursuant to this chapter, making due provisions for the rights 995
of innocent persons. 996

(F) Any interest in property not exercisable by, or 997
transferable for value to, the state or political subdivision 998
shall expire and shall not revert to the offender or delinquent 999
child who forfeited the property. The offender or delinquent 1000
child is not eligible to purchase the property at a sale under 1001
this chapter. 1002

(G) Any income accruing to or derived from forfeited 1003
property may be used to offset ordinary and necessary expenses 1004
related to the property that are required by law or necessary to 1005
protect the interest of the state, political subdivision, or 1006
third parties. 1007

Sec. 2981.09. (A) Property may not be forfeited as an 1008
instrumentality under this chapter to the extent that the amount 1009
or value of the property is disproportionate to the severity of 1010
the offense. The ~~owner of the property state or political~~ 1011
subdivision shall have the burden of going forward with the 1012
evidence and the burden to prove by a ~~preponderance of the clear~~ 1013
and convincing evidence that the amount or value of the property 1014
subject to forfeiture is ~~disproportionate~~ proportionate to the 1015
severity of the offense. 1016

(B) Contraband and any proceeds obtained from the offense 1017
are not subject to proportionality review under this section. 1018

(C) In determining the severity of the offense for 1019
purposes of forfeiture of an instrumentality, the court shall 1020

consider all relevant factors including, but not limited to, the 1021
following: 1022

(1) The seriousness of the offense and its impact on the 1023
community, including the duration of the activity and the harm 1024
caused or intended by the person whose property is subject to 1025
forfeiture; 1026

(2) The extent to which the person whose property is 1027
subject to forfeiture participated in the offense; 1028

(3) Whether the offense was completed or attempted; 1029

(4) The extent to which the property was used in 1030
committing the offense; 1031

(5) The sentence imposed for committing the offense that 1032
is the basis of the forfeiture, if applicable. 1033

(D) In determining the value of the property that is an 1034
instrumentality and that is subject to forfeiture, the court 1035
shall consider relevant factors including, but not limited to, 1036
the following: 1037

(1) The fair market value of the property; 1038

(2) The value of the property to the person whose property 1039
is subject to forfeiture, including hardship to the person or to 1040
innocent persons if the property were forfeited. 1041

Sec. 2981.11. (A) (1) Any property that has been lost, 1042
abandoned, stolen, seized pursuant to a search warrant, or 1043
otherwise lawfully seized or forfeited and that is in the 1044
custody of a law enforcement agency shall be kept safely by the 1045
agency, pending the time it no longer is needed as evidence or 1046
for another lawful purpose, and shall be disposed of pursuant to 1047
sections 2981.12 and 2981.13 of the Revised Code. 1048

(2) This chapter does not apply to the custody and disposal of any of the following:	1049 1050
(a) Vehicles subject to forfeiture under Title XLV of the Revised Code, except as provided in division (A)(6) of section 2981.12 of the Revised Code;	1051 1052 1053
(b) Abandoned junk motor vehicles or other property of negligible value;	1054 1055
(c) Property held by a department of rehabilitation and correction institution that is unclaimed, that does not have an identified owner, that the owner agrees to dispose of, or that is identified by the department as having little value;	1056 1057 1058 1059
(d) Animals taken, and devices used in unlawfully taking animals, under section 1531.20 of the Revised Code;	1060 1061
(e) Controlled substances sold by a peace officer in the performance of the officer's official duties under section 3719.141 of the Revised Code;	1062 1063 1064
(f) Property recovered by a township law enforcement agency under sections 505.105 to 505.109 of the Revised Code;	1065 1066
(g) Property held and disposed of under an ordinance of the municipal corporation or under sections 737.29 to 737.33 of the Revised Code, except that a municipal corporation that has received notice of a citizens' reward program as provided in division (F) of section 2981.12 of the Revised Code and disposes of property under an ordinance shall pay twenty-five per cent of any moneys acquired from any sale or auction to the citizens' reward program.	1067 1068 1069 1070 1071 1072 1073 1074
(B)(1) Each law enforcement agency that has custody of any property that is subject to this section shall adopt and comply	1075 1076

with a written internal control policy that does all of the 1077
following: 1078

(a) Provides for keeping detailed records as to the amount 1079
of property acquired by the agency and the date property was 1080
acquired; 1081

(b) Provides for keeping detailed records of the 1082
disposition of the property, which shall include, but not be 1083
limited to, both of the following: 1084

(i) The manner in which it was disposed, the date of 1085
disposition, detailed financial records concerning any property 1086
sold, and the name of any person who received the property. The 1087
record shall not identify or enable identification of the 1088
individual officer who seized any item of property. 1089

(ii) ~~The general types~~ An itemized list of the specific 1090
expenditures made with amounts that are gained from the sale of 1091
the property and that are retained by the agency, including the 1092
specific amount expended on each ~~general type of expenditure,~~ 1093
except that the policy shall not provide for or permit the 1094
identification of any specific expenditure that is made in an 1095
ongoing investigation. 1096

(c) Complies with section 2981.13 of the Revised Code if 1097
the agency has a law enforcement trust fund or similar fund 1098
created under that section. 1099

(2) The records kept under the internal control policy 1100
shall be open to public inspection during the agency's regular 1101
business hours. The policy adopted under this section is a 1102
public record open for inspection under section 149.43 of the 1103
Revised Code. 1104

(C) A law enforcement agency with custody of property to 1105

be disposed of under section 2981.12 or 2981.13 of the Revised Code shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to possession, it is sufficient notice to advertise in a newspaper of general circulation in the county and to briefly describe the nature of the property in custody and inviting persons to view and establish their right to it.

(D) As used in sections 2981.11 to 2981.13 of the Revised Code:

(1) "Citizens' reward program" has the same meaning as in section 9.92 of the Revised Code.

(2) "Law enforcement agency" includes correctional institutions.

(3) "Township law enforcement agency" means an organized police department of a township, a township police district, a joint police district, or the office of a township constable.

Sec. 2981.12. (A) Unclaimed or forfeited property in the custody of a law enforcement agency, other than property described in division (A) (2) of section 2981.11 of the Revised Code, shall be disposed of by order of any court of record that has territorial jurisdiction over the political subdivision that employs the law enforcement agency, as follows:

(1) Drugs shall be disposed of pursuant to section 3719.11 of the Revised Code or placed in the custody of the secretary of the treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.

(2) Firearms and dangerous ordnance suitable for police

work may be given to a law enforcement agency for that purpose. 1135
Firearms suitable for sporting use or as museum pieces or 1136
collectors' items may be sold at public auction pursuant to 1137
division (B) of this section. The agency may sell other firearms 1138
and dangerous ordnance to a federally licensed firearms dealer 1139
in a manner that the court considers proper. The agency shall 1140
destroy any firearms or dangerous ordnance not given to a law 1141
enforcement agency or sold or shall send them to the bureau of 1142
criminal identification and investigation for destruction by the 1143
bureau. 1144

(3) Obscene materials shall be destroyed. 1145

(4) Beer, intoxicating liquor, or alcohol seized from a 1146
person who does not hold a permit issued under Chapters 4301. 1147
and 4303. of the Revised Code or otherwise forfeited to the 1148
state for an offense under section 4301.45 or 4301.53 of the 1149
Revised Code shall be sold by the division of liquor control if 1150
the division determines that it is fit for sale or shall be 1151
placed in the custody of the investigations unit in the 1152
department of public safety and be used for training relating to 1153
law enforcement activities. The department, with the assistance 1154
of the division of liquor control, shall adopt rules in 1155
accordance with Chapter 119. of the Revised Code to provide for 1156
the distribution to state or local law enforcement agencies upon 1157
their request. If any tax imposed under Title XLIII of the 1158
Revised Code has not been paid in relation to the beer, 1159
intoxicating liquor, or alcohol, any moneys acquired from the 1160
sale shall first be used to pay the tax. All other money 1161
collected under this division shall be paid into the state 1162
treasury. Any beer, intoxicating liquor, or alcohol that the 1163
division determines to be unfit for sale shall be destroyed. 1164

(5) Money received by an inmate of a correctional 1165
institution from an unauthorized source or in an unauthorized 1166
manner shall be returned to the sender, if known, or deposited 1167
in the inmates' industrial and entertainment fund of the 1168
institution if the sender is not known. 1169

(6) (a) Any mobile instrumentality forfeited under this 1170
chapter may be given to the law enforcement agency that 1171
initially seized the mobile instrumentality for use in 1172
performing its duties, if the agency wants the mobile 1173
instrumentality. The agency shall take the mobile 1174
instrumentality subject to any security interest or lien on the 1175
mobile instrumentality. 1176

(b) Vehicles and vehicle parts forfeited under sections 1177
4549.61 to 4549.63 of the Revised Code may be given to a law 1178
enforcement agency for use in performing its duties. Those parts 1179
may be incorporated into any other official vehicle. Parts that 1180
do not bear vehicle identification numbers or derivatives of 1181
them may be sold or disposed of as provided by rules of the 1182
director of public safety. Parts from which a vehicle 1183
identification number or derivative of it has been removed, 1184
defaced, covered, altered, or destroyed and that are not 1185
suitable for police work or incorporation into an official 1186
vehicle shall be destroyed and sold as junk or scrap. 1187

(7) Computers, computer networks, computer systems, and 1188
computer software suitable for police work may be given to a law 1189
enforcement agency for that purpose or disposed of under 1190
division (B) of this section. 1191

(8) Money seized in connection with a violation of section 1192
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 1193
deposited in the victims of human trafficking fund created by 1194

section 5101.87 of the Revised Code. 1195

(B) Unclaimed or forfeited property that is not described 1196
in division (A) of this section or division (A)(2) of section 1197
2981.11 of the Revised Code, with court approval, may be used by 1198
the law enforcement agency in possession of it. If it is not 1199
used by the agency, it may be sold without appraisal at a public 1200
auction to the highest bidder for cash or disposed of in another 1201
manner that the court considers proper. 1202

(C) Except as provided in divisions (A) and (F) of this 1203
section and after compliance with division (D) of this section 1204
~~when applicable~~, any moneys acquired from the sale of property 1205
disposed of pursuant to this section shall be placed in the 1206
general revenue fund of the state, or the general fund of the 1207
county, the township, or the municipal corporation of which the 1208
law enforcement agency involved is an agency. 1209

(D) If the property was in the possession of the law 1210
enforcement agency in relation to a criminal proceeding, a civil 1211
proceeding, or a delinquent child proceeding in a juvenile 1212
court, ten per cent of any moneys acquired from the sale of 1213
property disposed of under this section shall be applied to one 1214
or more community addiction services providers, as defined in 1215
section 5119.01 of the Revised Code. A ~~juvenile~~ court shall not 1216
specify a services provider, except as provided in this 1217
division, unless the services provider is in the same county as 1218
the court or in a contiguous county. If no services provider is 1219
located in any of those counties, the ~~juvenile~~ court may specify 1220
a services provider anywhere in Ohio. The remaining ninety per 1221
cent of the proceeds or cash shall be applied as provided in 1222
division (C) of this section. 1223

Each services provider that receives in any calendar year 1224

forfeited money under this division shall file an annual report 1225
for that year with the attorney general and with the court of 1226
common pleas and board of county commissioners of the county in 1227
which the services provider is located and of any other county 1228
from which the services provider received forfeited money. The 1229
services provider shall file the report on or before the first 1230
day of March in the calendar year following the calendar year in 1231
which the services provider received the money. The report shall 1232
include statistics on the number of persons the services 1233
provider served, identify the types of treatment services it 1234
provided to them, and include a specific accounting of the 1235
purposes for which it used the money so received. No information 1236
contained in the report shall identify, or enable a person to 1237
determine the identity of, any person served by the services 1238
provider. 1239

(E) Each community addiction services provider that 1240
receives in any calendar year money under this section or under 1241
section 2981.13 of the Revised Code as the result of a ~~juvenile~~- 1242
forfeiture order shall file an annual report for that calendar 1243
year with the attorney general and with the court of common 1244
pleas and board of county commissioners of the county in which 1245
the services provider is located and of any other county from 1246
which the services provider received the money. The services 1247
provider shall file the report on or before the first day of 1248
March in the calendar year following the year in which the 1249
services provider received the money. The report shall include 1250
statistics on the number of persons served with the money, 1251
identify the types of treatment services provided, and 1252
specifically account for how the money was used. No information 1253
in the report shall identify or enable a person to determine the 1254
identity of anyone served by the services provider. 1255

As used in this division, "~~juvenile-related~~ forfeiture 1256
order" means any forfeiture order issued by a ~~juvenile~~ court 1257
under section 2981.04 or 2981.05 of the Revised Code and any 1258
disposal of property ordered by a court under section 2981.11 of 1259
the Revised Code regarding property that was in the possession 1260
of a law enforcement agency in relation to a criminal 1261
proceeding, a civil proceeding, or a delinquent child proceeding 1262
in a juvenile court. 1263

(F) Each board of county commissioners that recognizes a 1264
citizens' reward program under section 9.92 of the Revised Code 1265
shall notify each law enforcement agency of that county and of a 1266
township or municipal corporation wholly located in that county 1267
of the recognition by filing a copy of its resolution conferring 1268
that recognition with each of those agencies. When the board 1269
recognizes a citizens' reward program and the county includes a 1270
part, but not all, of the territory of a municipal corporation, 1271
the board shall so notify the law enforcement agency of that 1272
municipal corporation of the recognition of the citizens' reward 1273
program only if the county contains the highest percentage of 1274
the municipal corporation's population. 1275

Upon being so notified, each law enforcement agency shall 1276
pay twenty-five per cent of any forfeited proceeds or cash 1277
derived from each sale of property disposed of pursuant to this 1278
section to the citizens' reward program for use exclusively to 1279
pay rewards. No part of the funds may be used to pay expenses 1280
associated with the program. If a citizens' reward program that 1281
operates in more than one county or in another state in addition 1282
to this state receives funds under this section, the funds shall 1283
be used to pay rewards only for tips and information to law 1284
enforcement agencies concerning offenses committed in the county 1285
from which the funds were received. 1286

Receiving funds under this section or section 2981.11 of 1287
the Revised Code does not make the citizens' reward program a 1288
governmental unit or public office for purposes of section 1289
149.43 of the Revised Code. 1290

(G) Any property forfeited under this chapter shall not be 1291
used to pay any fine imposed upon a person who is convicted of 1292
or pleads guilty to an underlying criminal offense or a 1293
different offense arising out of the same facts and 1294
circumstances. 1295

(H) Any moneys acquired from the sale of personal effects, 1296
tools, or other property seized because the personal effects, 1297
tools, or other property were used in the commission of a 1298
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 1299
Code or derived from the proceeds of the commission of a 1300
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 1301
Code and disposed of pursuant to this section shall be placed in 1302
the victims of human trafficking fund created by section 5101.87 1303
of the Revised Code. 1304

Sec. 2981.13. (A) Except as otherwise provided in this 1305
section, property ordered forfeited as contraband, proceeds, or 1306
an instrumentality pursuant to this chapter shall be disposed 1307
of, used, or sold pursuant to section 2981.12 of the Revised 1308
Code. If the property is to be sold under that section, the 1309
prosecutor shall cause notice of the proposed sale to be given 1310
in accordance with law. 1311

(B) If the contraband or instrumentality forfeited under 1312
this chapter is sold, any moneys acquired from a sale and any 1313
proceeds forfeited under this chapter shall be applied in the 1314
following order: 1315

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;

(3) Third, to pay the balance due on any security interest preserved under this chapter;

(4) Fourth, apply the remaining amounts as follows:

~~(a) If the forfeiture was ordered by a juvenile court, ten~~
Ten per cent to one or more community addiction services providers as specified in division (D) of section 2981.12 of the Revised Code;

~~(b) If the forfeiture was ordered in a juvenile court, ninety~~
Ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation:

(i) The law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code;

(ii) The state highway patrol contraband, forfeiture, and other fund;

(iii) The department of public safety investigative unit contraband, forfeiture, and other fund;

(iv) The department of taxation enforcement fund;

(v) The board of pharmacy drug law enforcement fund 1344
created by division (B) (1) of section 4729.65 of the Revised 1345
Code; 1346

(vi) The medicaid fraud investigation and prosecution 1347
fund; 1348

(vii) The casino control commission enforcement fund 1349
created by section 3772.36 of the Revised Code; 1350

(viii) The auditor of state investigation and forfeiture 1351
trust fund established under section 117.54 of the Revised Code; 1352

(ix) The treasurer of state for deposit into the peace 1353
officer training commission fund if any other state law 1354
enforcement agency substantially conducted the investigation. 1355

In the case of property forfeited for medicaid fraud, any 1356
remaining amount shall be used by the attorney general to 1357
investigate and prosecute medicaid fraud offenses. 1358

If the prosecutor declines to accept any of the remaining 1359
amounts, the amounts shall be applied to the fund of the agency 1360
that substantially conducted the investigation. 1361

(c) If more than one law enforcement agency is 1362
substantially involved in the seizure of property forfeited 1363
under this chapter, the court ordering the forfeiture shall 1364
equitably divide the amounts, after calculating any distribution 1365
to the law enforcement trust fund of the prosecutor pursuant to 1366
division (B) (4) of this section, among the entities that the 1367
court determines were substantially involved in the seizure. 1368

(C) (1) A law enforcement trust fund shall be established 1369
by the prosecutor of each county who intends to receive any 1370
remaining amounts pursuant to this section, by the sheriff of 1371

each county, by the legislative authority of each municipal 1372
corporation, by the board of township trustees of each township 1373
that has a township police department, township or joint police 1374
district police force, or office of the constable, and by the 1375
board of park commissioners of each park district created 1376
pursuant to section 511.18 or 1545.01 of the Revised Code that 1377
has a park district police force or law enforcement department, 1378
for the purposes of this section. 1379

There is hereby created in the state treasury the state 1380
highway patrol contraband, forfeiture, and other fund, the 1381
department of public safety investigative unit contraband, 1382
forfeiture, and other fund, the medicaid fraud investigation and 1383
prosecution fund, the department of taxation enforcement fund, 1384
and the peace officer training commission fund, for the purposes 1385
of this section. 1386

Amounts distributed to any municipal corporation, 1387
township, or park district law enforcement trust fund shall be 1388
allocated from the fund by the legislative authority only to the 1389
police department of the municipal corporation, by the board of 1390
township trustees only to the township police department, 1391
township police district police force, or office of the 1392
constable, by the joint police district board only to the joint 1393
police district, and by the board of park commissioners only to 1394
the park district police force or law enforcement department. 1395

(2) (a) No amounts shall be allocated to a fund under this 1396
section or used by an agency unless the agency has adopted a 1397
written internal control policy that addresses the use of moneys 1398
received from the appropriate fund. The appropriate fund shall 1399
be expended only in accordance with that policy and, subject to 1400
the requirements specified in this section, only for the 1401

following purposes: 1402

(i) To pay the costs ~~of protracted or complex~~ directly 1403
related to investigations or prosecutions; 1404

(ii) To provide reasonable technical training or 1405
expertise; 1406

(iii) To provide matching funds to obtain federal grants 1407
to aid law enforcement, in the support of DARE programs or other 1408
programs designed to educate adults or children with respect to 1409
the dangers associated with the use of drugs of abuse; 1410

(iv) To pay the costs of emergency action taken under 1411
section 3745.13 of the Revised Code relative to the operation of 1412
an illegal methamphetamine laboratory if the forfeited property 1413
or money involved was that of a person responsible for the 1414
operation of the laboratory; 1415

(v) ~~For other law enforcement purposes that the~~ 1416
~~superintendent of the state highway patrol, department of public~~ 1417
~~safety, auditor of state, prosecutor, county sheriff,~~ 1418
~~legislative authority, department of taxation, Ohio casino~~ 1419
~~control commission, board of township trustees, or board of park~~ 1420
~~commissioners determines to be appropriate~~ To pay the costs 1421
incurred in the storage, maintenance, and security of the seized 1422
property; 1423

(vi) To pay any liens on forfeited property or outstanding 1424
court costs; 1425

(vii) To purchase equipment used for investigations of 1426
drug abuse offenses; to purchase and maintain K-9 assets; to 1427
provide training related to the enforcement of laws pertaining 1428
to drugs of abuse; to pay overtime costs and other expenses 1429
related to the investigation of drug abuse offenses, trafficking 1430

in persons offenses, gambling offenses, corrupt activity, 1431
offenses involving cigarettes, tobacco products, or alternative 1432
nicotine products, offenses of illegal use of supplemental 1433
nutrition assistance program benefits or WIC program benefits, 1434
or criminal offenses involving the use of alcohol; 1435

(viii) To pay routine investigative expenses, including 1436
the purchase of contraband, confidential informant services, and 1437
travel expenses; 1438

(ix) To pay the costs, including overtime costs, 1439
associated with all law enforcement task forces and programs at 1440
the federal, state, and local levels, including task forces and 1441
programs for investigating drug abuse offenses, trafficking in 1442
persons offenses, gambling offenses, corrupt activity, offenses 1443
involving cigarettes, tobacco products, or alternative nicotine 1444
products, offenses of illegal use of supplemental nutrition 1445
assistance program benefits or WIC program benefits, or criminal 1446
offenses involving the use of alcohol. 1447

(b) As used in division (C) (2) (a) of this section: 1448

(i) "Corrupt activity" has the same meaning as in section 1449
2923.31 of the Revised Code. 1450

(ii) "Drug abuse offense" has the same meaning as in 1451
section 2925.01 of the Revised Code. 1452

(iii) "Gambling offense" has the same meaning as in 1453
section 2915.01 of the Revised Code. 1454

(iv) "K-9 assets" means dogs that are specifically trained 1455
to assist peace officers and law-enforcement personnel in their 1456
work and as part of a specialty unit of a law enforcement 1457
agency. 1458

(v) "Offense of illegal use of supplemental nutrition assistance program benefits or WIC program benefits" means a violation of section 2913.46 of the Revised Code. 1459
1460
1461

(vi) "Offenses relating to cigarettes, tobacco products, or alternative nicotine products" means violations of sections 2927.02, 2927.021, and 2927.023 of the Revised Code. 1462
1463
1464

(vii) "Trafficking in persons offense" means a violation of section 2905.32 of the Revised Code. 1465
1466

(c) The board of pharmacy drug law enforcement fund shall 1467
be expended only in accordance with the written internal control 1468
policy so adopted by the board and only in accordance with 1469
section 4729.65 of the Revised Code, except that it also may be 1470
expended to pay the costs of emergency action taken under 1471
section 3745.13 of the Revised Code relative to the operation of 1472
an illegal methamphetamine laboratory if the forfeited property 1473
or money involved was that of a person responsible for the 1474
operation of the laboratory. 1475

~~(e)~~(d) A fund listed in division (B) (4) (b) of this 1476
section, other than the Medicaid fraud investigation and 1477
prosecution fund, shall not be used to meet the operating costs 1478
of the agency, office, or political subdivision that are 1479
unrelated to law enforcement. 1480

~~(d)~~(e) Forfeited moneys that are paid into the state 1481
treasury to be deposited into the peace officer training 1482
commission fund shall be used by the commission only to pay the 1483
costs of peace officer training. 1484

(3) Any of the following offices or agencies that receive 1485
amounts under this section during any calendar year shall file a 1486
report with the specified entity, not later than the thirty- 1487

first day of January of the next calendar year, verifying that 1488
the moneys were expended only for the purposes authorized by 1489
this section or other relevant statute and specifying the 1490
amounts expended for each authorized purpose: 1491

(a) Any sheriff or prosecutor shall file the report with 1492
the county auditor. 1493

(b) Any municipal corporation police department shall file 1494
the report with the legislative authority of the municipal 1495
corporation. 1496

(c) Any township police department, township or joint 1497
police district police force, or office of the constable shall 1498
file the report with the board of township trustees of the 1499
township. 1500

(d) Any park district police force or law enforcement 1501
department shall file the report with the board of park 1502
commissioners of the park district. 1503

(e) The superintendent of the state highway patrol, the 1504
auditor of state, and the tax commissioner shall file the report 1505
with the attorney general. 1506

(f) The executive director of the state board of pharmacy 1507
shall file the report with the attorney general, verifying that 1508
cash and forfeited proceeds paid into the board of pharmacy drug 1509
law enforcement fund were used only in accordance with section 1510
4729.65 of the Revised Code. 1511

(g) The peace officer training commission shall file a 1512
report with the attorney general, verifying that cash and 1513
forfeited proceeds paid into the peace officer training 1514
commission fund pursuant to this section during the prior 1515
calendar year were used by the commission during the prior 1516

calendar year only to pay the costs of peace officer training. 1517

(h) The executive director of the Ohio casino control 1518
commission shall file the report with the attorney general, 1519
verifying that cash and forfeited proceeds paid into the casino 1520
control commission enforcement fund were used only in accordance 1521
with section 3772.36 of the Revised Code. 1522

(D) The written internal control policy of a county 1523
sheriff, prosecutor, municipal corporation police department, 1524
township police department, township or joint police district 1525
police force, office of the constable, or park district police 1526
force or law enforcement department shall provide that at least 1527
ten per cent of the first one hundred thousand dollars of 1528
amounts deposited during each calendar year in the agency's law 1529
enforcement trust fund under this section, and at least twenty 1530
per cent of the amounts exceeding one hundred thousand dollars 1531
that are so deposited, shall be used in connection with 1532
community preventive education programs. The manner of use shall 1533
be determined by the sheriff, prosecutor, department, police 1534
force, or office of the constable after receiving and 1535
considering advice on appropriate community preventive education 1536
programs from the county's board of alcohol, drug addiction, and 1537
mental health services, from the county's alcohol and drug 1538
addiction services board, or through appropriate community 1539
dialogue. 1540

The financial records kept under the internal control 1541
policy shall specify the amount deposited during each calendar 1542
year in the portion of that amount that was used pursuant to 1543
this division, and the programs in connection with which the 1544
portion of that amount was so used. 1545

As used in this division, "community preventive education 1546

programs" include, but are not limited to, DARE programs and 1547
other programs designed to educate adults or children with 1548
respect to the dangers associated with using drugs of abuse. 1549

(E) Upon the sale, under this section or section 2981.12 1550
of the Revised Code, of any property that is required by law to 1551
be titled or registered, the state shall issue an appropriate 1552
certificate of title or registration to the purchaser. If the 1553
state is vested with title and elects to retain property that is 1554
required to be titled or registered under law, the state shall 1555
issue an appropriate certificate of title or registration. 1556

(F) Any failure of a law enforcement officer or agency, 1557
prosecutor, court, or the attorney general to comply with this 1558
section in relation to any property seized does not affect the 1559
validity of the seizure and shall not be considered to be the 1560
basis for suppressing any evidence resulting from the seizure, 1561
provided the seizure itself was lawful. 1562

Sec. 2981.14. (A) ~~Nothing~~ Subject to division (B) of this 1563
section, nothing in this chapter precludes the head of a law 1564
enforcement agency that seizes property from seeking forfeiture 1565
under federal law. If the property is forfeitable under this 1566
chapter and federal forfeiture is not sought, the property is 1567
subject only to this chapter. 1568

(B) A law enforcement agency or prosecuting authority 1569
shall not directly or indirectly transfer or refer any property 1570
seized by the agency or authority to any federal law enforcement 1571
authority or other federal agency for purposes of forfeiture 1572
under federal law unless the value of the seized property 1573
exceeds one hundred thousand dollars, excluding the potential 1574
value of the sale of contraband, or the property is being 1575
transferred or referred for federal criminal forfeiture 1576

proceedings. 1577

(C) Any law enforcement agency that receives moneys from a 1578
sale of forfeited property under federal law shall deposit, use, 1579
and account for the amounts, including any interest derived, in 1580
accordance with applicable federal law. If the state highway 1581
patrol or the investigative unit of the department of public 1582
safety receives such federal forfeiture moneys, the appropriate 1583
official shall deposit all interest or other earnings derived 1584
from the investment of the moneys into the highway patrol 1585
treasury contraband fund, the highway patrol justice contraband 1586
fund, the investigative unit treasury contraband fund, or the 1587
investigative unit justice contraband fund, whichever is 1588
appropriate. 1589

~~(C)~~(D) There is hereby created in the state treasury the 1590
highway patrol treasury contraband fund, the highway patrol 1591
justice contraband fund, the investigative unit treasury 1592
contraband fund, and the investigative unit justice contraband 1593
fund. Each fund shall consist of moneys received under division 1594
~~(B)~~(C) of this section and shall be used in accordance with any 1595
federal or other requirements associated with moneys received. 1596

Section 2. That existing sections 2329.84, 2329.85, 1597
2329.86, 2981.01, 2981.03, 2981.04, 2981.05, 2981.06, 2981.09, 1598
2981.11, 2981.12, 2981.13, and 2981.14 of the Revised Code are 1599
hereby repealed. 1600