

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**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**

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**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 <del>2923.04</del> <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 a 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