

As Reported by the Senate Local Government Committee

135th General Assembly

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Sub. H. B. No. 331

Representatives Mathews, Young, T.

**Cosponsors: Representatives Seitz, Dean, Brennan, Carruthers, Daniels,
Dell'Aquila, Dobos, Hillyer, Jones, McClain, Peterson, Swearingen**

A BILL

To amend sections 7.10, 7.16, 125.182, 703.31, 1
703.32, 703.33, 2981.04, 2981.05, and 2981.11 2
and to enact section 703.331 of the Revised Code 3
to modify the law regarding village dissolution, 4
and to modify official public notice 5
requirements. 6

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

Section 1. That sections 7.10, 7.16, 125.182, 703.31, 7
703.32, 703.33, 2981.04, 2981.05, and 2981.11 be amended and 8
section 703.331 of the Revised Code be enacted to read as 9
follows: 10

Sec. 7.10. For the publication of advertisements, notices, 11
and proclamations, except those relating to proposed amendments 12
to the Ohio Constitution, required to be published by a public 13
officer of the state, a benevolent or other public institution, 14
a trustee, assignee, executor, or administrator, or by or in any 15
court of record, except when the rate is otherwise fixed by law, 16
publishers of newspapers may charge and receive for such 17
advertisements, notices, and proclamations rates charged on 18

annual contracts by them for a like amount of space to other 19
advertisers who advertise in its general display advertising 20
columns. 21

For the publication of advertisements, notices, or 22
proclamations required to be published by a public officer of a 23
county, municipal corporation, township, school, or other 24
political subdivision, publishers of newspapers shall establish 25
a government rate. The government rate shall not exceed the 26
lowest classified advertising rate and lowest insert rate paid 27
by other advertisers. 28

Legal advertising appearing in print, except that relating 29
to proposed amendments to the Ohio Constitution, shall be set up 30
in a compact form, without unnecessary spaces, blanks, or 31
headlines, and printed in not smaller than six-point type. The 32
type used must be of such proportions that the body of the 33
capital letter M is no wider than it is high and all other 34
letters and characters are in proportion. 35

Except as provided in section 2701.09 of the Revised Code, 36
all legal advertisements, notices, and proclamations shall be 37
printed in a newspaper of general circulation ~~and shall be or~~ 38
posted by the publisher of the newspaper on the newspaper's 39
internet web site, if the newspaper has one. A publisher of a 40
newspaper shall ~~not charge~~ establish a government rate, which 41
shall not exceed the lowest classified advertising rate and 42
lowest insert rate paid by other advertisers, for posting legal 43
advertisements, notices, and proclamations that are required by 44
law to be published in a newspaper of general ~~circulation~~ 45
circulation's digital edition on the newspaper's internet web 46
site. 47

Whenever a notice or advertisement is required by a 48

section of the Revised Code or an administrative rule to be 49
published in a newspaper of general circulation, or posted by 50
the publisher of the newspaper in the newspaper's digital 51
edition on the newspaper's internet web site, the notice or 52
advertisement also shall be posted on the official public notice 53
web site, established under section 125.182 of the Revised Code, 54
by the publisher of the newspaper. 55

Sec. 7.16. (A) As used in this section: 56

(1) "State agency" means any organized body, office, 57
agency, institution, or other entity established by the laws of 58
the state for the exercise of any function of state government, 59
including state institutions of higher education, as defined in 60
section 3345.011 of the Revised Code. 61

(2) "Political subdivision" has the meaning defined in 62
section 2744.01 of the Revised Code. 63

(B) If a section of the Revised Code or an administrative 64
rule requires a state agency or a political subdivision to 65
publish a notice or advertisement two or more times in a 66
newspaper of general circulation and the section or 67
administrative rule refers to this section, the first 68
publication of the notice or advertisement shall be made in its 69
entirety in a newspaper of general circulation and may be made 70
in a preprinted insert in the newspaper, but the second 71
publication otherwise required by that section or administrative 72
rule may be made in abbreviated form in a newspaper of general 73
circulation in the state or in the political subdivision, as 74
designated in that section or administrative rule, and on the 75
newspaper's internet web site, if the newspaper has one. The 76
state agency or political subdivision may eliminate any further 77
newspaper publications required by that section or 78

administrative rule, provided that the second, abbreviated 79
notice or advertisement meets all of the following requirements: 80

(1) It is published in the newspaper of general 81
circulation in which the first publication of the notice or 82
advertisement was made. 83

(2) It is posted by the publisher of the newspaper on the 84
official public notice web site established under section 85
125.182 of the Revised Code. ~~The publisher shall post the~~ 86
~~required notice or advertisement on the web site at no~~ 87
~~additional cost.~~ 88

(3) It includes a title, followed by a summary paragraph 89
or statement that clearly describes the specific purpose of the 90
notice or advertisement, and includes a statement that the 91
notice or advertisement is posted in its entirety on the 92
official public notice web site. The notice or advertisement 93
also may be posted on the state agency's or political 94
subdivision's internet web site. 95

(4) It includes the internet address of the official 96
public notice web site and the name, address, telephone number, 97
and electronic mail address of the state agency, political 98
subdivision, or other party responsible for publication of the 99
notice or advertisement. 100

(C) A notice or advertisement published under this section 101
on an internet web site shall be published in its entirety in 102
accordance with the section of the Revised Code or the 103
administrative rule that requires the publication. 104

(D) If the official public notice web site established 105
under section 125.182 of the Revised Code is not operational, 106
the state agency or political subdivision shall not publish a 107

notice or advertisement under this section, but instead shall 108
comply with the publication requirements of the section of the 109
Revised Code or the administrative rule that refers to this 110
section. 111

Sec. 125.182. (A) An Ohio trade association that 112
represents the majority of newspapers of general circulation as 113
defined in section 7.12 of the Revised Code shall operate and 114
maintain the official public notice web site. 115

Not later than one hundred eighty days after September 15, 116
2014, in all cases in which a notice or advertisement is 117
required by a section of the Revised Code or an administrative 118
rule to be published in a newspaper of general circulation, or 119
in a daily law journal as required by section 2701.09 of the 120
Revised Code, the notice or advertisement also shall be posted 121
on the official public notice web site by the publisher of the 122
newspaper or journal. 123

The operator of the official public notice web site shall: 124

(1) Use a domain name for the web site that will be easily 125
recognizable and remembered by and understandable to users of 126
the web site; 127

(2) Maintain the web site on the internet so that it is 128
fully accessible to and searchable by members of the public at 129
all times, other than during maintenance or acts of God outside 130
the operator's control; 131

(3) Not charge a fee to a person that accesses the web 132
site to view notices or advertisements or to perform searches of 133
the web site, provided that the operator may charge a fee for 134
enhanced search and customized content delivery features; 135

(4) ~~Not charge a fee to a state agency or political~~ 136

~~subdivision for publishing a notice or advertisement on the web-~~ 137
~~site, including when the notice or advertisement is not~~ 138
~~otherwise published in a newspaper or journal;~~ 139

~~(5)~~ Ensure that notices and advertisements displayed on 140
the web site conform to the requirements that would apply to the 141
notices and advertisements if they were being published in a 142
newspaper, as directed in section 7.16 of the Revised Code or in 143
the relevant provision of the statute or rule that requires the 144
notice, as applicable; 145

~~(6)~~ (5) Ensure that notices and advertisements continue to 146
be displayed on the web site for not less than the length of 147
time required by the relevant provision of the statute or rule 148
that requires the notice or advertisement; 149

~~(7)~~ (6) Maintain an archive of notices and advertisements 150
that no longer are displayed on the web site; 151

~~(8)~~ (7) Enable notices and advertisements, both those 152
currently displayed and those archived, to be accessed by key 153
word, by party name, by case number, by county, and by other 154
useful identifiers; 155

~~(9)~~ (8) Maintain adequate systemic security and backup 156
features, and develop and maintain a contingency plan for coping 157
with and recovering from power outages, systemic failures, and 158
other unforeseeable difficulties; 159

~~(10)~~ (9) Provide access to the web site to the publisher of 160
any Ohio newspaper or daily law journal that qualifies under the 161
Revised Code to publish notices and advertisements, for the 162
posting of notices and advertisements at no cost, or for a 163
reasonable, uniform fee for the service; and 164

~~(11)~~ (10) Provide, if requested, a regularly scheduled feed 165

or similar data transfer to the department of administrative 166
services of notices and advertisements posted on the web site, 167
provided that the operator of the web site shall not be required 168
to provide the feed or transfer more often than once every 169
business day. 170

(B) An error in a notice or advertisement posted on the 171
official public notice web site, or a temporary web site outage 172
or service interruption preventing the posting or display of a 173
notice or advertisement on that web site, does not constitute a 174
defect in making legal publication of the notice or 175
advertisement, and publication requirements shall be considered 176
met if the notice or advertisement published in the newspaper or 177
daily law journal is correct. 178

(C) The official public notice web site shall not contain 179
any political publications or political advertising described in 180
division (A)(1)(a), (b), or (c) of section 3517.20 of the 181
Revised Code. 182

(D) The publisher of a newspaper of general circulation or 183
of a daily law journal that maintains a web site shall include 184
on its web site a link to the official public notice web site. 185

Sec. 703.31. As used in sections 703.31 to 703.39 of the 186
Revised Code: 187

"Date the dissolution is effective" means the date the 188
election result is certified under section 703.33 or 703.331 of 189
the Revised Code or the date the attorney general files a 190
certified copy of a court's order of dissolution with the 191
secretary of state, auditor of state, and county recorder, as 192
applicable, under section 118.31 or 703.34 of the Revised Code. 193

"Period when a dissolution is in question" means the 194

period beginning on the date a petition under section 703.33 of 195
the Revised Code is presented, the date an unsatisfactory 196
finding under section 703.331 of the Revised Code is provided to 197
a village, or the date a legal action is filed by the attorney 198
general under section 118.31 or 703.34 of the Revised Code and 199
ending the date the result of the election under section 703.33 200
or 703.331 of the Revised Code is certified or the decision of 201
the court of common pleas under section 118.31 or 703.34 of the 202
Revised Code is declared. 203

"Transition period" means the period beginning on the date 204
the dissolution is effective and ending on the date the 205
transition supervisory board determines all outstanding debts, 206
obligations, and liabilities of the dissolved village have been 207
resolved, all real and personal property of the dissolved 208
village has been transferred or otherwise disposed of, and all 209
utility property and utility services have been transferred. 210

"Utility services" means electric, water, sewer, and other 211
similar utilities. 212

Sec. 703.32. The process for dissolving a village, whether 213
the dissolution is determined under section 118.31, 703.33, 214
703.331, or 703.34 of the Revised Code, shall be conducted in 215
accordance with sections 703.31 to 703.39 of the Revised Code. 216

Sec. 703.33. (A) Villages may voluntarily dissolve upon 217
the petition to the legislative authority of the village, or, in 218
the alternative, to the board of elections of the county in 219
which the largest portion of the population of the village 220
resides as provided in division (B) (1) of this section, of at 221
least thirty per cent of the electors thereof, to be determined 222
by the number voting at the last regular municipal election, and 223
by an affirmative vote of a majority of the electors at the next 224

general election held in an even-numbered year occurring after 225
the period ending ninety days after the filing of the petition 226
with the legislative authority. If the result of the election is 227
in favor of the surrender, the village clerk or, in the 228
alternative, the board of elections shall certify the result to 229
the secretary of state, the auditor of state, and the county 230
recorder, who shall record it in their respective offices. 231

(B) (1) If the legislative authority of a village fails to 232
act upon the petition within thirty days after receipt of the 233
petition, the electors may present the petition to the board of 234
elections to determine the validity and sufficiency of the 235
signatures. The petition shall be governed by the rules of 236
section 3501.38 of the Revised Code. The petition shall be filed 237
with the board of elections of the county in which the largest 238
portion of the population of the village resides. A petition 239
filed under this division is only valid if filed during an even- 240
numbered year on or after the first day of July, and at least 241
ninety days before the next general election. If the petition is 242
sufficient, the board of elections shall submit the question 243
"Shall the village of _____ surrender its corporate 244
powers?" for the approval or rejection of the electors of the 245
village at the next general election held in an even-numbered 246
year occurring after the period ending ninety days after the 247
filing of the petition with the board. If the result of the 248
election is in favor of the surrender, the board of elections 249
shall certify the results to the secretary of state, the auditor 250
of state, and the county recorder, who shall record it in their 251
respective offices. ~~The corporate powers of the village shall~~ 252
~~cease upon the recording of the certified election results in~~ 253
~~the county recorder's office.~~ 254

(2) In addition to filing the petition with the board of 255

elections as provided in division (B)(1) of this section, a copy 256
of the petition shall be filed with the board of township 257
trustees of each township affected by the surrender. 258

Sec. 703.331. (A) Not later than the last day of the year 259
that is immediately after the year the results of a federal 260
decennial census are released, the county auditor, county 261
treasurer, and one member of the board of county commissioners 262
selected by the board of county commissioners, jointly shall 263
evaluate each village located within the county to determine if, 264
over the approximate ten year period beginning the day the 265
results of the preceding federal decennial census were released 266
and ending the day the most recent federal decennial census 267
results were released, both of the following are true: 268

(1) The village itself provided, the village contracted 269
with a private nongovernmental entity to provide, or the village 270
contracted with a regional council of governments as defined in 271
section 167.01 of the Revised Code that includes three or more 272
political subdivisions at least two of which are municipal 273
corporations to provide, at least five of the following 274
services: 275

(a) Police protection; 276

(b) Fire-fighting services; 277

(c) Garbage collection; 278

(d) Water service; 279

(e) Sewer service; 280

(f) Emergency medical services; 281

(g) Road maintenance; 282

<u>(h) Park services or other recreation services;</u>	283
<u>(i) Human services;</u>	284
<u>(j) A public library established and operated solely by the village.</u>	285 286
<u>(2) At each election at which an elected village position was voted upon, at least one candidate appeared on the ballot for each elected village position.</u>	287 288 289
<u>If a village is located in more than one county, the village shall be evaluated only by the county officials of the county wherein the largest portion of the population of the village resides.</u>	290 291 292 293
<u>(B) Before beginning the evaluation, the county officials shall request, in writing, information from each village to assist the officials in making their determination. The request shall indicate the applicable evaluation period. Each village shall submit the information, in the manner requested by the county officials, not later than thirty days after receiving the request. The village shall include information about the services provided over the evaluation period, the manner by which such services were provided, a copy of the final appropriation budget or budgets applicable to the evaluation period, information on candidates on the ballot for village elected offices during the evaluation period, any documentation regarding the matters in division (A) of this section during the evaluation period, and any other information specifically requested by the county officials. After receiving the information, if necessary, the county officials may request additional information, which the village shall provide not later than ten days after receiving the request. The county</u>	294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311

officials shall base their finding on the information provided 312
from the village. 313

(C) The county officials shall notify the legislative 314
authority of the village of the county officials' finding not 315
later than the last day of the year that is immediately after 316
the year the results of a federal decennial census are released. 317

(D) If the county officials find a village failed to 318
provide services or field candidates as specified in division 319
(A) of this section, the county officials shall file the finding 320
with the board of elections of the county in which the largest 321
portion of the population of the village resides. The board of 322
elections shall submit the question "Shall the village of 323
_____ surrender its corporate powers?" for the approval or 324
rejection of the electors of the village at the next general 325
election, in any year, occurring after the period ending ninety 326
days after the filing of the finding with the board. If the 327
result of the election is in favor of the surrender, the board 328
of elections shall certify the results to the secretary of 329
state, the auditor of state, and the county recorder, who shall 330
record it in their respective offices. 331

(E) The procedure in this section is in addition to the 332
procedure under section 703.33 of the Revised Code for the 333
dissolution of a village. 334

Sec. 2981.04. (A) (1) Property described in division (A) or 335
(B) of section 2981.02 of the Revised Code may be forfeited 336
under this section only if the defendant is convicted of, or 337
enters intervention in lieu of conviction for, an offense or the 338
juvenile is adjudicated a delinquent child for committing an act 339
that would be an offense if committed by an adult and the 340
complaint, indictment, or information charging the offense or 341

municipal violation, or the complaint charging the delinquent 342
act, contains a specification of the type described in section 343
2941.1417 of the Revised Code that sets forth all of the 344
following to the extent it is reasonably known at the time of 345
the filing: 346

(a) The nature and extent of the alleged offender's or 347
delinquent child's interest in the property; 348

(b) A description of the property; 349

(c) If the property is alleged to be an instrumentality, 350
the alleged use or intended use of the property in the 351
commission or facilitation of the offense. 352

(2) If any property is not reasonably foreseen to be 353
subject to forfeiture at the time of filing the indictment, 354
information, or complaint, the trier of fact still may return a 355
verdict of forfeiture concerning that property in the hearing 356
described in division (B) of this section if the prosecutor, 357
upon discovering the property to be subject to forfeiture, gave 358
prompt notice of this fact to the alleged offender or delinquent 359
child under Criminal Rule 7(E) or Juvenile Rule 10(B). 360

(B) If a person pleads guilty to or is convicted of, or 361
enters intervention in lieu of conviction for, an offense or is 362
adjudicated a delinquent child for committing a delinquent act 363
and the complaint, indictment, or information charging the 364
offense or act contains a specification covering property 365
subject to forfeiture under section 2981.02 of the Revised Code, 366
the trier of fact shall determine whether the person's property 367
shall be forfeited. If the state or political subdivision proves 368
by clear and convincing evidence that the property is in whole 369
or part subject to forfeiture under section 2981.02 of the 370

Revised Code, after a proportionality review under section 371
2981.09 of the Revised Code when relevant, the trier of fact 372
shall return a verdict of forfeiture that specifically describes 373
the extent of the property subject to forfeiture. If the trier 374
of fact is a jury, on the offender's or delinquent child's 375
motion, the court shall make the determination of whether the 376
property shall be forfeited. 377

(C) If the court enters a verdict of forfeiture under this 378
section, the court imposing sentence or disposition, in addition 379
to any other sentence authorized by section 2951.041 or Chapter 380
2929. of the Revised Code or any disposition authorized by 381
Chapter 2152. of the Revised Code, shall order that the offender 382
or delinquent child forfeit to the state or political 383
subdivision the offender's or delinquent child's interest in the 384
property. The property vests with the state or political 385
subdivision subject to the claims of third parties. The court 386
may issue any additional order to affect the forfeiture, 387
including, but not limited to, an order under section 2981.06 of 388
the Revised Code. 389

(D) After the entry of a forfeiture order under this 390
section, the prosecutor shall attempt to identify any person 391
with an interest in the property subject to forfeiture by 392
searching appropriate public records and making reasonably 393
diligent inquiries. The prosecutor shall give notice of the 394
forfeiture that remains subject to the claims of third parties 395
and proposed disposal of the forfeited property to any person 396
known to have an interest in the property. The prosecutor also 397
shall publish notice of the forfeiture that remains subject to 398
the claims of third parties and proposed disposal of the 399
forfeited property once each week for two consecutive weeks ~~in,~~ 400
using at least one of the following methods: 401

(1) In the print or digital edition of a newspaper of 402
general circulation in the county in which the property was 403
seized; 404

(2) On the official public notice web site established 405
under section 125.182 of the Revised Code; 406

(3) On the web site and social media account of the 407
county. 408

(E) (1) Any person, other than the offender or delinquent 409
child whose conviction or plea of guilty or delinquency 410
adjudication is the basis of the forfeiture order, who asserts a 411
legal interest in the property that is the subject of the order 412
may petition the court that issued the order for a hearing under 413
division (E) (3) of this section to adjudicate the validity of 414
the person's alleged interest in the property. All of the 415
following apply to the petition: 416

(a) It shall be filed within thirty days after the final 417
publication of notice or the person's receipt of notice under 418
division (D) of this section. 419

(b) It shall be signed by the petitioner under the 420
penalties for falsification specified in section 2921.13 of the 421
Revised Code. 422

(c) It shall describe the nature and extent of the 423
petitioner's interest in the property, the time and 424
circumstances of the petitioner's acquisition of that interest, 425
any additional facts supporting the petitioner's claim, and the 426
relief sought. 427

(d) It shall state that one of the following conditions 428
applies to the petitioner: 429

(i) The petitioner has a legal interest in the property 430
that is subject to the forfeiture order that renders the order 431
completely or partially invalid because the legal interest in 432
the property was vested in the petitioner, rather than the 433
offender or delinquent child whose conviction or plea of guilty 434
or delinquency adjudication is the basis of the order, or was 435
superior to any interest of that offender or delinquent child, 436
at the time of the commission of the offense or delinquent act 437
that is the basis of the order. 438

(ii) The petitioner is a bona fide purchaser for value of 439
the interest in the property that is subject to the forfeiture 440
order and was, at the time of the purchase, reasonably without 441
cause to believe that it was subject to forfeiture. 442

(2) (a) In lieu of filing a petition as described in 443
division (E) (1) of this section, a person, other than the 444
offender or delinquent child whose conviction or plea of guilty 445
or delinquency adjudication is the basis of the forfeiture 446
order, may file an affidavit as described in this division to 447
establish the validity of the alleged right, title, or interest 448
in the property that is the subject of the forfeiture order if 449
the person is a secured party or other lienholder of record that 450
asserts a legal interest in the property, including, but not 451
limited to, a mortgage, security interest, or other type of 452
lien. The affidavit shall contain averments that the secured 453
party or other lienholder acquired its alleged right, title, or 454
interest in the property in the regular course of its business, 455
for a specified valuable consideration, without actual knowledge 456
of any facts pertaining to the offense that was the basis of the 457
forfeiture order, in good faith, and without the intent to 458
prevent or otherwise impede the state or political subdivision 459
from seizing or obtaining a forfeiture of the property. The 460

person shall file the affidavit within thirty days after the 461
earlier of the final publication of notice or the receipt of 462
notice under division (D) of this section. 463

(b) Except as otherwise provided in this section, the 464
affidavit shall constitute prima-facie evidence of the validity 465
of the affiant's alleged interest in the property. 466

(c) Unless the prosecutor files a motion challenging the 467
affidavit within ten days after its filing and unless the 468
prosecutor establishes by clear and convincing evidence at the 469
hearing held under division (E) (3) of this section that the 470
affiant does not possess the alleged interest in the property or 471
that the affiant had actual knowledge of facts pertaining to the 472
offense or delinquent act that was the basis of the forfeiture 473
order, the affidavit shall constitute conclusive evidence of the 474
validity of the affiant's interest in the property. 475

(d) Any subsequent purchaser or other transferee of 476
property pursuant to forfeiture under this section shall take 477
the property subject to the continued validity of the interest 478
of the affiant. 479

(3) Upon receipt of a petition or affidavit filed under 480
division (E) (1) or (2) of this section, the court shall hold a 481
hearing to determine the validity of the petitioner's interest 482
in the property that is the subject of the forfeiture order or, 483
if the affidavit was challenged, to determine the validity of 484
the affiant's interest in the property. To the extent 485
practicable and consistent with the interests of justice, the 486
court shall hold the hearing within thirty days after the filing 487
of the petition or within thirty days after the prosecutor files 488
the motion challenging the affidavit. The court may consolidate 489
the hearing with a hearing on any other petition or affidavit 490

that is filed by a person other than the offender or delinquent 491
child whose conviction or plea of guilty or delinquency 492
adjudication is the basis of the forfeiture order and that 493
relates to the property that is the subject of the forfeiture 494
order. 495

At the hearing, the petitioner or affiant may testify, 496
present evidence and witnesses on the petitioner's or affiant's 497
behalf, and cross-examine witnesses for the state or political 498
subdivision. In regards to a petition, the state or political 499
subdivision may present evidence and witnesses in rebuttal and 500
in defense of its claim to the property and may cross-examine 501
witnesses for the petitioner. In regards to an affidavit, the 502
prosecutor may present evidence and witnesses and cross-examine 503
witnesses for the affiant. 504

In addition to the evidence and testimony presented at the 505
hearing, the court also shall consider the relevant portions of 506
the record in the criminal or delinquent child case that 507
resulted in the forfeiture order. 508

(F) (1) If the hearing involves a petition, the court shall 509
amend its forfeiture order if it determines at the hearing held 510
pursuant to division (E) (3) of this section that the petitioner 511
has established by a preponderance of the evidence that the 512
applicable condition alleged by the petitioner under division 513
(E) (1) (d) of this section applies to the petitioner. 514

(2) The court also shall amend its forfeiture order to 515
reflect any interest of a secured party or other lienholder of 516
record in the property subject to forfeiture who prevails at a 517
hearing on the petition or affidavit filed pursuant to division 518
(E) (1) or (2) of this section. 519

(G) If the court disposes of all petitions or affidavits 520
timely filed under this section in favor of the state or 521
political subdivision, the state or political subdivision shall 522
have clear title to the property that is the subject of a 523
forfeiture order issued under this section, but only to the 524
extent that other parties' lawful interests in the property are 525
not infringed. To the extent that the state or political 526
subdivision has clear title to the property, the state or 527
political subdivision may warrant good title to any subsequent 528
purchaser or other transferee. 529

Sec. 2981.05. (A) After the seizure of property described 530
in division (A) of section 2981.02 of the Revised Code and not 531
sooner than three months after the property owner is deceased as 532
described in division (A)(1)(a) of this section, not sooner than 533
three months after the property owner has not claimed, or 534
asserted any interest in, the property as described in division 535
(A)(2) of this section, or not sooner than one year after 536
division (A)(1)(b)(i) or (ii) of this section applies, the 537
prosecutor of the political subdivision in which the property is 538
located may commence a civil forfeiture action under this 539
section by filing in the court of common pleas of the county in 540
which the property is located a complaint requesting an order 541
that forfeits the property to the state or a political 542
subdivision. A complaint for civil forfeiture may only be filed 543
under this division if the property was seized with probable 544
cause that it was involved in the commission of a felony or a 545
gambling offense or was directly or indirectly obtained through 546
the commission of a felony or a gambling offense and either of 547
the following applies: 548

(1) The property owner is unavailable to the court for one 549
of the following reasons: 550

(a) The property owner is deceased.	551
(b) An indictment for a felony or a charge for a gambling offense has been filed against the property owner, a warrant was issued for the arrest of the property owner, and either of the following applies:	552 553 554 555
(i) The property owner is outside the state and unable to be extradited or brought back to the state for prosecution for the felony or gambling offense.	556 557 558
(ii) Reasonable efforts have been made by law enforcement authorities to locate and arrest the property owner, but the property owner has not been located.	559 560 561
(2) The property owner has not claimed the property subject to forfeiture or asserted any interest in the property at any time during or after its seizure, verbally or in writing, and all claims brought under division (A) (4) of section 2981.03 of the Revised Code have been denied.	562 563 564 565 566
(B) (1) The filing of a complaint for civil forfeiture under division (A) of this section shall be consistent with division (F) of section 2981.03 of the Revised Code. The complaint shall state all of the following:	567 568 569 570
(a) The facts that support the state's or political subdivision's allegations in the complaint;	571 572
(b) The alleged felony or gambling offense that subjects the property to forfeiture under division (A) of section 2981.02 of the Revised Code.	573 574 575
(2) If the property owner is unavailable to the court because the property owner is deceased as provided in division (A) (1) (a) of this section, the complaint shall include a	576 577 578

certified copy of the death certificate of the property owner. 579

(C) Simultaneously with or after the filing of a 580
complaint, indictment, or information charging an offense or a 581
complaint charging a delinquent act, the prosecutor may commence 582
a civil forfeiture action by filing in the court in which the 583
applicable complaint, indictment, or information is filed a 584
complaint requesting an order that forfeits to the state or 585
political subdivision any property that is involved in the 586
offense or delinquent act and is subject to forfeiture under 587
section 2981.02 of the Revised Code. The civil forfeiture action 588
filed under this division shall be stayed during the pendency of 589
the applicable criminal or delinquency proceedings. That civil 590
forfeiture action shall proceed after the defendant is convicted 591
of, or enters intervention in lieu of conviction for, the 592
offense involved or the juvenile is adjudicated a delinquent 593
child for the delinquent act involved. 594

(D) (1) Subject to division (D) (7) of this section, the 595
state may file a civil forfeiture action, in the form of a civil 596
action, against any person who is alleged to have received, 597
retained, possessed, or disposed of proceeds, in an amount 598
exceeding fifteen thousand dollars, knowing or having reasonable 599
cause to believe that the proceeds were allegedly derived from 600
the commission of an offense subject to forfeiture proceedings 601
in violation of section 2927.21 of the Revised Code. The 602
complaint shall be filed in the court of common pleas of the 603
county in which the proceeds were alleged to have been received, 604
retained, possessed, or disposed of by the person. The complaint 605
shall specify all of the following: 606

(a) That the person against whom the complaint is filed is 607
alleged to have received, retained, possessed, or disposed of 608

proceeds, in an amount exceeding fifteen thousand dollars, 609
knowing or having reasonable cause to believe that the proceeds 610
were allegedly derived from the commission of an offense subject 611
to forfeiture proceedings in violation of section 2927.21 of the 612
Revised Code; 613

(b) That the state has the right to recover the proceeds 614
described in division (D) (1) (a) of this section; 615

(c) The actual amount of the proceeds described in 616
division (D) (1) (a) of this section. 617

(2) Subject to division (D) (7) of this section, a civil 618
action filed under division (D) (1) of this section shall be 619
stayed if a criminal complaint, indictment, or information is 620
filed against the person who is alleged to have received, 621
retained, possessed, or disposed of proceeds, in an amount 622
exceeding fifteen thousand dollars, knowing or having reasonable 623
cause to believe that the proceeds were derived from the 624
commission of an offense subject to forfeiture proceedings in 625
violation of section 2927.21 of the Revised Code. 626

(3) In a civil action filed under division (D) (1) of this 627
section, the state has the burden to prove by clear and 628
convincing evidence all of the following: 629

(a) That the person received, retained, possessed, or 630
disposed of the proceeds involved; 631

(b) That the person knew or had reasonable cause to 632
believe that the proceeds were derived from the alleged 633
commission of an offense subject to forfeiture proceedings in 634
violation of section 2927.21 of the Revised Code; 635

(c) Subject to division (D) (7) of this section, the actual 636
amount of the proceeds received, retained, possessed, or 637

disposed of by the person that exceeds fifteen thousand dollars. 638

(4) Any statements made in a civil action under division 639
(D)(1) of this section are inadmissible as evidence in a 640
criminal action brought against the person involved for a 641
violation of section 2927.21 of the Revised Code, except for 642
purposes of impeachment. 643

(5) Subject to division (D)(7) of this section, a civil 644
action under division (D)(1) of this section shall be commenced 645
within two years after the latest date on which a person 646
allegedly received, retained, possessed, or disposed of 647
proceeds, in an amount exceeding fifteen thousand dollars, 648
knowing or having reasonable cause to believe that the proceeds 649
were allegedly derived from the commission of an offense subject 650
to forfeiture proceedings in violation of section 2927.21 of the 651
Revised Code. 652

(6) The court shall complete the trial of the civil action 653
under division (D)(1) of this section within one year after the 654
action is commenced unless the parties to the action mutually 655
agree to extend the one-year period or the extension of that 656
period is for good cause shown. 657

(7) The amount of fifteen thousand dollars specified in 658
divisions (D)(1), (2), (3)(c), and (5) of this section shall be 659
increased on the first day of the following January, starting on 660
January 1, 2018, by the rate of inflation for the twelve-month 661
period ending in September of the prior year according to the 662
consumer price index or its successor index. 663

(E) For purposes of this section, there is a rebuttable 664
presumption that the person in possession of the property at the 665
time of its seizure is considered to be the owner of the 666

property unless legal title to the property states otherwise. 667

(F) Prior to the commencement of a civil forfeiture action 668
under this section, the prosecutor shall attempt to identify any 669
person with an interest in the property subject to forfeiture by 670
searching appropriate public records and making reasonably 671
diligent inquiries. At the time of filing the complaint, the 672
prosecutor shall give notice of the commencement of the civil 673
action, together with a copy of the complaint, to each person 674
who is reasonably known to have any interest in the property, by 675
certified mail, return receipt requested, or by personal 676
service. The prosecutor shall cause a similar notice to be 677
published, once each week for the two consecutive weeks 678
immediately after the filing of the complaint~~in~~, using at 679
least one of the following methods: 680

(1) In the print or digital edition of a newspaper of 681
general circulation in the county in which the property is 682
located; 683

(2) On the official public notice web site established 684
under section 125.182 of the Revised Code; 685

(3) On the web site and social media account of the 686
county. 687

The published notice shall contain the date and location 688
of the seizure of the property and an itemized list of the 689
property seized that is sought to be forfeited in the complaint. 690

(G) A person with an interest in the property subject to 691
forfeiture may petition the court to release the property 692
pursuant to division (D) of section 2981.03 of the Revised Code. 693
The court shall consider the petition as provided in that 694
section. If a timely petition for pretrial hardship release is 695

not filed, or if a petition is filed but not granted, the person 696
may file a claim for the release of the property under the Rules 697
of Civil Procedure. The court shall dispose of any petitions 698
timely filed under this division. 699

(H) The court shall issue a civil forfeiture order if it 700
determines that the prosecutor has proved by clear and 701
convincing evidence that the property is subject to forfeiture 702
under section 2981.02 of the Revised Code, and, after a 703
proportionality review under section 2981.09 of the Revised Code 704
when relevant, the trier of fact specifically describes the 705
extent of the property to be forfeited. A civil forfeiture order 706
shall state that all interest in the property in question of the 707
property owner who committed the felony or gambling offense if 708
division (A) of this section applies, of the adult or juvenile 709
who committed the act if division (C) of this section applies, 710
or of the person who is alleged to have received, retained, 711
possessed, or disposed of proceeds if division (D) of this 712
section applies that is the basis of the order is forfeited to 713
the state or political subdivision and shall make due provision 714
for the interest in that property of any other person, when 715
appropriate under this section. The court may issue any 716
additional order to affect the forfeiture, including, but not 717
limited to, one or more orders under section 2981.06 of the 718
Revised Code. 719

(I) If the court disposes of all petitions timely filed 720
under this section in favor of the state or political 721
subdivision, the state or political subdivision shall have clear 722
title to the property that is the subject of a forfeiture order 723
under this section, but only to the extent that other parties' 724
lawful interests in the property are not infringed. To the 725
extent that the state or political subdivision has clear title 726

to the property, the state or political subdivision may warrant	727
good title to any subsequent purchaser or other transferee.	728
(J) As used in this section:	729
(1) "Gambling offense" has the same meaning as in section	730
2915.01 of the Revised Code;	731
(2) "Offense subject to forfeiture proceedings" has the	732
same meaning as in section 2927.21 of the Revised Code.	733
Sec. 2981.11. (A) (1) Any property that has been lost,	734
abandoned, stolen, seized pursuant to a search warrant, or	735
otherwise lawfully seized or forfeited and that is in the	736
custody of a law enforcement agency shall be kept safely by the	737
agency, pending the time it no longer is needed as evidence or	738
for another lawful purpose, and shall be disposed of pursuant to	739
sections 2981.12 and 2981.13 of the Revised Code.	740
(2) This chapter does not apply to the custody and	741
disposal of any of the following:	742
(a) Vehicles subject to forfeiture under Title XLV of the	743
Revised Code, except as provided in division (A) (6) of section	744
2981.12 of the Revised Code;	745
(b) Abandoned junk motor vehicles or other property of	746
negligible value;	747
(c) Property held by a department of rehabilitation and	748
correction institution that is unclaimed, that does not have an	749
identified owner, that the owner agrees to dispose of, or that	750
is identified by the department as having little value;	751
(d) Animals taken, and devices used in unlawfully taking	752
animals, under section 1531.20 of the Revised Code;	753

(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;	754 755 756
(f) Property recovered by a township law enforcement agency under sections 505.105 to 505.109 of the Revised Code;	757 758
(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.	759 760 761 762 763 764 765 766
(B) (1) Each law enforcement agency that has custody of any property that is subject to this section shall adopt and comply with a written internal control policy that does all of the following:	767 768 769 770
(a) Provides for keeping detailed records as to the amount of property acquired by the agency and the date property was acquired;	771 772 773
(b) Provides for keeping detailed records of the disposition of the property, which shall include, but not be limited to, both of the following:	774 775 776
(i) The manner in which it was disposed, the date of disposition, detailed financial records concerning any property sold, and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.	777 778 779 780 781
(ii) An itemized list of the specific expenditures made	782

with amounts that are gained from the sale of the property and 783
that are retained by the agency, including the specific amount 784
expended on each expenditure, except that the policy shall not 785
provide for or permit the identification of any specific 786
expenditure that is made in an ongoing investigation. 787

(c) Complies with section 2981.13 of the Revised Code if 788
the agency has a law enforcement trust fund or similar fund 789
created under that section. 790

(2) The records kept under the internal control policy 791
shall be open to public inspection during the agency's regular 792
business hours. The policy adopted under this section is a 793
public record open for inspection under section 149.43 of the 794
Revised Code. 795

(C) A law enforcement agency with custody of property to 796
be disposed of under section 2981.12 or 2981.13 of the Revised 797
Code shall make a reasonable effort to locate persons entitled 798
to possession of the property, to notify them of when and where 799
it may be claimed, and to return the property to them at the 800
earliest possible time. In the absence of evidence identifying 801
persons entitled to possession, it is sufficient notice to 802
advertise using at least one of the following methods: 803

(1) In the print or digital edition of in a newspaper of 804
general circulation in the county and to; 805

(2) On the official public notice web site established 806
under section 125.182 of the Revised Code; 807

(3) On the web site and social media account of the 808
county. 809

The notices shall briefly describe the nature of the 810
property in custody and inviting persons to view and establish 811

their right to it.	812
(D) As used in sections 2981.11 to 2981.13 of the Revised Code:	813
	814
(1) "Citizens' reward program" has the same meaning as in section 9.92 of the Revised Code.	815
	816
(2) "Law enforcement agency" includes correctional institutions.	817
	818
(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.	819
	820
	821
Section 2. That existing sections 7.10, 7.16, 125.182, 703.31, 703.32, 703.33, 2981.04, 2981.05, and 2981.11 of the Revised Code are hereby repealed.	822
	823
	824