

# AN ACT

To amend sections 109.57, 109.60, 109.61, 109.83, 177.01, 177.02, 177.03, 2151.18, 2151.313, 2151.355, 2151.356, 2929.14, 2933.41, 2933.43, 2933.44, 3719.11, 3719.21, 3767.02, and 4729.65 and to enact sections 2923.41 to 2923.47 and 2941.142 of the Revised Code to establish the offense of participating in a criminal gang, to enhance the penalty imposed upon an offender or delinquent child who commits a felony that is an offense of violence while participating in a criminal gang, to prescribe procedures for the forfeiture and disposition of property relating to participating in a criminal gang, to authorize the Organized Crime Investigations Commission to hire consultants, to modify requirements for the security clearance investigations of its director, employees, and consultants, to authorize establishing a multicounty organized crime task force for nonadjacent counties, to modify the circumstances when the Attorney General may provide legal assistance to an organized crime task force, to permit the Attorney General and designees to appear in civil proceedings related to crimes investigated by the Commission or any organized crime task force, and to modify the juvenile fingerprinting laws.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 109.57, 109.60, 109.61, 109.83, 177.01, 177.02, 177.03, 2151.18, 2151.313, 2151.355, 2151.356, 2929.14, 2933.41, 2933.43, 2933.44, 3719.11, 3719.21, 3767.02, and 4729.65 be amended and sections 2923.41, 2923.42, 2923.43, 2923.44, 2923.45, 2923.46, 2923.47,

and 2941.142 of the Revised Code be enacted to read as follows:

Sec. 109.57. (A)(1) ~~As used in this section:~~

~~(a) "Designated delinquent act or juvenile offense" means any of the following:~~

~~(i) Any category one offense or category two offense;~~

~~(ii) Any violation of section 2907.03, 2907.04, or 2907.05 of the Revised Code;~~

~~(iii) Any violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;~~

~~(iv) Any attempt to commit a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code or to commit a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996;~~

~~(v) A violation of any law that arose out of the same facts and circumstances as did a charge against the child of a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 of the Revised Code that previously was dismissed or as did a charge against the child of a violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996, that previously was dismissed;~~

~~(vi) Any violation of section 2905.02 or 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date.~~

~~(b) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.~~

~~(2) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, of all children ~~fourteen years of age or older and~~ under eighteen years of age who have been adjudicated delinquent children for committing within this state ~~a designated delinquent an act or juvenile that would be a felony or an offense of violence if committed by an adult~~ or who have been convicted of or pleaded guilty to committing within this state a ~~designated delinquent act or juvenile~~ felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house,~~

tive residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code or having custody of a child ~~fourteen years of age or older and~~ under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed ~~a designated delinquent an act or juvenile that would be a felony or an offense of violence if committed by an adult~~ shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that ~~is~~ would be a designated delinquent act felony or juvenile an offense of violence if committed by an adult, has not been adjudicated a delinquent child for committing ~~a designated delinquent an act or juvenile that would be a felony or an offense of violence if committed by an adult~~, has not been convicted of or pleaded guilty to committing a ~~designated delinquent act felony or juvenile an offense of violence~~, and is not a child with respect to whom there is probable cause to believe that the child may have committed ~~a designated delinquent an act or juvenile that would be a felony or an offense of violence if committed by an adult~~ shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

~~(3)~~(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication that a child under eighteen years of age is a delinquent child for committing ~~a designated delinquent an act that would be a felony or juvenile an offense of violence if committed by an adult~~. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)~~(3)~~(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the

following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that ~~is~~ would be a designated delinquent act felony or juvenile an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that ~~is~~ would be a designated delinquent act felony or juvenile an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

~~(4)~~(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all children ~~fourteen years of age or older and~~ under eighteen years of age arrested or otherwise taken into custody for committing a ~~designated delinquent an act or juvenile~~ that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children ~~fourteen years of~~

~~age or older and~~ under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing ~~a designated delinquent~~ an act or juvenile that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

~~(5)(4)~~ The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in ~~division (A)(3)(2)~~ of this section standard forms for reporting the information required under ~~divisions division (A)(2) to (5)~~ of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing ~~a designated delinquent~~ an act or juvenile that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to gather and disseminate information, data, and statistics for the use of law enforcement agencies. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

(D) The information and materials furnished to the superintendent pursuant to ~~divisions division (A)(2) to (5)~~ of this section and information and materials furnished to any board or person under division (F) or (G) of this section are not public records under section 149.43 of the Revised Code.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to ~~divisions~~ division (A)(2) to (5) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), or (5) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under ~~divisions~~ division (A)(2) to (5) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any

information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information that is authorized under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 173.41, 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a PASSPORT agency that provides services through the PASSPORT program created under section 173.40 of the Revised Code, home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve

providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, on request of the administrator requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date a request is received, the superintendent shall send to the administrator a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the administrator a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section.

Sec. 109.60. (A) ~~As used in this section, "designated delinquent act or juvenile offense" has the same meaning as in section 109.57 of the Revised Code.~~

~~(B)~~(1) The sheriffs of the several counties and the chiefs of police of cities, immediately upon the arrest of any person for any felony, on suspicion of any felony, for a crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or for any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, and immediately upon the arrest or taking into custody of any child ~~fourteen years of age or older and~~ under eighteen years of age for committing a designated delinquent an act or juvenile that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed a ~~designated delinquent an act or juvenile that would be a felony or an~~ offense of violence if committed by an adult, shall take the person's or child's fingerprints, or cause the same to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation, and immediately shall forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court having jurisdiction over the prosecution of the offense or over the adjudication relative to the act.

(2) If a sheriff or chief of police has not taken, or caused to be taken, a

person's or child's fingerprints in accordance with division ~~(B)~~(A)(1) of this section by the time of the arraignment or first appearance of the person or child, the court shall order the person or child to appear before the sheriff or chief of police within twenty-four hours to have the person's or child's fingerprints taken. The sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation and, immediately after the person's or child's arraignment or first appearance, forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court.

(3) Every court with jurisdiction over a case involving a person or child with respect to whom division ~~(B)~~(A)(1) of this section requires a sheriff or chief of police to take the person's or child's fingerprints shall inquire at the time of the person's or child's sentencing or adjudication whether or not the person or child has been fingerprinted pursuant to division ~~(B)~~(A)(1) or (2) of this section for the original arrest upon which the sentence or adjudication is based. If the person or child was not fingerprinted for the original arrest upon which the sentence or adjudication is based, the court shall order the person or child to appear before the sheriff or chief of police within twenty-four hours to have the person's or child's fingerprints taken. The sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation and immediately forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court.

(4) If a person or child is in the custody of a law enforcement agency or a detention facility, as defined in section 2921.01 of the Revised Code, and the chief law enforcement officer or chief administrative officer of the detention facility discovers that a warrant has been issued or a bill of information has been filed alleging the person or child to have committed an offense or act other than the offense or act for which the person or child is in custody, and the other alleged offense or act is one for which fingerprints are to be taken pursuant to division ~~(B)~~(A)(1) of this section, the law enforcement agency or detention facility shall take the fingerprints of the person or child, or cause the fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the

superintendent of the bureau of criminal identification and investigation and immediately forward copies of the completed forms, any other description that may be required, and the history of the offense committed to the bureau to be classified and filed and to the clerk of the court that issued the warrant or with which the bill of information was filed.

(5) If an accused is found not guilty of the offense charged or a nolle prosequi is entered in any case, or if any accused child ~~fourteen years of age or older and~~ under eighteen years of age is found not to be a delinquent child for committing ~~a designated delinquent act or juvenile~~ that would be a felony or an offense of violence if committed by an adult or not guilty of the ~~designated delinquent act~~ felony or juvenile offense of violence charged or a nolle prosequi is entered in that case, the fingerprints and description shall be given to the accused upon the accused's request.

(6) The superintendent shall compare the description received with those already on file in the bureau, and, if the superintendent finds that the person arrested or taken into custody has a criminal record or a record as a delinquent child for having committed an act that ~~is~~ would be a designated delinquent act or juvenile felony or an offense of violence if committed by an adult or is a fugitive from justice or wanted by any jurisdiction in this or another state, the United States, or a foreign country for any offense, the superintendent at once shall inform the arresting officer, the officer taking the person into custody, or the chief administrative officer of the county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution in which the person or child is in custody of that fact and give appropriate notice to the proper authorities in the jurisdiction in which the person is wanted, or, if that jurisdiction is a foreign country, give appropriate notice to federal authorities for transmission to the foreign country. The names, under which each person whose identification is filed is known, shall be alphabetically indexed by the superintendent.

~~(C)(B)~~ This section does not apply to a violator of a city ordinance unless the officers have reason to believe that the violator is a past offender or the crime is one constituting a misdemeanor on the first offense and a felony on subsequent offenses, or unless it is advisable for the purpose of subsequent identification. This section does not apply to any child under eighteen years of age who was not arrested or otherwise taken into custody for committing an act that ~~is~~ would be a designated delinquent act felony or juvenile an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed an act that ~~is~~

~~would be a designated delinquent act~~ felony or ~~juvenile~~ an offense of violence if committed by an adult, except as provided in section 2151.313 of the Revised Code.

Sec. 109.61. Each sheriff or chief of police shall furnish the bureau of criminal identification and investigation with descriptions, fingerprints, photographs, and measurements of the following:

(A)(1) Persons arrested who in that sheriff's or chief of police's judgment are wanted for serious offenses, are fugitives from justice, or in whose possession at the time of arrest are found goods or property reasonably believed to have been stolen;

(2) Children arrested or otherwise taken into custody who in that sheriff's or chief of police's judgment are ~~fourteen years of age or older and~~ under eighteen years of age and have committed an act that ~~is~~ would be a designated delinquent act or juvenile felony or an offense, as defined in section 109.57 of the Revised Code; of violence if committed by an adult.

(B) All persons in whose possession are found burglar outfits, burglar tools, or burglar keys, or who have in their possession high power explosives reasonably believed to be intended to be used for unlawful purposes;

(C) Persons who are in possession of infernal machines or other contrivances in whole or in part and reasonably believed by the sheriff or chief of police to be intended to be used for unlawful purposes;

(D) All persons carrying concealed firearms or other deadly weapons reasonably believed to be carried for unlawful purposes;

(E) All persons who have in their possession inks, dies, paper, or other articles necessary in the making of counterfeit bank notes or in the alteration of bank notes, or dies, molds, or other articles necessary in the making of counterfeit money and reasonably believed to be intended to be used by them for those types of unlawful purposes.

Sec. 109.83. (A) When directed by the governor or general assembly, the attorney general may investigate any organized criminal activity in this state. When it appears to the attorney general, as a result of an investigation conducted pursuant to this division, that there is cause to prosecute for the commission of a crime, ~~he~~ the attorney general shall refer the evidence to the prosecuting attorney having jurisdiction of the matter, to a regular grand jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 of the Revised Code, or to a special grand jury drawn and impaneled pursuant to section 2939.17 of the Revised Code. When the crime or the elements of the crime were committed in two or more counties, the referral shall be to the prosecuting attorney, the regular grand jury, or a special grand jury of the

county in which the most significant portion of the crime or the elements of the crime occurred or, if it is not possible to determine that county, the county with the largest population. When evidence is referred directly to a grand jury pursuant to this section, the attorney general and any assistant or special counsel designated by ~~him~~ the attorney general has the exclusive right to appear at any time before ~~such~~ the grand jury to give information relative to a legal matter cognizable by it, or to advise upon a legal matter when required, and may exercise all rights, privileges, and powers of prosecuting attorneys in such cases.

(B)(1) When information is referred to the attorney general by an organized crime task force or the organized crime investigations commission pursuant to section 177.03 of the Revised Code, the attorney general shall review the information so referred and ~~if he determines upon a determination~~ that there is cause to prosecute for the commission of a crime, ~~he~~ the attorney general ~~either~~ shall refer the information as evidence to a regular or special grand jury in the manner described in, and in the county determined in accordance with the provisions of, division (A) of this section; or shall initiate a criminal action or proceeding in a court of proper jurisdiction. If an indictment is returned by a grand jury pursuant to a referral made under this division, the attorney general has sole responsibility to prosecute the accused offender.

(2) The attorney general, and any assistant or special counsel designated by ~~him~~ the attorney general who appears under this division in any county for the prosecution of any crime has the same powers and authority as a prosecuting attorney, including, but not limited to, powers relating to attendance before the courts and grand juries of the county, preparation and trial of indictments for crimes, and representation of the state in any criminal proceeding, in any civil proceeding related to the crime, or in any appeal from a criminal case or from a civil case related to the crime in any court of this state.

(C) When proceeding under the authority of this section, the attorney general may appear for the state in any court or tribunal of proper jurisdiction for the purpose of conducting investigations under division (A) of this section, or for the purpose of conducting criminal proceedings, civil proceedings, or any other proceeding that is necessary to promote and safeguard the public interests of the citizens of this state.

(D) This section shall not be construed to prevent the attorney general and prosecuting attorneys or special prosecutors from cooperating in the investigation and prosecution of offenses under this section. However, in cases in which information was referred to the attorney general by an

organized crime task force because the office of a prosecuting attorney was implicated by an investigation conducted by the task force, the attorney general shall not inform the implicated prosecutor of the investigation or referral and shall not cooperate with the prosecutor on the matter.

(E) As used in this section, "organized criminal activity" has the same meaning as in section 177.01 of the Revised Code.

Sec. 177.01. (A) The organized crime investigations commission, consisting of seven members, is hereby established in the office of the attorney general. One of the members shall be the attorney general. Of the remaining members, each of whom shall be appointed by the governor with the advice and consent of the senate, two shall be prosecuting attorneys, two shall be county sheriffs, and two shall be chief municipal law enforcement officers. No more than four members of the commission shall be members of the same political party.

Of the initial appointments to the commission, one member who is a prosecuting attorney and one who is a county sheriff each shall be appointed for terms ending September 3, 1987, one member who is a prosecuting attorney and one who is a chief municipal law enforcement officer each shall be appointed for terms ending September 3, 1988, and one member who is a county sheriff and one who is a chief municipal law enforcement officer each shall be appointed for terms ending September 3, 1989. Thereafter, terms of office of persons appointed to the commission shall be for three years, with each term ending on the same day of the same month of the year as did the term that it succeeds. Members may be reappointed. Each appointed member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed, except that an appointed member who ceases to hold the office or position of prosecuting attorney, county sheriff, or chief municipal law enforcement officer prior to the expiration of the member's term of office on the commission shall cease to be a member of the commission on the date that the member ceases to hold the office or position. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall take office on the commission when the member is confirmed by the senate and shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

The attorney general shall become a member of the commission on September 3, 1986. Successors in office to that attorney general shall

become members of the commission on the day they assume the office of attorney general. An attorney general's term of office as a member of the commission shall continue for as long as the person in question holds the office of attorney general.

Each member of the commission may designate, in writing, another person to represent the member on the commission. If a member makes such a designation, either the member or the designee may perform the member's duties and exercise the member's authority on the commission. If a member makes such a designation, the member may revoke the designation by sending written notice of the revocation to the commission. Upon such a revocation, the member may designate a different person to represent the member on the commission by sending written notice of the designation to the commission at least two weeks prior to the date on which the new designation is to take effect.

The attorney general or a person the attorney general designates pursuant to this division to represent the attorney general on the commission shall serve as ~~chairman~~ chairperson of the commission. The commission shall meet within two weeks after all appointed members have been appointed, at a time and place determined by the governor. The commission shall organize by selecting a ~~vice-chairman~~ vice-chairperson and other officers who are necessary and shall adopt rules to govern its procedures. Thereafter, the commission shall meet at least once every six months, or more often upon the call of the ~~chairman~~ chairperson or the written request of two or more members. Each member of the commission shall have one vote. Four members constitute a quorum, and four votes are required to validate an action of the commission.

The members of the commission shall serve without compensation, but each member shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. In the absence of the ~~chairman~~ chairperson, the ~~vice-chairman~~ vice-chairperson shall perform the duties of the ~~chairman~~ chairperson.

(B) The commission shall coordinate investigations of organized criminal activity and perform all of the functions and duties relative to the investigations that are set forth in section 177.02 of the Revised Code, and it shall cooperate with departments and officers of the government of the United States in the suppression of organized criminal activity.

(C) The commission shall appoint and fix the compensation of a director and such technical and clerical employees who are necessary to exercise the powers and carry out the duties of the commission, may enter into contracts with one or more consultants to assist in exercising those powers and

carrying out those duties, and may enter into contracts and purchase any equipment necessary to the performance of its duties. The director and employees of the commission shall be members of the unclassified service as defined in section 124.11 of the Revised Code. The commission shall require the director and each employee, prior to commencing employment with the commission ~~and at least once each year thereafter for the duration of the director's or employee's employment with the commission~~, to undergo an investigation for the purpose of obtaining a security clearance. ~~The and, after the initial investigation, may require the director and each employee to undergo an investigation for that purpose at any time during the director's or employee's employment with the commission. The commission may require any consultant with whom it contracts to undergo an investigation for the purpose of obtaining a security clearance. An investigation shall under this division may include, but is not limited to, a polygraph examination and shall be conducted by an organization designated by the commission.~~

(D) An appointed commission member may be removed from office as a member of the commission by the vote of four members of the commission or by the governor for any of the following reasons:

(1) Neglect of duty, misconduct, incompetence, or malfeasance in office;

(2) Conviction of or a plea of guilty to a felony or an offense of moral turpitude;

(3) Being mentally ill or mentally incompetent;

(4) Being the subject of an investigation by a task force established by the commission or another law enforcement agency, where the proof of criminal activity is evident or the presumption great;

(5) Engaging in any activity or associating with any persons or organization inappropriate to the member's position as a member of the commission.

(E) As used in sections 177.01 to 177.03 of the Revised Code:

(1) "Organized criminal activity" means any combination or conspiracy to engage in activity that constitutes "engaging in a pattern of corrupt activity;" any violation, combination of violations, or conspiracy to commit one or more violations of section 2925.03, 2925.04, 2925.05, 2925.06, or 2925.11 of the Revised Code other than a violation of section 2925.11 of the Revised Code that is a minor drug possession offense; or any criminal activity that relates to the corruption of a public official, as defined in section 2921.01 of the Revised Code, or of a public servant of the type described in division (B)(3) of that section.

(2) A person is engaging in an activity that constitutes "engaging in a

pattern of corrupt activity" if any of the following apply:

(a) The person is or was employed by, or associated with, an enterprise and the person conducts or participates in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt.

(b) The person, through a pattern of corrupt activity or the collection of an unlawful debt, acquires or maintains, directly or indirectly, an interest in, or control of, an enterprise or real property.

(c) The person knowingly has received proceeds derived, directly or indirectly, from a pattern of corrupt activity or the collection of an unlawful debt and the person uses or invests, directly or indirectly, a part of those proceeds, or proceeds derived from the use or investment of any of those proceeds, in the acquisition of title to, or a right, interest, or equity in, real property or the establishment or operation of an enterprise. A purchase of securities on the open market with intent to make an investment, without intent to control or participate in the control of the issuer, and without intent to assist another to do so is not an activity that constitutes "engaging in a pattern of corrupt activity" if the securities of the issuer held after the purchase by the purchaser, the members of the purchaser's immediate family, and the purchaser's or members' accomplices in any pattern of corrupt activity or the collection of an unlawful debt, do not aggregate one per cent of the outstanding securities of any one class of the issuer and do not confer, in law or in fact, the power to elect one or more directors of the issuer.

(3) "Pattern of corrupt activity" means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event. At least one of the incidents forming the pattern shall occur on or after September 3, 1986. Unless any incident was an aggravated murder or murder, the most recent of the incidents forming the pattern shall occur within six years after the commission of any prior incident forming the pattern, excluding any period of imprisonment served by any person engaging in the corrupt activity.

(4) "Corrupt activity," "unlawful debt," "enterprise," "person," "real property," and "beneficial interest" have the same meanings as in section 2923.31 of the Revised Code.

(5) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 177.02. (A) Any person may file with the organized crime

investigations commission a complaint that alleges that organized criminal activity has occurred in a county. A person who files a complaint under this division also may file with the commission information relative to the complaint.

(B) Upon the filing of a complaint under division (A) of this section or upon its own initiative, the commission may establish an organized crime task force to investigate organized criminal activity in a single county or in two or more ~~adjacent~~ counties if it determines, based upon the complaint filed and the information relative to it or based upon any information that it may have received, that there is reason to believe that organized criminal activity has occurred and continues to occur in ~~the~~ that county or in each of ~~the adjacent~~ those counties. The commission shall not establish an organized crime task force to investigate organized criminal activity in any single county unless it makes the determination required under this division relative to that county; and shall not establish an organized crime task force to investigate organized criminal activity in two or more ~~adjacent~~ counties unless it makes the determination required under this division relative to each of ~~the adjacent~~ those counties. The commission, at any time, may terminate an organized crime task force it has established under this section.

(C)(1) If the commission establishes an organized crime task force to investigate organized criminal activity in a single county or in two or more ~~adjacent~~ counties pursuant to division (B) of this section, the commission initially shall appoint a task force director to directly supervise the investigation. The task force director shall be either the sheriff or a deputy sheriff of any county in the state, the chief law enforcement officer or a member of a law enforcement agency of any municipal corporation or township in the state, or an agent of the bureau of criminal identification and investigation. No person shall be appointed as task force director without ~~his~~ the person's consent; and, if applicable, the consent of ~~his~~ the person's employing sheriff or law enforcement agency; or of the superintendent of the bureau of criminal identification and investigation if ~~he~~ the person is an employee of the bureau. Upon appointment of a task force director, the commission shall meet with the director and establish the scope and limits of the investigation to be conducted by the task force and the size of the task force investigatory staff to be appointed by the task force director. The commission, at any time, may remove a task force director appointed under this division and may replace any director so removed according to the guidelines for the initial appointment of a director.

(2) A task force director appointed under this section shall assemble a task force investigatory staff, of a size determined by the commission and

the director, to conduct the investigation. Unless it appears to the commission and the director, based upon the complaint filed and any information relative to it or based upon any information that the commission may have received, that there is reason to believe that the office of the prosecuting attorney of the county or one of the counties served by the task force is implicated in the organized criminal activity to be investigated, one member of the investigatory staff shall be the prosecuting attorney or an assistant prosecuting attorney of the county or one of the counties served by the task force. If a prosecuting attorney or assistant prosecuting attorney is not ~~included in a participating member of~~ the task force ~~because of such a determination,~~ the office of the attorney general shall provide legal assistance to the task force upon request. Each of the other members of the investigatory staff shall be either the sheriff or a deputy sheriff of any county in the state, the chief law enforcement officer or a member of a law enforcement agency of any municipal corporation or township in the state, or an agent of the bureau of criminal identification and investigation. No person shall be appointed to the investigatory staff without ~~his~~ the person's consent; and, if applicable, the consent of ~~his~~ the person's employing sheriff or law enforcement agency; or the superintendent of the bureau of criminal identification and investigation if ~~he~~ the person is an employee of the bureau. To the extent possible, the investigatory staff shall be composed of persons familiar with investigatory techniques that generally would be utilized in an investigation of organized criminal activity. To the extent practicable, the investigatory staff shall be assembled in such a manner that numerous law enforcement agencies within the county or the counties served by the task force are represented on the investigatory staff. The investigatory staff shall be assembled in such a manner that at least one sheriff, deputy sheriff, municipal corporation law enforcement officer, or township law enforcement officer from each of the counties served by the task force is represented on the investigatory staff. A task force director, at any time, may remove any member of the investigatory staff ~~he~~ the task force director has assembled under this division and may replace any member so removed according to the guidelines for the initial assembly of the investigatory staff.

(3) The commission may provide an organized crime task force established under this section with technical and clerical employees and with equipment necessary to efficiently conduct its investigation into organized criminal activity.

(4) Upon the establishment of a task force, the commission shall issue to the task force director and each member of the task force investigatory staff

appropriate credentials ~~that identify him~~ stating the person's identity, his position, and his authority.

(D) A task force investigatory staff, during the period of the investigation for which it is assembled, is responsible only to the task force director and shall operate under ~~his~~ the direction and control of the task force director. Any necessary and actual expenses incurred by a task force director or investigatory staff, including any such expenses incurred for food, lodging, or travel, and any other necessary and actual expenses of an investigation into organized criminal activity conducted by a task force, shall be paid by the commission. For purposes of workers' compensation and the allocation of liability for any death, injury, or damage they may cause in the performance of their duties, a task force director and investigatory staff, during the period of the investigation for which the task force is assembled, shall be considered to be employees of the commission and of the state. However, for purposes of compensation, pension or indemnity fund rights, and other rights and benefits to which they may be entitled, a task force director and investigatory staff, during the period of the performance of their duties as director and investigatory staff, shall be considered to be performing their duties in their normal capacity as prosecuting attorney, assistant prosecuting attorney, sheriff, deputy sheriff, chief law enforcement officer or member of a law enforcement agency of a municipal corporation or township, or agent of the bureau of criminal identification and investigation.

(E) Except as provided in this division, upon the establishment of a task force, the commission shall provide the prosecuting attorney of each of the counties served by the task force with written notice that the task force has been established to investigate organized criminal activity in that county. Such notice shall not be provided to a prosecuting attorney if it appears to the commission, based upon the complaint filed and any information relative to it or based upon any information that the commission may have received, that there is reason to believe that the office of that prosecuting attorney is implicated in the organized criminal activity to be investigated.

(F) The filing of a complaint alleging organized criminal activity, the establishment of an organized crime task force, the appointment of a task force director and ~~his~~ the identity of the task force director, the assembly of an investigatory staff and the identity of its members, the conduct of an investigation into organized criminal activity, and the identity of any person who is being or is expected to be investigated by the task force shall be kept confidential by the commission and its director and employees, and by the task force and its director, investigatory staff, and employees until an

ndictment is returned or a criminal action or proceeding is initiated in a court of proper jurisdiction.

(G) For purposes of divisions (C) and (E) of this section, the office of a prosecuting attorney shall be considered as being implicated in organized criminal activity only if the prosecuting attorney, one or more of ~~his~~ the prosecuting attorney's assistants, or one or more of ~~his~~ the prosecuting attorney's employees has committed or attempted or conspired to commit, is committing or attempting or conspiring to commit, or has engaged in or is engaging in complicity in the commission of, organized criminal activity.

Sec. 177.03. (A) An organized crime task force established under section 177.02 of the Revised Code to investigate organized criminal activity in a single county or in two or more ~~adjacent~~ counties shall investigate organized criminal activity within the county or counties in accordance with the scope and limits established by the organized crime investigations commission and the task force director. For purposes of the investigation, the task force director and investigatory staff shall have the powers of a peace officer throughout the county or counties in which the investigation is to be undertaken. However, the authority and powers granted to the director and investigatory staff under this section do not supplant or diminish the authority and power provided by the Revised Code to other law enforcement agencies or their officers or investigators.

An organized crime task force, in the conduct of its investigation, may issue subpoenas and subpoenas duces tecum. The task force may compel the attendance of witnesses and the production of records and papers of all kinds and description that are relevant to the investigation, including, but not limited to, any books, accounts, documents, and memoranda pertaining to the subject of the investigation. Upon the failure of any person to comply with any lawful order of the task force, the task force may apply to the court of common pleas of the proper county for a contempt order, as in the case of disobedience of the requirements of a subpoena issued from the court of common pleas, or a refusal to testify thereon.

(B) This section and section 177.02 of the Revised Code do not prevent an organized crime task force from cooperating with other law enforcement agencies of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States, or their officers or investigators in the investigation and prosecution of any offenses comprising organized criminal activity.

(C)(1) If an organized crime task force, either prior to the commencement of or during the course of its investigation of organized criminal activity in a single county or in two or more ~~adjacent~~ counties, has

reason to believe that the investigation will require it to engage in substantial investigative activities in a particular municipal corporation or township in the county or any of the ~~adjacent~~ counties, the task force director shall notify the commission ~~chairman~~ chairperson of that belief and the reasons for that belief. The ~~chairman~~ chairperson shall present that belief and those reasons to the commission, and, if the commission determines that there is a compelling reason to notify a local law enforcement agency that has jurisdiction within that municipal corporation or township that the task force will be engaging in investigative activities in the municipal corporation or township, the commission, subject to division (C)(2) of this section, shall provide written notice of that fact as follows:

(a) If the investigative activities will be engaged in in a township or in a municipal corporation that does not have a police department or similar law enforcement agency, the commission shall provide the notice ~~shall be provided~~ to the sheriff of the county in which the township or municipal corporation is located.

(b) If the investigative activities will be engaged in in a municipal corporation that has a police department or similar law enforcement agency, the commission shall provide the notice ~~shall be provided~~ to the chief law enforcement officer of the department or agency.

(2) The notice described in division (C)(1) of this section shall not be provided to a sheriff or chief law enforcement officer if it appears to the commission, based upon the complaint filed and any information relative to it or based upon any information that the commission may have received, that there is reason to believe that the office of that sheriff or chief law enforcement officer is implicated in the organized criminal activity being investigated.

(D)(1) If an organized crime task force determines, pursuant to its investigation of organized criminal activity in a single county or in two or more ~~adjacent~~ counties, that there is not reasonable cause to believe that organized criminal activity has occurred or is occurring in the county or in any of the counties, it shall report its determination to the commission, terminate its task force activities, and disband.

(2)(a) If a task force determines, pursuant to its investigation of organized criminal activity in a single county or in two or more ~~adjacent~~ counties, that there is reasonable cause to believe that organized criminal activity has occurred or is occurring in the county or in any of the counties, it shall report its determination to the commission and, except as provided in division (D)(3) of this section, shall refer a copy of all of the information gathered during the course of the investigation to the prosecuting attorney

who has jurisdiction over the matter and inform the prosecuting attorney that ~~he~~ the prosecuting attorney has thirty days to decide whether ~~he~~ the prosecuting attorney should present the information to a grand jury and that, if ~~he~~ the prosecuting attorney intends to make ~~such~~ a presentation of the information to the grand jury, ~~he~~ the prosecuting attorney has to give the commission written notice of that intention. If the organized criminal activity occurred or is occurring in two or more counties, the referral of the information shall be to the prosecuting attorney of the county in which the most significant portion of the activity occurred or is occurring or, if it is not possible to determine that county, the county with the largest population.

If a prosecuting attorney who has been referred information under this division fails to notify the commission in writing, within thirty days after the referral, that ~~he~~ the prosecuting attorney will present the information to the grand jury of ~~his~~ the prosecuting attorney's county, the task force, except as provided in division (D)(2)(b) of this section, shall refer a copy of all of the information to the attorney general, who shall proceed according to division (B) of section 109.83 of the Revised Code. If the prosecuting attorney fails to notify the commission in writing within that time that ~~he~~ the prosecuting attorney will present the information to the grand jury, ~~he~~ the prosecuting attorney promptly shall return all of the information that the task force referred to ~~him~~ the prosecuting attorney under this division.

If a prosecuting attorney who has been referred information under this division notifies the commission in writing, within thirty days after the referral, of ~~his~~ the prosecuting attorney's intention to present the information referred to ~~him~~ the prosecuting attorney to the grand jury of ~~his~~ the prosecuting attorney's county, ~~he~~ the prosecuting attorney shall proceed promptly to present the information as evidence to the grand jury and shall notify the commission of the grand jury's final actions, findings of indictments, or reports. The prosecuting attorney may disclose to the attorney general any matters occurring before the grand jury that are disclosed to the prosecuting attorney for use in the performance of ~~his~~ the prosecuting attorney's duties. The prosecuting attorney shall present the information ~~shall be presented~~ as evidence to the grand jury prior to the discharge of the next regular grand jury. If the prosecuting attorney fails to present the information as evidence within that time, the commission, except as provided in division (D)(2)(b) of this section, shall notify the attorney general, the task force shall refer a copy of all of the information to the attorney general, and the attorney general may proceed as if the prosecuting attorney had declined under this division to accept the matter. If the prosecuting attorney fails to present the information as evidence within that

time, ~~he~~ the prosecuting attorney promptly shall return to the task force all of the information that the task force had referred to ~~him~~ the prosecuting attorney under this division.

(b) If a prosecuting attorney who has been referred information under division (D)(2)(a) of this section fails to notify the commission in accordance with that division that ~~he~~ the prosecuting attorney will present the information to the grand jury, and the task force that conducted the investigation determines, pursuant to its investigation, that the office of the attorney general is implicated in organized criminal activity, the task force shall not contact or refer any information to the attorney general; but shall report its determinations and refer all of the information to the commission. If a prosecuting attorney who has been referred information under division (D)(2)(a) of this section notifies the commission in accordance with that division that ~~he~~ the prosecuting attorney intends to present the information to the grand jury but fails to do so prior to the discharge of the next regular grand jury, and the task force that conducted the investigation determines, pursuant to the investigation, that the office of the attorney general is implicated in organized criminal activity, neither the commission nor the task force shall contact or refer any information to the attorney general. Instead, the task force shall report its determinations and refer all of the information gathered during the course of the investigation to the commission.

In either such case, the commission shall review the information, and, if a majority of the members of the commission determine that the office of the attorney general is implicated, the ~~chairman~~ chairperson of the commission shall appear before the presiding judge of the court of common pleas or of the court of appeals for the county in which the prosecuting attorney who was referred the information serves and request the appointment of a special prosecutor to handle the matter. If the presiding judge finds that there is reasonable cause to believe that organized criminal activity has occurred or is occurring in the county or in any of the counties served by the task force and that the office of the attorney general is implicated, the judge shall appoint a special prosecutor to perform the functions of prosecuting attorney of the county in relation to the matter. The commission shall refer a copy of all of the information gathered during the course of the investigation to the special prosecutor. The special prosecutor shall review the information so referred and ~~if he determines, upon a determination~~ that there is cause to prosecute for the commission of a crime, ~~he~~ the special prosecutor shall proceed promptly to present the information so referred to ~~him~~ to the grand jury and shall notify the commission of the

grand jury's final actions, findings of indictments, or reports. A special prosecutor appointed under this division shall not inform the attorney general of the investigation or referral of information and shall not cooperate with the attorney general on the matter.

(3) If a task force determines, pursuant to its investigation of organized criminal activity in a single county or in two or more ~~adjacent~~ counties, that there is reasonable cause to believe that organized criminal activity has occurred or is occurring in the county or in any of the counties, and that the office of a prosecuting attorney who normally would be referred the information gathered during the course of the investigation pursuant to division (D)(2) of this section is implicated by the information in organized criminal activity, ~~it~~ the task force shall not contact or refer any information to the prosecuting attorney. Instead it shall report its determinations and refer all of the information gathered during the course of the investigation to the commission. The commission shall review the information, and if a majority of the members of the commission determine that the office of the prosecuting attorney is implicated in organized criminal activity, the ~~chairman~~ chairperson of the commission shall appear before the presiding judge of the court of common pleas or of the court of appeals for the county in which that prosecuting attorney serves and request the appointment of a special prosecutor to handle the matter. If the presiding judge finds that there is reasonable cause to believe that organized criminal activity has occurred or is occurring in the county or in any of the counties served by the task force and that the office of the prosecuting attorney in question is implicated in organized criminal activity, the judge shall appoint a special prosecutor to perform the functions of prosecuting attorney of the county in relation to the matter, and the commission shall refer a copy of all of the information gathered during the course of the investigation to the special prosecutor. It shall inform the special prosecutor that ~~he~~ the special prosecutor has thirty days to decide whether ~~he~~ the special prosecutor should present the information to a grand jury and that if ~~he~~ the special prosecutor intends to make ~~such~~ a presentation of the information to the grand jury, ~~he~~ the special prosecutor has to give the commission written notice of that intention. A special prosecutor appointed under this division shall not inform the implicated prosecuting attorney of the investigation or referral of information and shall not cooperate with the prosecutor on the matter.

If a special prosecutor who has been referred information under this division fails to notify the commission in writing, within thirty days after the referral, that ~~he~~ the special prosecutor will present the information to the grand jury of the county, or if the presiding judge is requested pursuant to

this division to appoint a special prosecutor but the judge does not do so, the commission shall refer a copy of all of the information to the attorney general, who shall proceed according to division (B) of section 109.83 of the Revised Code. Upon such a failure of a special prosecutor to notify the commission, the special prosecutor promptly shall return to the commission all of the information that the commission had referred to the special prosecutor under this division.

If a special prosecutor who has been referred information under this division notifies the commission in writing, within thirty days after the referral, of ~~his~~ the special prosecutor's intention to present the information referred to ~~him~~ the special prosecutor to the grand jury of the county, ~~he~~ the special prosecutor shall proceed promptly to present the information as evidence to the grand jury and shall notify the commission of the grand jury's final actions, findings of indictments, or reports. The special prosecutor may disclose to the attorney general any matters occurring before the grand jury that are disclosed to the special prosecutor for use in the performance of ~~his~~ the special prosecutor's duties. The information shall be presented as evidence to the grand jury prior to the discharge of the next regular grand jury. If the special prosecutor fails to present the information as evidence within that time, the commission shall notify the attorney general and refer a copy of all of the information to the attorney general, the attorney general may proceed as if the special prosecutor had declined under this division to accept the matter, and the special prosecutor promptly shall return to the commission all of the information that the commission had referred to the special prosecutor under this division.

(4) The referral of information by a task force to a prosecuting attorney, to the attorney general, to the commission, or to a special prosecutor under this division, the content, scope, and subject of any information so referred, and the identity of any person who was investigated by the task force shall be kept confidential by the task force and its director, investigatory staff, and employees, by the commission and its director ~~and~~ employees, and consultants, by the prosecuting attorney and ~~his~~ the prosecuting attorney's assistants and employees, by the special prosecutor and ~~his~~ the special prosecutor's assistants and employees, and by the attorney general and ~~his~~ the attorney general's assistants and employees until an indictment is returned or a criminal action or proceeding is initiated in a court of proper jurisdiction.

(5) Any information gathered by a task force during the course of its investigation that is in the possession of the task force, a prosecuting attorney, the attorney general, the commission, or a special prosecutor, and

any record that pertains to any such information and that is maintained by the task force, a prosecuting attorney, the attorney general, the commission, or a special prosecutor is a confidential law enforcement investigatory record for purposes of section 149.43 of the Revised Code. However, no provision contained in this division or that section affects or limits or shall be construed as affecting or limiting any right of discovery granted to any person under the Revised Code, the Rules of Criminal Procedure, or the Rules of Juvenile Procedure.

(6) In no case shall the commission, a task force, a prosecuting attorney, a special prosecutor, or the attorney general publicly issue a report or summary that identifies or enables the identification of any person who has been or is being investigated under sections 177.01 to 177.03 of the Revised Code unless an indictment is returned against the person or a criminal action or proceeding is initiated against the person in a court of proper jurisdiction.

(7) For purposes of divisions (C) and (D) of this section, the office of a prosecuting attorney, the attorney general, a sheriff, or a chief law enforcement officer shall be considered as being implicated in organized criminal activity only if the prosecuting attorney, attorney general, sheriff, or chief law enforcement officer, one or more of ~~his~~ the assistants, deputies, or officers thereof, or one or more of ~~his~~ the employees thereof has committed or attempted or conspired to commit, is committing or attempting or conspiring to commit, or has engaged in or is engaging in complicity in the commission of, organized criminal activity.

(8) For purposes of this section, notification by a prosecuting attorney or special prosecutor may be accomplished by certified mail or ~~such~~ any other documentation ~~as~~ that is agreed upon by the prosecuting attorney or special prosecutor and the commission or their representatives. Notice by certified mail is complete upon mailing.

(E) If an organized crime task force has probable cause to believe, pursuant to its investigation of organized criminal activity in a single county or in two or more ~~adjacent~~ counties, that a law of another state or the United States has been or is being violated, the task force director shall notify the commission ~~chairman~~ chairperson of that belief and the reasons for that belief. The ~~chairman~~ chairperson shall present that belief and those reasons to the commission; and, if the commission determines that there is probable cause to believe that such a law has been or is being violated, the commission may refer the matter to the attorney general of the other state or to the appropriate United States attorney, whichever is applicable, and provide ~~him~~ that attorney general or United States attorney with a copy of relevant information.

Sec. 2151.18. (A)(1) The juvenile court shall maintain records of all official cases brought before it, including an appearance docket, a journal, and a cashbook. The court shall maintain a separate docket for traffic cases and shall record all traffic cases on the separate docket instead of on the general appearance docket. The parents of any child affected, if they are living, or the nearest of kin of the child, if the parents are deceased, may inspect these records, either in person or by counsel during the hours in which the court is open.

(2) The juvenile court shall send to the superintendent of the bureau of criminal identification and investigation, pursuant to section 109.57 of the Revised Code, a weekly report containing a summary of each case that has come before it and that involves an adjudication that a child is a delinquent child for committing ~~a designated delinquent~~ an act or juvenile that would be a felony or an offense, as defined in section 109.57 of the Revised Code ~~violence if committed by an adult.~~

(B) The clerk of the court shall maintain a statistical record that includes all of the following:

(1) The number of complaints that are filed with the court that allege that a child is a delinquent child, in relation to which the court determines under division (D) of section 2151.27 of the Revised Code that the victim of the alleged delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the alleged commission of the act;

(2) The number of complaints described in division (B)(1) of this section that result in the child being adjudicated a delinquent child;

(3) The number of complaints described in division (B)(2) of this section in which the act upon which the delinquent child adjudication is based caused property damage or would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult;

(4) The number of complaints described in division (B)(3) of this section that result in the delinquent child being required as an order of disposition made under division (A)(8)(b) of section 2151.355 of the Revised Code to make restitution for all or part of the property damage caused by ~~his~~ the child's delinquent act or for all or part of the value of the property that was the subject of the delinquent act that would be a theft offense if committed by an adult;

(5) The number of complaints described in division (B)(2) of this section in which the act upon which the delinquent child adjudication is based would have been an offense of violence if committed by an adult;

(6) The number of complaints described in division (B)(5) of this section that result in the delinquent child being committed as an order of disposition made under division (A)(3), (4), (5), (6), or (7) of section 2151.355 of the Revised Code to any facility for delinquent children operated by the county, a district, or a private agency or organization or to the department of youth services;

(7) The number of complaints described in division (B)(1) of this section that result in the case being transferred for criminal prosecution to an appropriate court having jurisdiction of the offense under section 2151.26 of the Revised Code.

(C) The clerk of the court shall compile an annual summary covering the preceding calendar year showing all of the information for that year contained in the statistical record maintained under division (B) of this section. The statistical record and the annual summary shall be public records open for inspection. Neither the statistical record nor the annual summary shall include the identity of any party to a case.

(D) Not later than June of each year, the court shall prepare an annual report covering the preceding calendar year showing the number and kinds of cases that have come before it, the disposition of the cases, and any other data pertaining to the work of the court that the juvenile judge directs. The court shall file copies of the report with the board of county commissioners. With the approval of the board, the court may print or cause to be printed copies of the report for distribution to persons and agencies interested in the court or community program for dependent, neglected, abused, or delinquent children and juvenile traffic offenders. The court shall include the number of copies ordered printed and the estimated cost of each printed copy on each copy of the report printed for distribution.

Sec. 2151.313. (A)(1) Except as provided in division (A)(2) of this section and in sections 109.57, 109.60, and 109.61 of the Revised Code, no child shall be fingerprinted or photographed in the investigation of any violation of law without the consent of the juvenile judge.

(2) Subject to division (A)(3) of this section, a law enforcement officer may fingerprint and photograph a child without the consent of the juvenile judge when the child is arrested or otherwise taken into custody for the commission of an act that would be ~~a felony~~ an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult, and there is probable cause to believe that the child may have been involved in the commission of the act. A law enforcement officer who takes fingerprints or photographs of a child under division (A)(2) of this section immediately shall inform the juvenile court that the fingerprints or photographs were

taken and shall provide the court with the identity of the child, the number of fingerprints and photographs taken, and the name and address of each person who has custody and control of the fingerprints or photographs or copies of the fingerprints or photographs.

(3) This section does not apply to a child ~~who is fourteen years of age or older and under eighteen years of age and~~ to whom either of the following applies:

(a) The child has been arrested or otherwise taken into custody for committing, or has been adjudicated a delinquent child for committing, an act that would be a felony if committed by an adult or has been convicted of or pleaded guilty to committing a ~~designated delinquent act or juvenile offense, as defined in section 109.57 of the Revised Code~~ felony.

(b) There is probable cause to believe that the child may have committed a ~~designated delinquent~~ an act or juvenile offense, as defined in section 109.57 of the Revised Code that would be a felony if committed by an adult.

(B)(1) Subject to divisions (B)(4), (5), and (6) of this section, all fingerprints and photographs of a child obtained or taken under division (A)(1) or (2) of this section, and any records of the arrest or custody of the child that was the basis for the taking of the fingerprints or photographs, initially may be retained only until the expiration of thirty days after the date taken, except that the court may limit the initial retention of fingerprints and photographs of a child obtained under division (A)(1) of this section to a shorter period of time and except that, if the child is adjudicated a delinquent child for the commission of an act described in division (B)(3) of this section or is convicted of or pleads guilty to a criminal offense for the commission of an act described in division (B)(3) of this section, the fingerprints and photographs, and the records of the arrest or custody of the child that was the basis for the taking of the fingerprints and photographs, shall be retained in accordance with division (B)(3) of this section. During the initial period of retention, the fingerprints and photographs of a child, copies of the fingerprints and photographs, and records of the arrest or custody of the child shall be used or released only in accordance with division (C) of this section. At the expiration of the initial period for which fingerprints and photographs of a child, copies of fingerprints and photographs of a child, and records of the arrest or custody of a child may be retained under this division, if no complaint is pending against the child in relation to the act for which the fingerprints and photographs originally were obtained or taken and if the child has neither been adjudicated a delinquent child for the commission of that act nor been convicted of or

pleaded guilty to a criminal offense based on that act subsequent to a transfer of the child's case for criminal prosecution pursuant to section 2151.26 of the Revised Code, the fingerprints and photographs of the child, all copies of the fingerprints and photographs, and all records of the arrest or custody of the child that was the basis of the taking of the fingerprints and photographs shall be removed from the file and delivered to the juvenile court.

(2) If, at the expiration of the initial period of retention set forth in division (B)(1) of this section, a complaint is pending against the child in relation to the act for which the fingerprints and photographs originally were obtained or the child either has been adjudicated a delinquent child for the commission of an act other than an act described in division (B)(3) of this section or has been convicted of or pleaded guilty to a criminal offense for the commission of an act other than an act described in division (B)(3) of this section subsequent to transfer of the child's case, the fingerprints and photographs of the child, copies of the fingerprints and photographs, and the records of the arrest or custody of the child that was the basis of the taking of the fingerprints and photographs may further be retained, subject to division (B)(4) of this section, until the earlier of the expiration of two years after the date on which the fingerprints or photographs were taken or the child attains eighteen years of age, except that, if the child is adjudicated a delinquent child for the commission of an act described in division (B)(3) of this section or is convicted of or pleads guilty to a criminal offense for the commission of an act described in division (B)(3) of this section, the fingerprints and photographs, and the records of the arrest or custody of the child that was the basis for the taking of the fingerprints and photographs, shall be retained in accordance with division (B)(3) of this section.

Except as otherwise provided in division (B)(3) of this section, during this additional period of retention, the fingerprints and photographs of a child, copies of the fingerprints and photographs of a child, and records of the arrest or custody of a child shall be used or released only in accordance with division (C) of this section. At the expiration of the additional period, if no complaint is pending against the child in relation to the act for which the fingerprints originally were obtained or taken or in relation to another act for which the fingerprints were used as authorized by division (C) of this section and that would be a felony if committed by an adult, the fingerprints of the child, all copies of the fingerprints, and all records of the arrest or custody of the child that was the basis of the taking of the fingerprints shall be removed from the file and delivered to the juvenile court, and, if no complaint is pending against the child concerning the act for which the

photographs originally were obtained or taken or concerning an act that would be a felony if committed by an adult, the photographs and all copies of the photographs, and, if no fingerprints were taken at the time the photographs were taken, all records of the arrest or custody that was the basis of the taking of the photographs shall be removed from the file and delivered to the juvenile court. In either case, if, at the expiration of the applicable additional period, such a complaint is pending against the child, the photographs and copies of the photographs of the child, or the fingerprints and copies of the fingerprints of the child, whichever is applicable, and the records of the arrest or custody of the child may be retained, subject to division (B)(4) of this section, until final disposition of the complaint, and upon final disposition of the complaint, they shall be removed from the file and delivered to the juvenile court, except that, if the child is adjudicated a delinquent child for the commission of an act described in division (B)(3) of this section or is convicted of or pleads guilty to a criminal offense for the commission of an act described in division (B)(3) of this section, the fingerprints and photographs, and the records of the arrest or custody of the child that was the basis for the taking of the fingerprints and photographs, shall be retained in accordance with division (B)(3) of this section.

(3) If a child is adjudicated a delinquent child for ~~the commission of an act in violation of~~ violating section 2923.42 Of the Revised Code or for committing an act that would be a misdemeanor offense of violence if committed by an adult, or is convicted of or pleads guilty to a ~~criminal offense for the commission of an act that is a violation of~~; section ~~2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.21, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2921.34, or 2921.35 of the Revised Code, section 2913.02~~ 2923.42 of the Revised Code ~~involving the theft of a motor vehicle, former section 2907.12 of the Revised Code, a~~ misdemeanor offense of violence, or a violation of an existing or former municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to section 2923.42 Of the Revised Code or ~~any of those sections~~ misdemeanor offense of violence, both of the following apply:

(a) Originals and copies of fingerprints and photographs of the child obtained or taken under division (A)(1) of this section, and any records of the arrest or custody that was the basis for the taking of the fingerprints or photographs, may be retained for the period of time specified by the juvenile judge in that judge's grant of consent for the taking of the fingerprints or

photographs. Upon the expiration of the specified period, all originals and copies of the fingerprints, photographs, and records shall be delivered to the juvenile court or otherwise disposed of in accordance with any instructions specified by the juvenile judge in that judge's grant of consent. During the period of retention of the photographs and records, all originals and copies of them shall be retained in a file separate and apart from all photographs taken of adults. During the period of retention of the fingerprints, all originals and copies of them may be maintained in the files of fingerprints taken of adults. If the juvenile judge who grants consent for the taking of fingerprints and photographs under division (A)(1) of this section does not specify a period of retention in that judge's grant of consent, originals and copies of the fingerprints, photographs, and records may be retained in accordance with this section as if the fingerprints and photographs had been taken under division (A)(2) of this section.

(b) Originals and copies of fingerprints and photographs taken under division (A)(2) of this section, and any records of the arrest or custody that was the basis for the taking of the fingerprints or photographs, may be retained for the period of time and in the manner specified in division (B)(3)(b) of this section. Prior to the child's attainment of eighteen years of age, all originals and copies of the photographs and records shall be retained and shall be kept in a file separate and apart from all photographs taken of adults. During the period of retention of the fingerprints, all originals and copies of them may be maintained in the files of fingerprints taken of adults. Upon the child's attainment of eighteen years of age, all originals and copies of the fingerprints, photographs, and records shall be disposed of as follows:

(i) If the juvenile judge issues or previously has issued an order that specifies a manner of disposition of the originals and copies of the fingerprints, photographs, and records, they shall be delivered to the juvenile court or otherwise disposed of in accordance with the order.

(ii) If the juvenile judge does not issue and has not previously issued an order that specifies a manner of disposition of the originals and copies of the fingerprints not maintained in adult files, photographs, and records, the law enforcement agency, in its discretion, either shall remove all originals and copies of them from the file in which they had been maintained and transfer them to the files that are used for the retention of fingerprints and photographs taken of adults who are arrested for, otherwise taken into custody for, or under investigation for the commission of a criminal offense or shall remove them from the file in which they had been maintained and deliver them to the juvenile court. If the originals and copies of any fingerprints of a child who attains eighteen years of age are maintained in

the files of fingerprints taken of adults or if pursuant to division (B)(3)(b)(ii) of this section the agency transfers the originals and copies of any fingerprints not maintained in adult files, photographs, or records to the files that are used for the retention of fingerprints and photographs taken of adults who are arrested for, otherwise taken into custody for, or under investigation for the commission of a criminal offense, the originals and copies of the fingerprints, photographs, and records may be maintained, used, and released after they are maintained in the adult files or after the transfer as if the fingerprints and photographs had been taken of, and as if the records pertained to, an adult who was arrested for, otherwise taken into custody for, or under investigation for the commission of a criminal offense.

(4) If a sealing or expungement order issued under section 2151.358 of the Revised Code requires the sealing or destruction of any fingerprints or photographs of a child obtained or taken under division (A)(1) or (2) of this section or of the records of an arrest or custody of a child that was the basis of the taking of the fingerprints or photographs prior to the expiration of any period for which they otherwise could be retained under division (B)(1), (2), or (3) of this section, the fingerprints, photographs, and arrest or custody records that are subject to the order and all copies of the fingerprints, photographs, and arrest or custody records shall be sealed or destroyed in accordance with the order.

(5) All fingerprints of a child, photographs of a child, records of an arrest or custody of a child, and copies delivered to a juvenile court in accordance with division (B)(1), (2), or (3) of this section shall be destroyed by the court.

(6)(a) All photographs of a child and records of an arrest or custody of a child retained pursuant to division (B) of this section and not delivered to a juvenile court shall be kept in a file separate and apart from fingerprints, photographs, and records of an arrest or custody of an adult. All fingerprints of a child retained pursuant to division (B) of this section and not delivered to a juvenile court may be maintained in the files of fingerprints taken of adults.

(b) If a child who is the subject of photographs or fingerprints is adjudicated a delinquent child for the commission of an act that would be a ~~felony~~ an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult or is convicted of or pleads guilty to a criminal offense ~~that is a felony, other than a traffic offense or a minor misdemeanor~~, all fingerprints not maintained in the files of fingerprints taken of adults and all photographs of the child, and all records of the arrest or custody of the child that is the basis of the taking of the fingerprints or photographs, that

are retained pursuant to division (B) of this section and not delivered to a juvenile court shall be kept in a file separate and apart from fingerprints, photographs, and arrest and custody records of children who have not been adjudicated a delinquent child for the commission of an act that would be a ~~felony~~ an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult and have not been convicted of or pleaded guilty to a criminal offense ~~that is a felony~~ other than a traffic offense or a minor misdemeanor.

(C) Until they are delivered to the juvenile court or sealed, transferred in accordance with division (B)(3)(b) of this section, or destroyed pursuant to a sealing or expungement order, the originals and copies of fingerprints and photographs of a child that are obtained or taken pursuant to division (A)(1) or (2) of this section, and the records of the arrest or custody of the child that was the basis of the taking of the fingerprints or photographs, shall be used or released only as follows:

(1) During the initial thirty-day period of retention, originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, shall be used, prior to the filing of a complaint against the child in relation to the act for which the fingerprints and photographs were originally obtained or taken, only for the investigation of that act and shall be released, prior to the filing of the complaint, only to a court that would have jurisdiction of the child's case under this chapter. Subsequent to the filing of a complaint, originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, shall be used or released during the initial thirty-day period of retention only as provided in division (C)(2)(a), (b), or (c) of this section.

(2) Originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, that are retained beyond the initial thirty-day period of retention subsequent to the filing of a complaint, a delinquent child adjudication, or a conviction of or guilty plea to a criminal offense shall be used or released only as follows:

(a) Originals and copies of photographs of a child, and, if no fingerprints were taken at the time the photographs were taken, records of the arrest or custody of the child that was the basis of the taking of the photographs, may be used only as follows:

(i) They may be used for the investigation of the act for which they originally were obtained or taken; if the child who is the subject of the photographs is a suspect in the investigation, for the investigation of any act that would be an offense if committed by an adult; and for arresting or bringing the child into custody.

(ii) If the child who is the subject of the photographs is adjudicated a delinquent child for the commission of an act that would be a felony if committed by an adult or is convicted of or pleads guilty to a criminal offense that is a felony as a result of the arrest or custody that was the basis of the taking of the photographs, a law enforcement officer may use the photographs for a photo line-up conducted as part of the investigation of any act that would be a felony if committed by an adult, whether or not the child who is the subject of the photographs is a suspect in the investigation. ~~No later than ninety days after a law enforcement officer uses the photographs in a photo line-up, the officer shall return them to the file from which the officer obtained them.~~

(b) Originals and copies of fingerprints of a child, and records of the arrest or custody of the child that was the basis of the taking of the fingerprints, may be used only for the investigation of the act for which they originally were obtained or taken; if a child is a suspect in the investigation, for the investigation of another act that would be an offense if committed by an adult; and for arresting or bringing the child into custody.

(c) Originals and copies of fingerprints, photographs, and records of the arrest or custody that was the basis of the taking of the fingerprints or photographs shall be released only to the following:

(i) Law enforcement officers of this state or a political subdivision of this state, upon notification to the juvenile court of the name and address of the law enforcement officer or agency to whom or to which they will be released;

(ii) A court that has jurisdiction of the child's case under Chapter 2151. of the Revised Code or subsequent to a transfer of the child's case for criminal prosecution pursuant to section 2151.26 of the Revised Code.

(D) No person shall knowingly do any of the following:

(1) Fingerprint or photograph a child in the investigation of any violation of law other than as provided in division (A)(1) or (2) of this section or in sections 109.57, 109.60, and 109.61 of the Revised Code;

(2) Retain fingerprints or photographs of a child obtained or taken under division (A)(1) or (2) of this section, copies of fingerprints or photographs of that nature, or records of the arrest or custody that was the basis of the taking of fingerprints or photographs of that nature other than in accordance with division (B) of this section;

(3) Use or release fingerprints or photographs of a child obtained or taken under division (A)(1) or (2) of this section, copies of fingerprints or photographs of that nature, or records of the arrest or custody that was the basis of the taking of fingerprints or photographs of that nature other than in

accordance with division (B) or (C) of this section.

Sec. 2151.355. (A) If a child is adjudicated a delinquent child, the court may make any of the following orders of disposition:

(1) Any order that is authorized by section 2151.353 of the Revised Code;

(2) Place the child on probation under any conditions that the court prescribes. If the child is adjudicated a delinquent child for violating section 2909.05, 2909.06, or 2909.07 of the Revised Code and if restitution is appropriate under the circumstances of the case, the court shall require the child to make restitution for the property damage caused by the child's violation as a condition of the child's probation. If the child is adjudicated a delinquent child because the child violated any other section of the Revised Code, the court may require the child as a condition of the child's probation to make restitution for the property damage caused by the child's violation and for the value of the property that was the subject of the violation the child committed if it would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult. The restitution may be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim approximately equal to the value of the property damage caused by the child's violation or to the value of the property that is the subject of the violation if it would be a theft offense if committed by an adult, the performance of community service or community work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.

If the child is adjudicated a delinquent child for violating a law of this state or the United States, or an ordinance or regulation of a political subdivision of this state, that would be a crime if committed by an adult or for violating division (A) of section 2923.211 of the Revised Code, the court, in addition to all other required or permissive conditions of probation that the court imposes upon the delinquent child pursuant to division (A)(2) of this section, shall require the child as a condition of the child's probation to abide by the law during the period of probation, including, but not limited to, complying with the provisions of Chapter 2923. of the Revised Code relating to the possession, sale, furnishing, transfer, disposition, purchase, acquisition, carrying, conveying, or use of, or other conduct involving, a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(3) Commit the child to the temporary custody of any school, camp,

institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2151.34 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required;

(4) If the child is adjudicated a delinquent child for committing an act that would be a felony of the third, fourth, or fifth degree if committed by an adult or for violating division (A) of section 2923.211 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization for an indefinite term consisting of a minimum period of six months and a maximum period not to exceed the child's attainment of twenty-one years of age;

(5)(a) If the child is adjudicated a delinquent child for violating section 2903.03, 2905.01, 2909.02, or 2911.01 or division (A) of section 2903.04 of the Revised Code or for violating any provision of section 2907.02 of the Revised Code other than division (A)(1)(b) of that section when the sexual conduct or insertion involved was consensual and when the victim of the violation of division (A)(1)(b) of that section was older than the delinquent child, was the same age as the delinquent child, or was less than three years younger than the delinquent child, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one to three years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(b) If the child is adjudicated a delinquent child for violating section 2923.02 of the Revised Code and if the violation involves an attempt to commit a violation of section 2903.01 or 2903.02 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of six to seven years, as prescribed by the court, and a maximum period not to exceed the child's attainment of twenty-one years of age;

(c) If the child is adjudicated a delinquent child for committing an act that is not described in division (A)(5)(a) or (b) of this section and that would be a felony of the first or second degree if committed by an adult, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for an indefinite term consisting of a minimum period of one year and a maximum period not to exceed the child's attainment of twenty-one years of age.

(6) If the child is adjudicated a delinquent child for committing a

violation of section 2903.01 or 2903.02 of the Revised Code, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility until the child's attainment of twenty-one years of age;

(7)(a) If the child is adjudicated a delinquent child for committing an act, other than a violation of section 2923.12 of the Revised Code, that would be a felony if committed by an adult and is committed to the legal custody of the department of youth services pursuant to division (A)(4), (5), or (6) of this section and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.141, 2941.144, 2941.145, or 2941.146 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for the following period of time, subject to division (A)(7)(~~b~~)(c) of this section:

(i) If the child would be guilty of a specification of the type set forth in section 2941.141 of the Revised Code, a period of one year;

(ii) If the child would be guilty of a specification of the type set forth in section 2941.144, 2941.145, or 2941.146 of the Revised Code, a period of three years.

(b) If the child is adjudicated a delinquent child for committing a category one offense or a category two offense and is committed to the legal custody of the department of youth services pursuant to division (A)(5) or (6) of this section and if the court determines that the child, if the child was an adult, would be guilty of a specification of the type set forth in section 2941.142 of the Revised Code in relation to the act for which the child was adjudicated a delinquent child, the court shall commit the child to the legal custody of the department of youth services for institutionalization in a secure facility for a period of not less than one year or more than three years, subject to division (A)(7)(c) of this section.

(c) The court shall not commit a child to the legal custody of the department of youth services pursuant to division (A)(7)(a) or (b) of this section for a period of time that exceeds three years. The period of commitment imposed pursuant to division (A)(7)(a) or (b) of this section shall be in addition to, and shall be served consecutively with and prior to, a period of commitment ordered pursuant to division (A)(4), (5), or (6) of this section, provided that the total of all the periods of commitment shall not exceed the child's attainment of twenty-one years of age.

(8)(a) Impose a fine and costs in accordance with the schedule set forth in section 2151.3512 of the Revised Code;

(b) Require the child to make restitution for all or part of the property damage caused by the child's delinquent act and for all or part of the value of the property that was the subject of any delinquent act the child committed that would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult. If the court determines that the victim of the child's delinquent act was sixty-five years of age or older or permanently and totally disabled at the time of the commission of the act, the court, regardless of whether or not the child knew the age of the victim, shall consider that fact in favor of imposing restitution, but that fact shall not control the decision of the court. The restitution may be in the form of a cash reimbursement paid in a lump sum or in installments, the performance of repair work to restore any damaged property to its original condition, the performance of a reasonable amount of labor for the victim, the performance of community service or community work, any other form of restitution devised by the court, or any combination of the previously described forms of restitution.

(9) Subject to division (D) of this section, suspend or revoke the driver's license, probationary driver's license, or temporary instruction permit issued to the child or suspend or revoke the registration of all motor vehicles registered in the name of the child. A child whose license or permit is so suspended or revoked is ineligible for issuance of a license or permit during the period of suspension or revocation. At the end of the period of suspension or revocation, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(10) If the child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to division (A)(3) of section 2929.23 of the Revised Code, impose a period of electronically monitored house detention in accordance with division (I) of this section that does not exceed the maximum sentence of imprisonment that could be imposed upon an adult who commits the same act;

(11) Impose a period of day reporting in which the child is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center;

(12) Impose a period of electronically monitored house arrest in accordance with division (I) of this section;

(13) Impose a period of community service of up to five hundred hours;

(14) Impose a period in an alcohol or drug treatment program with a

level of security for the child as determined necessary by the court:

(15) Impose a period of intensive supervision, in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(16) Impose a period of basic supervision, in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(17) Impose a period of drug and alcohol use monitoring;

(18) Impose a period in which the court orders the child to observe a curfew that may involve daytime or evening hours;

(19) Require the child to obtain a high school diploma, a certificate of high school equivalence, or employment;

(20) If the court obtains the assent of the victim of the criminal act committed by the child, require the child to participate in a reconciliation or mediation program that includes a meeting in which the child and the victim may discuss the criminal act, discuss restitution, and consider other sanctions for the criminal act;

(21) Commit the child to the temporary or permanent custody of the court;

~~(12)~~(22) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following:

(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held;

(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to 5139.45 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to division (A)(4), (5), or (6) of this section. As used in division (A)~~(12)~~(22)(b) of this section, "community corrections facility" and "public safety beds" have the same meanings as in section 5139.01 of the Revised Code.

(B)(1) If a child is adjudicated a delinquent child for violating section 2923.32 of the Revised Code, the court, in addition to any order of disposition it makes for the child under division (A) of this section, shall enter an order of criminal forfeiture against the child in accordance with divisions (B)(3), (4), (5), and (6) and (C) to (F) of section 2923.32 of the Revised Code.

(2) If a child is adjudicated a delinquent child for committing two or more acts that would be felonies if committed by an adult and if the court entering the delinquent child adjudication orders the commitment of the child, for two or more of those acts, to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to division (A)(4), (5), or (6) of this section, the court may order that all of the periods of commitment imposed under those divisions for those acts be served consecutively in the legal custody of the department of youth services and, if applicable, be in addition to and commence immediately following the expiration of a period of commitment that the court imposes pursuant to division (A)(7) of this section. A court shall not commit a delinquent child to the legal custody of the department of youth services under division (B)(2) of this section for a period that exceeds the child's attainment of twenty-one years of age.

(C) If a child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, or for violating division (B) of section 2917.11 of the Revised Code, in addition to imposing in its discretion any other order of disposition authorized by this section, the court shall do both of the following:

(1) Require the child to participate in a drug abuse or alcohol abuse counseling program;

(2) Suspend or revoke the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court or, at the discretion of the court, until the child attends and satisfactorily completes, a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending the program, the court shall retain any temporary instruction permit, probationary driver's license, or driver's license issued to the child, and the court shall return the permit or license when the child satisfactorily completes the program.

(D) If a child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, the court, in addition to any order of disposition it makes for the child under division (A), (B), or (C) of this section, shall revoke the temporary instruction permit and deny the child the issuance of another temporary instruction permit in accordance with division (E)(1)(b) of section 2923.122 of the Revised Code or shall suspend the probationary driver's license, restricted license, or nonresident operating privilege of the child or deny the child the issuance of a probationary driver's license, restricted license, or temporary instruction permit in

accordance with division (E)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised Code.

(E)(1) At the dispositional hearing and prior to making any disposition pursuant to division (A) of this section, the court shall determine whether a victim of the delinquent act committed by the child was five years of age or younger at the time the delinquent act was committed, whether a victim of the delinquent act sustained physical harm to the victim's person during the commission of or otherwise as a result of the delinquent act, whether a victim of the delinquent act was sixty-five years of age or older or permanently and totally disabled at the time the delinquent act was committed, and whether the delinquent act would have been an offense of violence if committed by an adult. If the victim was five years of age or younger at the time the delinquent act was committed, sustained physical harm to the victim's person during the commission of or otherwise as a result of the delinquent act, or was sixty-five years of age or older or permanently and totally disabled at the time the act was committed, regardless of whether the child knew the age of the victim, and if the act would have been an offense of violence if committed by an adult, the court shall consider those facts in favor of imposing commitment under division (A)(3), (4), (5), or (6) of this section, but those facts shall not control the court's decision.

(2) At the dispositional hearing and prior to making any disposition pursuant to division (A)(4), (5), or (6) of this section, the court shall determine whether the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance. If the delinquent child previously has been adjudicated a delinquent child for a violation of a law or ordinance, the court, for purposes of entering an order of disposition for the delinquent child under this section, shall consider the previous delinquent child adjudication as a conviction of a violation of the law or ordinance in determining the degree of offense the current delinquent act would be had it been committed by an adult.

(F)(1) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to this section, the court shall not designate the specific institution in which the department is to place the child but instead shall specify that the child is to be institutionalized or that the institutionalization is to be in a secure facility if that is required by division (A) of this section.

(2) When a juvenile court commits a delinquent child to the custody of the department of youth services, the court shall provide the department with the child's medical records, a copy of the report of any mental

examination of the child ordered by the court, the section or sections of the Revised Code violated by the child and the degree of the violation, the warrant to convey the child to the department, and a copy of the court's journal entry ordering the commitment of the child to the legal custody of the department. The court also shall complete the form for the standard predisposition investigation report that is developed and furnished by the department of youth services pursuant to section 5139.04 of the Revised Code and provide the department with the completed form. The department may refuse to accept physical custody of a delinquent child who is committed to the legal custody of the department until the court provides to the department the documents specified in division (F)(2) of this section. No officer or employee of the department who refuses to accept physical custody of a delinquent child who is committed to the legal custody of the department shall be subject to prosecution or contempt of court for the refusal if the court fails to provide the documents specified in division (F)(2) of this section at the time the court transfers the physical custody of the child to the department.

(3) Within five working days after the juvenile court commits a delinquent child to the custody of the department of youth services, the court shall provide the department with a copy of the arrest record pertaining to the act for which the child was adjudicated a delinquent child, a copy of any victim impact statement pertaining to that act, and any other information concerning the child that the department reasonably requests. Within twenty working days after the department of youth services receives physical custody of a delinquent child from a juvenile court, the court shall provide the department with a certified copy of the child's birth certificate or the child's social security number, or, if the court made all reasonable efforts to obtain the information but was unsuccessful, the court shall provide the department with documentation of the efforts it made to obtain the information.

(4) When a juvenile court commits a delinquent child to the custody of the department of youth services, the court shall give notice to the school attended by the child of the child's commitment by sending to that school a copy of the court's journal entry ordering the commitment. As soon as possible after receipt of the notice described in this division, the school shall provide the department with the child's school transcript. However, the department shall not refuse to accept a child committed to it, and a child committed to it shall not be held in a county or district detention home, because of a school's failure to provide the school transcript that it is required to provide under division (F)(4) of this section.

(5) The department of youth services shall provide the court and the school with an updated copy of the child's school transcript and shall provide the court with a summary of the institutional record of the child when it releases the child from institutional care. The department also shall provide the court with a copy of any portion of the child's institutional record that the court specifically requests within five working days of the request.

(6) When a juvenile court commits a delinquent child to the custody of the department of youth services pursuant to division (A)(4) or (5) of this section, the court shall state in the order of commitment the total number of days that the child has been held, as of the date of the issuance of the order, in detention in connection with the delinquent child complaint upon which the order of commitment is based. The department shall reduce the minimum period of institutionalization or minimum period of institutionalization in a secure facility specified in division (A)(4) or (5) of this section by both the total number of days that the child has been so held in detention as stated by the court in the order of commitment and the total number of any additional days that the child has been held in detention subsequent to the order of commitment but prior to the transfer of physical custody of the child to the department.

(G)(1) At any hearing at which a child is adjudicated a delinquent child or as soon as possible after the hearing, the court shall notify all victims of the delinquent act, who may be entitled to a recovery under any of the following sections, of the right of the victims to recover, pursuant to section 3109.09 of the Revised Code, compensatory damages from the child's parents; of the right of the victims to recover, pursuant to section 3109.10 of the Revised Code, compensatory damages from the child's parents for willful and malicious assaults committed by the child; and of the right of the victims to recover an award of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code.

(2) If a child is adjudicated a delinquent child for committing an act that, if committed by an adult, would be aggravated murder, murder, rape, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, involuntary manslaughter, a felony of the first or second degree resulting in the death of or physical harm to a person, complicity in or an attempt to commit any of those offenses, or an offense under an existing or former law of this state that is or was substantially equivalent to any of those offenses and if the court in its order of disposition for that act commits the child to the custody of the department of youth services, the court may make a specific finding that the adjudication should be considered

a conviction for purposes of a determination in the future, pursuant to Chapter 2929. of the Revised Code, as to whether the child is a repeat violent offender as defined in section 2929.01 of the Revised Code. If the court makes a specific finding as described in this division, it shall include the specific finding in its order of disposition and in the record in the case.

(H)(1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult and if the child caused, attempted to cause, threatened to cause, or created the risk of physical harm to the victim of the act, the court, prior to issuing an order of disposition under this section, shall order the preparation of a victim impact statement by the probation department of the county in which the victim of the act resides, by the court's own probation department, or by a victim assistance program that is operated by the state, a county, a municipal corporation, or another governmental entity. The court shall consider the victim impact statement in determining the order of disposition to issue for the child.

(2) Each victim impact statement shall identify the victim of the act for which the child was adjudicated a delinquent child, itemize any economic loss suffered by the victim as a result of the act, identify any physical injury suffered by the victim as a result of the act and the seriousness and permanence of the injury, identify any change in the victim's personal welfare or familial relationships as a result of the act and any psychological impact experienced by the victim or the victim's family as a result of the act, and contain any other information related to the impact of the act upon the victim that the court requires.

(3) A victim impact statement shall be kept confidential and is not a public record, as defined in section 149.43 of the Revised Code. However, the court may furnish copies of the statement to the department of youth services pursuant to division (F)(3) of this section or to both the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney. The copy of a victim impact statement furnished by the court to the department pursuant to division (F)(3) of this section shall be kept confidential and is not a public record, as defined in section 149.43 of the Revised Code. The copies of a victim impact statement that are made available to the adjudicated delinquent child or the adjudicated delinquent child's counsel and the prosecuting attorney pursuant to division (H)(3) of this section shall be returned to the court by the person to whom they were made available immediately following the imposition of an order of disposition for the child under this section.

(I)(1) As used in ~~this division~~ (I)(2) of this section, "felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(2) Sections 2925.41 to 2925.45 of the Revised Code apply to children who are adjudicated or could be adjudicated by a juvenile court to be delinquent children for an act that, if committed by an adult, would be a felony drug abuse offense. Subject to division (B) of section 2925.42 and division (E) of section 2925.43 of the Revised Code, a delinquent child of that nature loses any right to the possession of, and forfeits to the state any right, title, and interest that the delinquent child may have in, property as defined in section 2925.41 and further described in section 2925.42 or 2925.43 of the Revised Code.

(3) Sections 2923.44 to 2923.47 of the Revised Code apply to children who are adjudicated or could be adjudicated by a juvenile court to be delinquent children for an act in violation of section 2923.42 of the Revised Code. Subject to division (B) of section 2923.44 and division (E) of section 2923.45 of the Revised Code, a delinquent child of that nature loses any right to the possession of, and forfeits to the state any right, title, and interest that the delinquent child may have in, property as defined in section 2923.41 of the Revised Code and further described in section 2923.44 or 2923.45 of the Revised Code.

(J)(1) As used in this section:

(a) "Electronic monitoring device," "certified electronic monitoring device," "electronic monitoring system," and "certified electronic monitoring system" have the same meanings as in section 2929.23 of the Revised Code.

(b) "Electronically monitored house detention" means a period of confinement of a child in the child's home or in other premises specified by the court, during which period of confinement all of the following apply:

(i) The child wears, otherwise has attached to the child's person, or otherwise is subject to monitoring by a certified electronic monitoring device or is subject to monitoring by a certified electronic monitoring system.

(ii) The child is required to remain in the child's home or other premises specified by the court for the specified period of confinement, except for periods of time during which the child is at school or at other premises as authorized by the court.

(iii) The child is subject to monitoring by a central system that monitors the certified electronic monitoring device that is attached to the child's person or that otherwise is being used to monitor the child and that can monitor and determine the child's location at any time or at a designated point in time, or the child is required to participate in monitoring by a certified electronic monitoring system.

(iv) The child is required by the court to report periodically to a person designated by the court.

(v) The child is subject to any other restrictions and requirements that may be imposed by the court.

(2) A juvenile court, pursuant to division (A)(10) of this section, may impose a period of electronically monitored house detention upon a child who is adjudicated a delinquent child for committing an act that, if committed by an adult, would be a criminal offense that would qualify the adult as an eligible offender pursuant to division (A)(3) of section 2929.23 of the Revised Code. The court may impose a period of electronically monitored house detention in addition to or in lieu of any other dispositional order imposed upon the child, except that any period of electronically monitored house detention shall not extend beyond the child's eighteenth birthday. If a court imposes a period of electronically monitored house detention upon a child, it shall require the child to wear, otherwise have attached to the child's person, or otherwise be subject to monitoring by a certified electronic monitoring device or to participate in the operation of and monitoring by a certified electronic monitoring system; to remain in the child's home or other specified premises for the entire period of electronically monitored house detention except when the court permits the child to leave those premises to go to school or to other specified premises; to be monitored by a central system that monitors the certified electronic monitoring device that is attached to the child's person or that otherwise is being used to monitor the child and that can monitor and determine the child's location at any time or at a designated point in time or to be monitored by the certified electronic monitoring system; to report periodically to a person designated by the court; and, in return for receiving a dispositional order of electronically monitored house detention, to enter into a written contract with the court agreeing to comply with all restrictions and requirements imposed by the court, agreeing to pay any fee imposed by the court for the costs of the electronically monitored house detention imposed by the court pursuant to division (E) of section 2929.23 of the Revised Code, and agreeing to waive the right to receive credit for any time served on electronically monitored house detention toward the period of any other dispositional order imposed upon the child for the act for which the dispositional order of electronically monitored house detention was imposed if the child violates any of the restrictions or requirements of the dispositional order of electronically monitored house detention. The court also may impose other reasonable restrictions and requirements upon the child.

(3) If a child violates any of the restrictions or requirements imposed upon the child as part of the child's dispositional order of electronically monitored house detention, the child shall not receive credit for any time served on electronically monitored house detention toward any other dispositional order imposed upon the child for the act for which the dispositional order of electronically monitored house detention was imposed.

(K) Within ten days after completion of the adjudication, the court shall give written notice of an adjudication that a child is a delinquent child to the superintendent of a city, local, exempted village, or joint vocational school district if the basis of the adjudication was the commission of an act that would be a criminal offense if committed by an adult and that was committed by the delinquent child when the child was sixteen years of age or older and if the act is any of the following:

(1) A violation of section 2923.122 of the Revised Code that relates to property owned or controlled by, or to an activity held under the auspices of, the board of education of that school district;

(2) A violation of section 2923.12 of the Revised Code or of a substantially similar municipal ordinance that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district;

(3) A violation of division (A) of section 2925.03 or 2925.11 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district and that is not a minor drug possession offense as defined in section 2925.01 of the Revised Code;

(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised Code, or a violation of former section 2907.12 of the Revised Code, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, if the victim at the time of the commission of the act was an employee of the board of education of that school district;

(5) Complicity in any violation described in division (K)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (K)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

(L) During the period of a delinquent child's probation granted under

division (A)(2) of this section, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the delinquent child, the place of residence of the delinquent child, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the delinquent child has a right, title, or interest or for which the delinquent child has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the probation officers have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's probation. The court that places a delinquent child on probation under division (A)(2) of this section shall provide the delinquent child with a written notice that informs the delinquent child that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of probation if they have reasonable grounds to believe that the delinquent child is not abiding by the law or otherwise is not complying with the conditions of the delinquent child's probation. The court also shall provide the written notice described in division (C)(2)(b) of section 2151.411 of the Revised Code to each parent, guardian, or custodian of the delinquent child who is described in division (C)(2)(a) of that section.

Sec. 2151.356. (A) Unless division (C) of this section applies, if a child is adjudicated a juvenile traffic offender, the court may make any of the following orders of disposition:

(1) Impose a fine and costs in accordance with the schedule set forth in section 2151.3512 of the Revised Code;

(2) Suspend the child's driver's license, probationary driver's license, or temporary instruction permit or the registration of all motor vehicles registered in the name of the child for the period that the court prescribes. A child whose license or permit is so suspended is ineligible for issuance of a license or permit during the period of suspension. At the end of the period of suspension, the child shall not be reissued a license or permit until the child has paid any applicable reinstatement fee and complied with all requirements governing license reinstatement.

(3) Revoke the child's driver's license, probationary driver's license, or temporary instruction permit or the registration of all motor vehicles registered in the name of the child. A child whose license or permit is so revoked is ineligible for issuance of a license or permit during the period of revocation. At the end of the period of revocation, the child shall not be reissued a license or permit until the child has paid any applicable

tatement fee and complied with all requirements governing license reinstatement.

(4) Place the child on probation;

(5) Require the child to make restitution for all damages caused by the child's traffic violation or any part of the damages;

(6) If the child is adjudicated a juvenile traffic offender for committing a violation of division (A) of section 4511.19 of the Revised Code or of a municipal ordinance that is substantially comparable to that division, commit the child, for not longer than five days, to the temporary custody of a detention home or district detention home established under section 2151.34 of the Revised Code, or to the temporary custody of any school, camp, institution, or other facility for children operated in whole or in part for the care of juvenile traffic offenders of that nature by the county, by a district organized under section 2151.34 or 2151.65 of the Revised Code, or by a private agency or organization within the state that is authorized and qualified to provide the care, treatment, or placement required. If an order of disposition committing a child to the temporary custody of a home, school, camp, institution, or other facility of that nature is made under division (A)(6) of this section, the length of the commitment shall not be reduced or diminished as a credit for any time that the child was held in a place of detention or shelter care, or otherwise was detained, prior to entry of the order of disposition.

(7) If, after making a disposition under divisions (A)(1) to (6) of this section, the court finds upon further hearing that the child has failed to comply with the orders of the court and the child's operation of a motor vehicle constitutes the child a danger to the child and to others, the court may make any disposition authorized by divisions (A)(1), (A)(2), ~~and (A)(7)~~ to ~~(11)(A)(10)~~, and (A)(21) of section 2151.355 of the Revised Code, except that the child may not be committed to or placed in a secure correctional facility unless authorized by division (A)(6) of this section, and commitment to or placement in a detention home may not exceed twenty-four hours.

(B) If a child is adjudicated a juvenile traffic offender for violating division (A) of section 4511.19 of the Revised Code, the court shall suspend or revoke the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of time prescribed by the court or, at the discretion of the court, until the child attends and satisfactorily completes a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court. During the time the child is attending the program, the court shall retain any temporary instruction permit, probationary driver's license, or driver's license issued to

the child and shall return the permit or license when the child satisfactorily completes the program. If a child is adjudicated a juvenile traffic offender for violating division (B) of section 4511.19 of the Revised Code, the court shall suspend the temporary instruction permit, probationary driver's license, or driver's license issued to the child for a period of not less than sixty days nor more than two years.

(C) If a child is adjudicated a juvenile traffic offender for violating division (B)(1) or (2) of section 4513.263 of the Revised Code, the court shall impose the appropriate fine set forth in section 4513.99 of the Revised Code. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is sixteen years of age or older, the court shall impose the fine set forth in division (G) of section 4513.99 of the Revised Code. If a child is adjudicated a juvenile traffic offender for violating division (B)(3) of section 4513.263 of the Revised Code and if the child is under sixteen years of age, the court shall not impose a fine but may place the child on probation.

(D) A juvenile traffic offender is subject to sections 4509.01 to 4509.78 of the Revised Code.

Sec. 2923.41. AS USED IN SECTIONS 2923.41 TO 2923.47 Of the Revised Code:

(A) "CRIMINAL GANG" MEANS AN ONGOING FORMAL OR INFORMAL ORGANIZATION, ASSOCIATION, OR GROUP OF THREE OR MORE PERSONS to which all of the following apply:

(1) IT HAS AS ONE OF ITS PRIMARY ACTIVITIES THE COMMISSION OF ONE OR MORE OF THE OFFENSES LISTED IN DIVISION (B) OF THIS SECTION.

(2) IT HAS A COMMON NAME OR ONE OR MORE COMMON, IDENTIFYING SIGNS, SYMBOLS, OR COLORS.

(3) THE PERSONS IN THE ORGANIZATION, ASSOCIATION, OR GROUP INDIVIDUALLY OR COLLECTIVELY ENGAGE IN OR HAVE ENGAGED IN A PATTERN OF CRIMINAL GANG ACTIVITY.

(B)(1) "PATTERN OF CRIMINAL GANG ACTIVITY" MEANS, SUBJECT TO DIVISION (B)(2) OF THIS SECTION, that persons in the criminal gang have committed, ATTEMPTED to commit, conspired TO COMMIT, been complicitors in the COMMISSION OF, OR SOLICITEd, coerced, or intimidated ANOTHER TO COMMIT, ATTEMPT TO COMMIT, CONSPIRE TO COMMIT, or be in complicity in the commission of TWO OR MORE of any of the following OFFENSES:

(a) A felony or an act committed by a juvenile that would be a felony if committed by an adult;

(b) An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult;

(c) A violation of section 2907.04, 2909.06, 2911.211, 2917.04, 2919.23, or 2919.24 Of the Revised Code, section 2921.04 or 2923.16 Of the Revised Code, section 2925.03 Of the Revised Code if the offense is trafficking in marihuana, or section 2927.12 of the Revised Code.

(2) There is a "pattern of criminal gang activity" if all of the following apply with respect to the offenses that are listed in division (B)(1)(a), (b), or (c) of this section and that persons in the criminal gang committed, attempted to commit, conspired to commit, were in complicity in committing, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in committing:

(a) At least one of the two or more offenses is a felony.

(b) At least one of those two or more offenses occurs on or after the effective date of this section.

(c) The last of those two or more offenses occurs within five years after at least one of those offenses.

(d) The two or more offenses are committed on separate occasions or by two or more persons.

(C) "Criminal conduct" means the commission of, an attempt to commit, a conspiracy to commit, complicity in the commission of, or solicitation, coercion, or intimidation of another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of an offense listed in division (B)(1)(a), (b), or (c) of this section or an act that is committed by a juvenile and that would be an offense, an attempt to commit an offense, a conspiracy to commit an offense, complicity in the commission of, or solicitation, coercion, or intimidation of another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of an offense listed in division (B)(1)(a), (b), or (c) of this section if committed by an adult.

(D) "Juvenile" means a person who is under eighteen years of age.

(E) "Law enforcement agency" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor.

(F) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(G) "Financial institution" means a bank, credit union, savings and loan association, or a licensee or registrant under Chapter 1321. Of the Revised Code.

(H) "Property" includes both of the following:

(1) Real property, including, but not limited to, things growing on,

affixed to, and found in the real property:

(2) Tangible and intangible personal property, including, but not limited to, rights, privileges, interests, claims, and securities.

(I) "Firearms" and "dangerous ordnance" have the same meanings as in section 2923.11 Of the Revised Code.

(J) "Computers," "computer networks," "computer systems," and "computer software" have the same meanings as in section 2913.01 Of the Revised Code.

(K) "Vehicle" has the same meaning as in section 4501.01 Of the Revised Code.

Sec. 2923.42. (A) NO PERSON WHO ACTIVELY PARTICIPATES IN A CRIMINAL GANG, WITH KNOWLEDGE THAT THE CRIMINAL gang ENGAGES IN OR HAS ENGAGED IN A PATTERN OF CRIMINAL GANG ACTIVITY, SHALL PURPOSELY PROMOTE, FURTHER, OR ASSIST ANY CRIMINAL CONDUCT, AS DEFINED IN DIVISION (C) OF SECTION 2923.41 Of the Revised Code, OR SHALL PURPOSELY COMMIT OR ENGAGE IN ANY ACT THAT CONSTITUTES CRIMINAL CONDUCT, AS DEFINED IN DIVISION (C) OF SECTION 2923.41 Of the Revised Code.

(B) Whoever violates this section is guilty of participating in a criminal gang, a felony of the second degree.

(C)(1) Notwithstanding any contrary provision of any section Of the Revised Code, the clerk of the court shall pay any fine imposed for a violation of this section pursuant to division (A) of section 2929.18 Of the Revised Code to the county, township, municipal corporation, park district, as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the clerk shall not pay a fine so imposed to a law enforcement agency unless the agency has adopted a written internal control policy under division (C)(2) of this section that addresses the use of the fine moneys that it receives. Each agency shall use the fines so paid in accordance with the written internal control policy adopted by the recipient agency under division (C)(2) of this section to subsidize the agency's law enforcement efforts that pertain to criminal gangs.

(2)(a) Prior to receiving any fine moneys under division (C)(1) of this section or division (B)(5) of section 2923.44 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts

of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 Of the Revised Code. Additionally, a written internal control policy adopted under division (C)(2)(a) of this section is a public record open for inspection under section 149.43 Of the Revised Code, and the agency that adopted the policy shall comply with it.

(b) Each law enforcement agency that receives in any calendar year any fine moneys under division (C)(1) of this section or division (B)(5) of section 2923.44 Of the Revised Code shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency pursuant to division (C)(2)(a) of this section for that calendar year and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 Of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send the president of the senate and the speaker of the house of representatives a written notice that does all of the following:

(i) Indicates that the attorney general has received from law enforcement agencies reports of the type described in division (C)(2)(b) of this section that cover the previous calendar year and indicates that the reports were received under division (C)(2)(b) of this section;

(ii) Indicates that the reports are open for inspection under section 149.43 Of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all reports to the president of the senate or the speaker of the house upon request.

(D) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section of the Revised Code, or both sections.

Sec. 2923.43. Any building, premises, or real estate, including vacant

land, that is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang ACTIVITY constitutes a nuisance subject to abatement pursuant to sections 3767.01 to 3767.11 Of the Revised Code.

Sec. 2923.44. (A)(1) In accordance with division (B) of this section, a person who is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code, and a juvenile who is found by a juvenile court to be a delinquent child for an act committed in violation of section 2923.42 Of the Revised Code, loses any right to the possession of property and forfeits to the state any right, title, and interest the person may have in that property if either of the following applies:

(a) The property constitutes, or is derived directly or indirectly from, any proceeds that the person obtained directly or indirectly from the commission of the violation of section 2923.42 Of the Revised Code.

(b) The property was used or intended to be used in any manner to commit, or to facilitate the commission of, the violation of section 2923.42 Of the Revised Code.

(2) All right, title, and interest of a person in property described in division (A)(1) of this section vests in the state upon the person's commission of the violation of section 2923.42 Of the Revised Code of which the person is convicted or to which the person pleads guilty and that is the basis of the forfeiture, or upon the juvenile's commission of the act that is a violation of section 2923.42 Of the Revised Code, that is the basis of the juvenile being found to be a delinquent child, and that is the basis of the forfeiture. Subject to divisions (F)(3)(b) and (5)(b) and (G)(2) of this section, if any right, title, or interest in property is vested in this state under division (A)(2) of this section and subsequently is transferred to a person other than the adult offender or the delinquent child who forfeits the right, title, or interest in the property under division (A)(1) of this section, then, in accordance with division (B) of this section, the right, title, or interest in the property may be the subject of a special verdict of forfeiture and, after any special verdict of forfeiture, shall be ordered forfeited to this state, unless the transferee establishes in a hearing held pursuant to division (F) of this section that the transferee is a bona fide purchaser for value of the right, title, or interest in the property and that, at the time of its purchase, the transferee was reasonably without cause to believe that it was subject to forfeiture under this section.

(3) The provisions of section 2923.45 Of the Revised Code that relate to the forfeiture of any right, title, or interest in property associated with a violation of section 2923.42 Of the Revised Code pursuant to a civil action

to obtain a civil forfeiture do not apply to the forfeiture of any right, title, or interest in property described in division (A)(1) of this section that occurs pursuant to division (B) of this section upon a person's conviction of or guilty plea to a violation of section 2923.42 Of the Revised Code or upon a juvenile being found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code.

(4) Nothing in this section precludes a financial institution that has or purports to have a security interest in or lien on property described in division (A)(1) of this section from commencing a civil action or taking other appropriate legal action in connection with the property prior to its disposition in accordance with section 2923.46 Of the Revised Code for the purpose of obtaining possession of the property in order to foreclose or otherwise enforce the security interest or lien. A financial institution may commence a civil action or take other appropriate legal action for that purpose prior to the disposition of the property in accordance with section 2923.46 Of the Revised Code, even if a prosecution for a violation of section 2923.42 Of the Revised Code or a delinquent child proceeding for an act that is a violation of section 2923.42 Of the Revised Code has been or could be commenced, even if the property is or could be the subject of an order of forfeiture issued under division (B)(5) of this section, and even if the property has been seized or is subject to seizure pursuant to division (D) or (E) of this section.

If a financial institution commences a civil action or takes any other appropriate legal action as described in division (A)(4) of this section, if the financial institution subsequently causes the sale of the property prior to its seizure pursuant to division (D) or (E) of this section and its disposition pursuant to section 2923.46 Of the Revised Code, and if the person responsible for the conduct of the sale has actual knowledge of the commencement of a prosecution for a violation of section 2923.42 Of the Revised Code or of a delinquent child proceeding for an act that is a violation of section 2923.42 Of the Revised Code, actual knowledge of a pending forfeiture proceeding under division (B) of this section, or actual knowledge of an order of forfeiture issued under division (B)(5) of this section, then the person responsible for the conduct of the sale shall dispose of the proceeds of the sale in the following order:

(a) First, to the payment of the costs of the sale and to the payment of the costs incurred by law enforcement agencies and financial institutions in connection with the seizure of, storage of, maintenance of, and provision of security for the property. As used in this division, "costs" of a financial institution do not include attorney's fees incurred by that institution in

connection with the property.

(b) Second, the remaining proceeds of the sale after compliance with division (A)(4)(a) of this section, to the payment in the order of priority of the security interests and liens of valid security interests and liens pertaining to the property that, at the time of the vesting in the state under division (A)(2) of this section of the right, title, or interest of the adult or juvenile, are held by known secured parties and lienholders;

(c) Third, the remaining proceeds of the sale after compliance with division (A)(4)(b) of this section, to the court that has or would have jurisdiction in a prosecution for a violation of section 2923.42 Of the Revised Code or a delinquent child proceeding for an act that is a violation of section 2923.42 Of the Revised Code for disposition in accordance with section 2923.46 Of the Revised Code.

(B)(1) A criminal forfeiture of any right, title, or interest in property described in division (A)(1) of this section is precluded unless one of the following applies:

(a) The indictment, count in the indictment, or information charging the violation of section 2923.42 Of the Revised Code specifies the nature of the right, title, or interest of the alleged offender in the property described in division (A)(1) of this section that is potentially subject to forfeiture under this section, or a description of the property of the alleged offender that is potentially subject to forfeiture under this section, to the extent the right, title, or interest in the property or the property reasonably is known at the time of the filing of the indictment or information; or the complaint charging a juvenile with being a delinquent child for the commission of an act that is a violation of section 2923.42 Of the Revised Code specifies the nature of the right, title, or interest of the juvenile in the property described in division (A)(1) of this section that is potentially subject to forfeiture under this section, or a description of the property of the juvenile that is potentially subject to forfeiture under this section, to the extent the right, title, or interest in the property or the property reasonably is known at the time of the filing of the complaint.

(b) The property in question was not reasonably foreseen to be subject to forfeiture under this section at the time of the filing of the indictment, information, or complaint, the prosecuting attorney gave prompt notice to the alleged offender or juvenile of that property when it was discovered to be subject to forfeiture under this section, and a verdict of forfeiture described in division (B)(3) of this section requires the forfeiture of that property.

(2) The specifications described in division (B)(1) of this section shall

be stated at the end of the body of the indictment, count in the indictment, information, or complaint.

(3)(a) If a person is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code or a juvenile is found to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code, then a special proceeding shall be conducted in accordance with division (B)(3) of this section to determine whether any property described in division (B)(1)(a) or (b) of this section will be the subject of an order of forfeiture under this section. Except as otherwise provided in division (B)(3)(b) of this section, the jury in the criminal action, the judge in the delinquent child action, or, if the criminal action was a nonjury action, the judge in that action shall hear and consider testimony and other evidence in the proceeding relative to whether any property described in division (B)(1)(a) or (b) of this section is subject to forfeiture under this section. If the jury or judge determines that the prosecuting attorney has established by a preponderance of the evidence that any property so described is subject to forfeiture under this section, the judge or juvenile judge shall render a verdict of forfeiture that specifically describes the right, title, or interest in property or the property that is subject to forfeiture under this section. The Rules of Evidence shall apply in the proceeding.

(b) If the trier of fact in a criminal action for a violation of section 2923.42 Of the Revised Code was a jury, then, upon the filing of a motion by the person who was convicted of or pleaded guilty to the violation of section 2923.42 Of the Revised Code, the determinations in the proceeding described in division (B)(3) of this section instead shall be made by the judge in the criminal action.

(4) In a criminal action for a violation of section 2923.42 Of the Revised Code, if the trier of fact is a jury, the jury shall not be informed of any specification described in division (B)(1)(a) of this section or of any property described in that division or division (B)(1)(b) of this section prior to the alleged offender being convicted of or pleading guilty to the violation of section 2923.42 Of the Revised Code.

(5)(a) If a verdict of forfeiture is entered pursuant to division (B)(3) of this section, then the court that imposes sentence upon a person who is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code, or the juvenile court that finds a juvenile to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code, in addition to any other sentence imposed upon the offender or order of disposition imposed upon the delinquent child, shall order that the offender or delinquent child forfeit to the state all of the offender's or delinquent

child's right, title, and interest in the property described in division (A)(1) of this section. If a person is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code, or a juvenile is found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code, and derives profits or other proceeds from the offense or act, the court that imposes sentence or an order of disposition upon the offender or delinquent child, in lieu of any fine that the court is otherwise authorized or required to impose, may impose upon the offender or delinquent child a fine of not more than twice the gross profits or other proceeds so derived.

(b) Notwithstanding any contrary provision of the Revised Code, the clerk of the court shall pay all fines imposed pursuant to division (B)(5) of this section to the county, municipal corporation, township, park district created pursuant to section 511.18 or 1545.01 of the Revised Code, or state law enforcement agencies in this state that were primarily responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the clerk shall not pay a fine so imposed to a law enforcement agency unless the agency has adopted a written internal control policy pursuant to division (C)(2) of section 2923.42 Of the Revised Code that addresses the use of the fine moneys that it receives under division (B)(5) of this section and division (C)(1) of section 2923.42 of the Revised Code. The law enforcement agencies shall use the fines imposed and paid pursuant to division (B)(5) of this section to subsidize their efforts pertaining to criminal gangs, in accordance with the written internal control policy adopted by the recipient agency pursuant to division (C)(2) of section 2923.42 Of the Revised Code.

(6) If any of the property that is described in division (A)(1) of this section and that is the subject of an order of forfeiture issued under division (B)(5) of this section, because of an act of the person who is convicted of or pleads guilty to the violation of section 2923.42 Of the Revised Code that is the basis of the order of forfeiture or an act of the juvenile found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code and that is the basis of the forfeiture, cannot be located upon the exercise of due diligence, has been transferred to, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property that cannot be divided without difficulty, the court that issues the order of forfeiture shall order the forfeiture of any other property of the offender or the delinquent child up to the value of any forfeited property described in division (B)(6) of this section.

(C) There shall be a rebuttable presumption that any right, title, or interest of a person in property described in division (A)(1) of this section is subject to forfeiture under division (B) of this section, if the state proves both of the following by a preponderance of the evidence:

(1) The right, title, or interest in the property was acquired by the offender or delinquent child during the period of the commission of the violation of section 2923.42 Of the Revised Code, or within a reasonable time after that period.

(2) There is no likely source for the right, title, or interest in the property other than proceeds obtained from the commission of the violation of section 2923.42 Of the Revised Code.

(D)(1) Upon the application of the prosecuting attorney who is prosecuting or has jurisdiction to prosecute the violation of section 2923.42 Of the Revised Code, the court of common pleas or juvenile court of the county in which property subject to forfeiture under division (B) of this section is located, whichever is applicable, may issue a restraining order or injunction, an order requiring the execution of a satisfactory performance bond, or an order taking any other reasonable action necessary to preserve the availability of the property, at either of the following times:

(a) Upon the filing of an indictment, complaint, or information charging a person who has any right, title, or interest in the property with the commission of a violation of section 2923.42 Of the Revised Code and alleging that the property with respect to which the order is sought will be subject to forfeiture under division (B) of this section if the person is convicted of or pleads guilty to the offense, or upon the filing of a complaint alleging that a juvenile who has any right, title, or interest in the property is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code and alleging that the property with respect to which the order is sought will be subject to forfeiture under division (B) of this section if the juvenile is found to be a delinquent child because of the commission of that act;

(b) Except as provided in division (D)(3) of this section, prior to the filing of an indictment, complaint, or information charging a person who has any right, title, or interest in the property with the commission of a violation of section 2923.42 Of the Revised Code, or prior to the filing of a complaint alleging that a juvenile who has any right, title, or interest in the property is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code, if, after notice is given to all persons known to have any right, title, or interest in the property and an opportunity to have a hearing on the order is given to those persons, the court determines

both of the following:

(i) There is a substantial probability that the state will prevail on the issue of forfeiture and that failure to enter the order will result in the property subject to forfeiture being destroyed, removed from the jurisdiction of the court, or otherwise being made unavailable for forfeiture.

(ii) The need to preserve the availability of the property subject to forfeiture through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

(2) Except as provided in division (D)(3) of this section, an order issued under division (D)(1) of this section is effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment, complaint, or information charging the commission of a violation of section 2923.42 Of the Revised Code or a complaint alleging that a juvenile is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code, is filed against any alleged adult offender or alleged delinquent child with any right, title, or interest in the property that is the subject of the order.

(3) A court may issue an order under division (D)(1)(b) of this section without giving notice or an opportunity for a hearing to persons known to have any right, title, or interest in property if the prosecuting attorney who is prosecuting or has jurisdiction to prosecute the violation of section 2923.42 Of the Revised Code demonstrates that there is probable cause to believe that the property will be subject to forfeiture under division (B) of this section if a person with any right, title, or interest in the property is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code or a juvenile with any right, title, or interest in the property is found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code and that giving notice or an opportunity for a hearing to persons with any right, title, or interest in the property will jeopardize its availability for forfeiture. The order shall be a temporary order and shall expire not more than ten days after the date on which it is entered, unless it is extended for good cause shown or unless a person with any right, title, or interest in the property that is the subject of the order consents to an extension for a longer period. A hearing concerning an order issued under division (D)(3) of this section may be requested, and, if it is requested, the court shall hold the hearing at the earliest possible time prior to the expiration of the order.

(4) At any hearing held under division (D) of this section, the court may receive and consider evidence and information that is inadmissible under the Rules of Evidence. Each hearing held under division (D) of this section shall

be recorded by shorthand, by stenotype, or by any other mechanical, electronic, or video recording device. If, as a result of a hearing under division (D) of this section, property would be seized, the recording of and any transcript of the recording of that hearing shall not be a public record for purposes of section 149.43 of the Revised Code until that property has been seized pursuant to division (D) of this section. Division (D)(4) of this section does not require, authorize, or permit the making available for inspection, or the copying, under section 149.43 of the Revised Code of any confidential law enforcement investigatory record or trial preparation record, as defined in that section.

(5) A prosecuting attorney or other law enforcement officer may request the court of common pleas of the county in which property subject to forfeiture under this section is located to issue a warrant authorizing the seizure of that property. The request shall be made in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized will be subject to forfeiture under this section when a person with any right, title, or interest in the property is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code or when a juvenile with any right, title, or interest in the property is found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code and if the court determines that any order issued under division (D)(1), (2), or (3) of this section may not be sufficient to ensure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of the property.

(E)(1) Upon the entry of an order of forfeiture under this section, the court shall order an appropriate law enforcement officer to seize all of the forfeited property upon the terms and conditions that the court determines are proper. In addition, upon the request of the prosecuting attorney who prosecuted the offense or act in violation of section 2923.42 Of the Revised Code, the court shall enter any appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the state in the forfeited property. Any income accruing to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses related to the property that are required by law or that are necessary to protect the interest of the state or third parties.

After forfeited property is seized, the prosecuting attorney who prosecuted the offense or act in violation of section 2923.42 Of the Revised

Code shall direct its disposition in accordance with section 2923.46 of the Revised Code, making due provision for the rights of any innocent persons. Any right, title, or interest in property not exercisable by, or transferable for value to, the state shall expire and shall not revert to the offender whose conviction or plea of guilty or act as a delinquent child is the basis of the order of forfeiture. Neither the adult offender or delinquent child nor any person acting in concert with or on behalf of the adult offender or delinquent child is eligible to purchase forfeited property at any sale held pursuant to section 2923.46 of the Revised Code.

Upon the application of any person other than the adult offender or delinquent child whose right, title, or interest in the property is the subject of the order of forfeiture or any person acting in concert with or on behalf of the adult offender or delinquent child, the court may restrain or stay the sale or other disposition of the property pursuant to section 2923.46 of the Revised Code pending the conclusion of any appeal of the conviction or of the delinquent child adjudication that is the basis of the order of forfeiture, if the applicant demonstrates that proceeding with the sale or other disposition of the property will result in irreparable injury or loss to the applicant.

(2) With respect to property that is the subject of an order of forfeiture issued under this section, the court that issued the order, upon the petition of the prosecuting attorney who prosecuted the offense or act in violation of section 2923.42 Of the Revised Code, may do any of the following:

(a) Grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of section 2923.42 Of the Revised Code, or take any other action to protect the rights of innocent persons that is in the interest of justice and that is not inconsistent with this section;

(b) Compromise claims that arise under this section;

(c) Award compensation to persons who provide information resulting in a forfeiture under this section;

(d) Direct the disposition by the prosecuting attorney who prosecuted the offense or act in violation of section 2923.42 Of the Revised Code, in accordance with section 2923.46 of the Revised Code, of all property ordered forfeited under this section, making due provision for the rights of innocent persons;

(e) Pending the disposition of any property that is the subject of an order of forfeiture under this section, take any appropriate measures that are necessary to safeguard and maintain the property.

(3) To facilitate the identification and location of property that is the subject of an order of forfeiture under this section and to facilitate the

position of petitions for remission or mitigation issued under division (E)(2) of this section, after the issuance of an order of forfeiture under this section and upon application by the prosecuting attorney who prosecuted the offense or act in violation of section 2923.42 Of the Revised Code, the court may order that the testimony of any witness relating to the forfeited property be taken by deposition, and that any designated book, paper, document, record, recording, or other material that is not privileged be produced at the same time and place as the testimony, in the same manner as provided for the taking of depositions under the Rules of Civil Procedure.

(F)(1) Except as provided in divisions (F)(2) to (5) of this section, no person claiming any right, title, or interest in property subject to forfeiture under this section or section 2923.45 of the Revised Code may intervene in a criminal trial or appeal, or a delinquent child proceeding or appeal, involving the forfeiture of the property under this section or in a civil action for a civil forfeiture under section 2923.45 of the Revised Code or may commence an action at law or equity against the state concerning the validity of the person's alleged right, title, or interest in the property subsequent to the filing of an indictment, complaint, or information alleging that the property is subject to forfeiture under this section or subsequent to the filing of a complaint alleging that a juvenile who has any right, title, or interest in the property is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code and alleging that the property is subject to forfeiture under this section.

(2) After the entry of an order of forfeiture under this section, the prosecuting attorney who prosecuted the offense or act in violation of section 2923.42 Of the Revised Code shall conduct or cause to be conducted a search of the appropriate public records that relate to the property and shall make or cause to be made reasonably diligent inquiries for the purpose of identifying persons who have any right, title, or interest in the property. The prosecuting attorney then shall cause a notice of the order of forfeiture, of the prosecuting attorney's intent to dispose of the property in accordance with section 2923.46 of the Revised Code, and of the manner of the proposed disposal to be given by certified mail, return receipt requested, or by personal service to each person who is known, because of the conduct of the search, the making of the inquiries, or otherwise, to have any right, title, or interest in the property. Additionally, the prosecuting attorney shall cause a similar notice to be published once a week for two consecutive weeks in a newspaper of general circulation in the county in which the property was seized.

(3)(a) Any person, other than the adult offender whose conviction or

guilty plea or the delinquent child whose adjudication is the basis of the order of forfeiture, who asserts a legal right, title, or interest in the property that is the subject of the order may petition the court that issued the order, within thirty days after the earlier of the final publication of notice or the person's receipt of notice under division (F)(2) of this section, for a hearing to adjudicate the validity of the person's alleged right, title, or interest in the property. The petition shall be signed by the petitioner under the penalties for falsification as specified in section 2921.13 of the Revised Code and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of that right, title, or interest, any additional facts supporting the petitioner's claim, and the relief sought.

(b) In lieu of filing a petition as described in division (F)(3)(a) of this section, a secured party or other lienholder of record that asserts a legal right, title, or interest in the property that is the subject of the order, including, but not limited to, a mortgage, security interest, or other type of lien, may file an affidavit as described in division (F)(3)(b) of this section to establish the validity of the alleged right, title, or interest in the property. The secured party or lienholder shall file the affidavit within thirty days after the earlier of the final publication of notice or the receipt of notice under division (F)(2) of this section and, except as otherwise provided in this section, the affidavit shall constitute prima-facie evidence of the validity of the secured party's or other lienholder's alleged right, title, or interest in the property. Unless the prosecuting attorney files a motion challenging the affidavit within ten days after its filing and unless the prosecuting attorney establishes by a preponderance of the evidence at a subsequent hearing before the court that issued the forfeiture order, that the secured party or other lienholder does not possess the alleged right, title, or interest in the property or that the secured party or other lienholder had actual knowledge of facts pertaining to the violation that was the basis of the forfeiture order, the affidavit shall constitute conclusive evidence of the validity of the secured party's or other lienholder's right, title, or interest in the property and shall have the legal effect described in division (G)(2) of this section. To the extent practicable and consistent with the interests of justice, the court shall hold any hearing held pursuant to division (F)(3)(b) of this section within thirty days after the prosecuting attorney files the motion. At any such hearing, the prosecuting attorney and the secured party or other lienholder may present evidence and witnesses and may cross-examine witnesses.

In order to be valid for the purposes of this division and division (G)(2) of this section, the affidavit of a secured party or other lienholder shall

contain averments that the secured party or other lienholder acquired its alleged right, title, or interest in the property in the regular course of its business, for a specified valuable consideration, without actual knowledge of any facts pertaining to the violation that was the basis of the forfeiture order, in good faith and without the intent to prevent or otherwise impede the state from seizing or obtaining a forfeiture of the property under sections 2923.44 to 2923.47 of the Revised Code, and prior to the seizure or forfeiture of the property under those sections.

(4) Upon receipt of a petition filed under division (F)(3) of this section, the court shall hold a hearing to determine the validity of the petitioner's right, title, or interest in the property that is the subject of the order of forfeiture. To the extent practicable and consistent with the interests of justice, the court shall hold the hearing within thirty days after the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the offender whose conviction or guilty plea or adjudication as a delinquent child is the basis of the order of forfeiture. At the hearing, the petitioner may testify, present evidence and witnesses on the petitioner's behalf, and cross-examine witnesses for the state. The state may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses for the petitioner. In addition to evidence and testimony presented at the hearing, the court shall consider the relevant portions of the record in the case that resulted in the order of forfeiture.

(5)(a) The court shall amend its order of forfeiture in accordance with its determination if it determines at the hearing that the petitioner has established either of the following by a preponderance of the evidence:

(i) The petitioner has a legal right, title, or interest in the property that renders the order of forfeiture completely or partially invalid because it was vested in the petitioner, rather than the adult offender whose conviction or guilty plea or the delinquent child whose adjudication is the basis of the order, or was superior to any right, title, or interest of that adult offender or delinquent child, at the time of the commission of the violation that is the basis of the order.

(ii) The petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of the purchase reasonably without cause to believe that it was subject to forfeiture under this section.

(b) The court also shall amend its order of forfeiture to reflect any right, title, or interest of a secured party or other lienholder of record in the property subject to the order that was established pursuant to division (F)(3)(b) of this section by means of an affidavit, or that was established

pursuant to that division by the failure of a prosecuting attorney to establish, in a hearing as described in that division, that the secured party or other lienholder did not possess the alleged right, title, or interest in the property or that the secured party or other lienholder had actual knowledge of facts pertaining to the violation that was the basis of the order.

(G)(1) Subject to division (G)(2) of this section, if the court has disposed of all petitions filed under division (F) of this section or if no petitions are filed under that division and the time for filing petitions under that division has expired, the state shall have clear title to all property that is the subject of an order of forfeiture issued under this section and may warrant good title to any subsequent purchaser or other transferee.

(2) If an affidavit as described in division (F)(3)(b) of this section is filed in accordance with that division, if the affidavit constitutes under the circumstances described in that division conclusive evidence of the validity of the right, title, or interest of a secured party or other lienholder of record in the property subject to a forfeiture order, and if any mortgage, security interest, or other type of lien possessed by the secured party or other lienholder in connection with the property is not satisfied prior to a sale or other disposition of the property pursuant to section 2923.46 of the Revised Code, then the right, title, or interest of the secured party or other lienholder in the property remains valid for purposes of sections 2923.44 to 2923.47 of the Revised Code and any subsequent purchaser or other transferee of the property pursuant to section 2923.46 of the Revised Code shall take the property subject to the continued validity of the right, title, or interest of the secured party or other lienholder in the property.

Sec. 2923.45. (A) The following property is subject to forfeiture to the state in a civil action as described in division (E) of this section, and no person has any right, title, or interest in the following property:

(1) Any property that constitutes, or is derived directly or indirectly from, any proceeds that a person obtained directly or indirectly from the commission of an act that, upon the filing of an indictment, complaint, or information, could be prosecuted as a violation of section 2923.42 Of the Revised Code or that, upon the filing of a complaint, could be the basis for finding a juvenile to be a delinquent child for committing an act that is a violation of section 2923.42 Of the Revised Code;

(2) Any property that was used or intended to be used in any manner to commit, or to facilitate the commission of, an act that, upon the filing of an indictment, complaint, or information, could be prosecuted as a violation of section 2923.42 Of the Revised Code or that, upon the filing of a complaint, could be the basis for finding a juvenile to be a delinquent child for

committing an act that is a violation of section 2923.42 Of the Revised Code.

(B)(1) All right, title, and interest in property described in division (A) of this section shall vest in the state upon the commission of the act giving rise to a civil forfeiture under this section.

(2) The provisions of section 2933.43 of the Revised Code relating to the procedures for the forfeiture of contraband do not apply to a civil action to obtain a civil forfeiture under this section.

(3) Any property taken or detained pursuant to this section is not subject to replevin and is considered to be in the custody of the head of the law enforcement agency that seized the property.

This section does not preclude the head of a law enforcement agency that seizes property from seeking the forfeiture of that property pursuant to federal law. If the head of a law enforcement agency that seizes property does not seek the forfeiture of that property pursuant to federal law and if the property is subject to forfeiture under this section, the property is subject only to the orders of the court of common pleas of the county in which the property is located, and it shall be disposed of in accordance with section 2923.46 of the Revised Code.

(4) Nothing in this section precludes a financial institution that has or purports to have a security interest in or lien on property described in division (A) of this section from commencing a civil action or taking other appropriate legal action in connection with the property, prior to its disposition in accordance with section 2923.46 of the Revised Code, for the purpose of obtaining possession of the property in order to foreclose or otherwise enforce the security interest or lien. A financial institution may commence a civil action or take other appropriate legal action for that purpose prior to the disposition of the property in accordance with section 2923.46 of the Revised Code, even if a civil action to obtain a civil forfeiture has been or could be commenced under this section, even if the property is or could be the subject of an order of civil forfeiture issued under this section, and even if the property has been seized or is subject to seizure pursuant to this section.

If a financial institution commences a civil action or takes any other appropriate legal action as described in this division, if the financial institution subsequently causes the sale of the property prior to its seizure pursuant to this section and its disposition pursuant to section 2923.46 of the Revised Code, and if the person responsible for the conduct of the sale has actual knowledge of the commencement of a civil action to obtain a civil forfeiture under this section or actual knowledge of an order of civil

forfeiture issued under this section, then the person responsible for the conduct of the sale shall dispose of the proceeds of the sale in the following order:

(a) First, to the payment of the costs of the sale and to the payment of the costs incurred by law enforcement agencies and financial institutions in connection with the seizure of, storage of, maintenance of, and provision of security for the property. As used in this division, "costs" of a financial institution do not include attorney's fees incurred by that institution in connection with the property.

(b) Second, the remaining proceeds of the sale after compliance with division (B)(4)(a) of this section, to the payment in the order of priority of the security interests and liens of valid security interests and liens pertaining to the property that, at the time of the vesting in the state under division (B)(1) of this section of the right, title, or interest of the adult or juvenile, are held by known secured parties and lienholders;

(c) Third, the remaining proceeds of the sale after compliance with division (B)(4)(b) of this section, to the court that has or would have jurisdiction in a civil action to obtain a civil forfeiture under this section, for disposition in accordance with section 2923.46 of the Revised Code.

(C)(1) A law enforcement officer may seize any property that is subject to civil forfeiture under this section upon process, or a warrant as described in division (C)(2) of this section, issued by a court of common pleas that has jurisdiction over the property. Additionally, a law enforcement officer may seize the property, without process or a warrant being so issued, when any of the following applies:

(a) The seizure is incident to an arrest, a search under a search warrant, a lawful search without a search warrant, or an inspection under an administrative inspection warrant.

(b) The property is the subject of a prior judgment in favor of the state in a restraining order, injunction, or other preservation order proceeding under section 2923.44 of the Revised Code, or is the subject of a forfeiture order issued pursuant to that section.

(c) The law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to the public health or safety.

(d) The initial intrusion by the law enforcement officer afforded the officer with plain view of personal property that is subject to civil forfeiture in a civil action under this section, the initial intrusion by the law enforcement officer was lawful, the discovery of the personal property by the law enforcement officer was inadvertent, and the incriminating nature of the personal property was immediately apparent to the law enforcement

cer.

(2) For purposes of division (C)(1) of this section, the state may request a court of common pleas to issue a warrant that authorizes the seizure of property that is subject to civil forfeiture under this section, in the same manner as provided in Criminal Rule 41 and Chapter 2933. of the Revised Code for the issuance of a search warrant. For purposes of division (C)(1) of this section, any proceeding before a court of common pleas that involves a request for the issuance of process, or a warrant as described in this division, authorizing the seizure of any property that is subject to civil forfeiture under this section shall be recorded by shorthand, by stenotype, or by any other mechanical, electronic, or video recording device. The recording of and any transcript of the recording of such a proceeding shall not be a public record for purposes of section 149.43 of the Revised Code until the property has been seized pursuant to the process or warrant. This division does not require, authorize, or permit the making available for inspection, or the copying, under section 149.43 of the Revised Code of any confidential law enforcement investigatory record or trial preparation record, as defined in that section.

(3) If property is seized pursuant to division (C)(1) of this section and if a civil action to obtain a civil forfeiture under this section, a criminal action that could result in a criminal forfeiture under section 2923.44 of the Revised Code, or a delinquent child proceeding that could result in a criminal forfeiture under that section is not pending at the time of the seizure or previously did not occur in connection with the property, then the prosecuting attorney of the county in which the seizure occurred promptly shall commence a civil action to obtain a civil forfeiture under this section in connection with the property, unless an indictment, complaint, or information alleging the commission of a violation of section 2923.42 Of the Revised Code or a complaint alleging that a juvenile is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code is filed prior to the commencement of the civil action. Nothing in division (C)(3) of this section precludes the filing of an indictment, complaint, or information alleging the commission of a violation of section 2923.42 Of the Revised Code or the filing of a complaint alleging that a juvenile is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code, after the commencement of a civil action to obtain a civil forfeiture under this section.

(D)(1) The filing of an indictment, complaint, or information alleging the commission of a violation of section 2923.42 Of the Revised Code that

also is the basis of a civil action for a civil forfeiture under this section, or the filing of a complaint alleging that a juvenile is a delinquent child because of the commission of an act that is a violation of section 2923.42 Of the Revised Code, and that also is the basis of a civil action for a civil forfeiture under this section, upon the motion of the prosecuting attorney of the county in which the indictment, complaint, or information or the complaint in the delinquent child proceeding is filed, shall stay the civil action.

(2) A civil action to obtain a civil forfeiture under this section may be commenced as described in division (E) of this section whether or not the adult or juvenile who committed a violation of section 2923.42 Of the Revised Code or an act that is a violation of section 2923.42 Of the Revised Code has been charged by an indictment, complaint, or information with the commission of a violation of that section, has pleaded guilty to or been found guilty of a violation of that section, has been determined to be a delinquent child for the commission of a violation of that section, has been found not guilty of committing a violation of that section, or has not been determined to be a delinquent child for the alleged commission of a violation of that section.

(E)(1) The prosecuting attorney of the county in which property described in division (A) of this section is located may commence a civil action to obtain a civil forfeiture under this section by filing in the court of common pleas of that county a complaint that requests the issuance of an order of civil forfeiture of the property to the state. Notices of the action shall be served and published in accordance with division (E)(2) of this section.

(2) Prior to or simultaneously with the commencement of the civil action as described in division (E)(1) of this section, the prosecuting attorney shall conduct or cause to be conducted a search of the appropriate public records that relate to the property subject to civil forfeiture, and shall make or cause to be made reasonably diligent inquiries, for the purpose of identifying persons who have any right, title, or interest in the property. The prosecuting attorney then shall cause a notice of the commencement of the civil action, together with a copy of the complaint filed in it, to be given to each person who is known, because of the conduct of the search, the making of the inquiries, or otherwise, to have any right, title, or interest in the property, by certified mail, return receipt requested, or by personal service. Additionally, the prosecuting attorney shall cause a similar notice to be published once a week for two consecutive weeks in a newspaper of general circulation in the county in which the property is located.

(3) The procedures specified in divisions (F)(3) to (5) of section 2923.44 of the Revised Code apply to persons claiming any right, title, or interest in property subject to civil forfeiture under this section. The references in those divisions to the adult offender whose conviction or guilty plea, or the delinquent child whose adjudication, is the basis of an order of criminal forfeiture shall be construed for purposes of this section to mean the adult or juvenile who committed the act that could be the basis of an order of civil forfeiture under this section, and the references in those divisions to an issued order of criminal forfeiture shall be inapplicable.

(4) A hearing shall be held in the civil action described in division (E)(1) of this section at least thirty days after the final publication of notice as required by division (E)(2) of this section and after the date of completion of the service of notice by personal service or certified mail, return receipt requested, as required by that division. Following the hearing, the court shall issue the requested order of civil forfeiture if the court determines that the prosecuting attorney has proven by clear and convincing evidence that the property in question is property as described in division (A)(1) or (2) of this section and if the court has disposed of all petitions filed under division (E)(3) of this section or no petitions have been so filed and the time for filing them has expired. An order of civil forfeiture so issued shall state that all right, title, and interest in the property in question of the adult or juvenile who committed the act that is the basis of the order is forfeited to the state and shall make due provision for the right, title, or interest in that property of any other person in accordance with any determinations made by the court under division (E)(3) of this section and in accordance with divisions (E)(5)(b) and (G)(2) of section 2923.44 of the Revised Code.

(5) Subject to division (G)(2) of section 2923.44 of the Revised Code, if a court of common pleas enters an order of civil forfeiture in accordance with division (E) of this section, the state shall have clear title to the property that is the subject of the order and may warrant good title to any subsequent purchaser or other transferee.

Sec. 2923.46. (A) If property is seized pursuant to section 2923.44 or 2923.45 Of the Revised Code, it is considered to be in the custody of the head of the law enforcement agency that seized it, and the head of that agency may do any of the following with respect to that property prior to its disposition in accordance with division (A)(4) or (B) of this section:

- (1) Place the property under seal;
- (2) Remove the property to a place that the head of that agency designates;
- (3) Request the issuance of a court order that requires any other

appropriate municipal corporation, county, township, park district created pursuant to section 511.18 or 1545.01 Of the Revised Code, or state law enforcement officer or other officer to take custody of the property and, if practicable, remove it to an appropriate location for eventual disposition in accordance with division (B) of this section:

(4)(a) Seek forfeiture of the property pursuant to federal law. If the head of that agency seeks its forfeiture pursuant to federal law, the law enforcement agency shall deposit, use, and account for proceeds from a sale of the property upon its forfeiture, proceeds from another disposition of the property upon its forfeiture, or forfeited moneys it receives, in accordance with the applicable federal law and otherwise shall comply with that law.

(b) If the state highway patrol seized the property and if the superintendent of the state highway patrol seeks its forfeiture pursuant to federal law, the appropriate governmental officials shall deposit into the state highway patrol contraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds from a sale of the property upon its forfeiture, the proceeds from another disposition of the property upon its forfeiture, or the forfeited moneys. The state highway patrol shall use and account for that interest or other earnings in accordance with the applicable federal law.

(c) Division (B) of this section and divisions (D)(1) to (3) of section 2933.43 Of the Revised Code do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (A)(4)(b) of this section.

(B) In addition to complying with any requirements imposed by a court pursuant to section 2923.44 or 2923.45 Of the Revised Code, and the requirements imposed by those sections, in relation to the disposition of property forfeited to the state under either of those sections, the prosecuting attorney who is responsible for its disposition shall dispose of the property as follows:

(1) Any vehicle that was used in a violation of section 2923.42 Of the Revised Code or in an act of a juvenile that is a violation of section 2923.42 Of the Revised Code shall be given to the law enforcement agency of the municipal corporation or county in which the offense or act occurred if that agency desires to have the vehicle, except that, if the offense or act occurred in a township or in a park district created pursuant to section 511.18 or 1545.01 Of the Revised Code and a law enforcement officer employed by the township or the park district was involved in the seizure of the vehicle,

the vehicle may be given to the law enforcement agency of that township or park district if that agency desires to have the vehicle, and except that, if the state highway patrol made the seizure of the vehicle, the vehicle may be given to the state highway patrol if it desires to have the vehicle.

(2) 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.

(3) Firearms and dangerous ordnance suitable for police work may be given to a law enforcement agency for that purpose. Firearms suitable for sporting use, or as museum pieces or collectors' items, may be disposed of by sale pursuant to division (B)(7) of this section. Other firearms and dangerous ordnance shall be destroyed by a law enforcement agency or shall be sent to the bureau of criminal identification and investigation for destruction by it.

(4) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose. Other computers, computer networks, computer systems, and computer software shall be disposed of by sale pursuant to division (B)(7) of this section or disposed of in another manner that the court that issued the order of forfeiture considers proper under the circumstances.

(5) Obscene materials shall be destroyed.

(6) Beer, intoxicating liquor, and alcohol shall be disposed of in accordance with division (D)(4) of section 2933.41 Of the Revised Code.

(7) In the case of property not described in divisions (B)(1) to (6) of this section and of property described in those divisions but not disposed of pursuant to them, the property shall be sold in accordance with division (B)(7) of this section or, in the case of forfeited moneys, disposed of in accordance with division (B)(7) of this section. If the property is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the property to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order:

(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the property, the forfeiture proceeding or civil action, and, if any, the sale;

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (B)(7)(a) of this section, to the payment of the value of any legal right, title, or interest in the property that is possessed by

a person who, pursuant to division (F) of section 2923.44 Of the Revised Code or division (E) of section 2923.45 Of the Revised Code, established the validity of and consequently preserved that legal right, title, or interest, including, but not limited to, any mortgage, perfected or other security interest, or other lien in the property. The value of these rights, titles, or interests shall be paid according to their record or other order of priority.

(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (B)(7)(a) AND (b) of this section, as follows:

(i) If the forfeiture was ordered in a juvenile court, ten per cent to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 Of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (B)(7)(c)(i) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to appropriate funds in accordance with divisions (D)(1)(c) and (2) of section 2933.43 Of the Revised Code. The remaining proceeds or forfeited moneys so deposited shall be used only for the purposes authorized by those divisions and division (D)(3)(a)(ii) of that section.

(C)(1) Sections 2923.44 to 2923.47 Of the Revised Code do not preclude a financial institution that possessed a valid mortgage, security interest, or lien that is not satisfied prior to a sale under division (B)(7) of this section or following a sale by application of division (B)(7)(b) of this section, from commencing a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor if the financial institution otherwise would have been entitled to do so in this or another state.

(2) Any law enforcement agency that obtains any vehicle pursuant to division (B)(1) of this section shall take the vehicle subject to the outstanding amount of any security interest or lien that attaches to the vehicle.

(3) Nothing in this section impairs a mortgage, security interest, lien, or other interest of a financial institution in property that was the subject of a

forfeiture order under section 2923.44 or 2923.45 Of the Revised Code and that was sold or otherwise disposed of in a manner that does not conform to the requirements of division (B) of this section, or any right of a financial institution of that nature to commence a civil action in any appropriate court in this or another state to obtain a deficiency judgment against the debtor.

(4) Following the sale under division (B)(7) of this section of any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to the purchaser of the property. If, in a disposition of property pursuant to division (B) of this section, the state or a political subdivision is given any property that is required to be titled or registered under the law of this state, the prosecuting attorney responsible for the disposition of the property shall cause the state to issue an appropriate certificate of title or registration to itself or to the political subdivision.

(D) Property that has been forfeited to the state pursuant to an order of criminal forfeiture under section 2923.44 Of the Revised Code or an order of civil forfeiture under section 2923.45 Of the Revised Code shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to a violation of section 2923.42 Of the Revised Code or upon a juvenile who is found by a juvenile court to be a delinquent child for an act that is a violation of section 2923.42 Of the Revised Code.

(E) Sections 2923.44 to 2923.47 Of the Revised Code do not prohibit a law enforcement officer from seeking the forfeiture of contraband associated with a violation of section 2923.42 Of the Revised Code pursuant to section 2933.43 Of the Revised Code.

Sec. 2923.47. (A) Any person who is aggrieved by an alleged unlawful seizure of property that potentially is subject to forfeiture under section 2923.44 or 2923.45 Of the Revised Code may file a motion as described in division (B) of this section with whichever of the following courts is appropriate under the circumstances, within the time described in division (C) of this section:

(1) The court of common pleas in which a criminal prosecution for a violation of section 2923.42 Of the Revised Code is pending;

(2) The juvenile court in which a delinquent child action for an act that is a violation of section 2923.42 Of the Revised Code is pending;

(3) The court of common pleas in which a civil action as described in division (E) of section 2923.45 Of the Revised Code is pending;

(4) The court of common pleas of the county in which the property was seized.

(B) A motion filed pursuant to division (A) of this section shall specify that the seizure of specified property was unlawful, state the reasons why the movant believes the seizure was unlawful, state that the movant is lawfully entitled to possession of the seized property, and request the court of common pleas or the juvenile court to issue an order that mandates the law enforcement agency having custody of the seized property to return it to the movant. For purposes of this division, an unlawful seizure of property includes, but is not limited to, a seizure in violation of the Fourth Amendment to the Constitution of the United States or of Section 14 of Article I, Ohio Constitution, and a seizure pursuant to sections 2923.44 to 2923.46 Of the Revised Code of property other than potentially forfeitable property as described in division (A)(1) of section 2923.44 or division (A) of section 2923.45 Of the Revised Code.

(C)(1) If a motion as described in division (A) of this section is filed prior to the entry of an order of forfeiture under section 2923.44 or 2923.45 Of the Revised Code, the court of common pleas or the juvenile court promptly shall schedule a hearing on the motion and cause notice of the date and time of the hearing to be given to the movant and the prosecuting attorney of the county in which the property was seized. At the hearing, the movant and the prosecuting attorney may present witnesses and evidence relative to the issues of whether the property in question was unlawfully seized and whether the movant is lawfully entitled to possession of the property. If, after the hearing, the court of common pleas or the juvenile court determines that the movant has established, by a preponderance of the evidence, that the property in question was unlawfully seized and that the movant is lawfully entitled to possession of it, the court shall issue an order that requires the law enforcement agency having custody of the seized property to return it to the movant.

(2)(a) If a motion is filed in accordance with division (C)(1) of this section and, at the time of filing or of the hearing on the motion, a criminal prosecution for a violation of section 2923.42 Of the Revised Code or a delinquent child action for an act that is a violation of section 2923.42 Of the Revised Code has been commenced by the filing of an indictment, information, or complaint, then the court of common pleas or the juvenile court shall treat the motion as a motion to suppress evidence.

(b) If an order to return seized property is issued pursuant to division (C)(1) of this section, the returned property shall not be admissible in evidence in any pending or subsequently commenced criminal prosecution for a violation of section 2923.42 Of the Revised Code if the prosecution arose or arises out of the unlawful seizure of the property, or in any pending

or subsequently commenced delinquent child action for an act that is a violation of section 2923.42 Of the Revised Code if the action arose or arises out of the unlawful seizure of the property.

Sec. 2929.14. (A) Except as provided in division (C), (D)(2), (D)(3), (D)(4), or (G) of this section and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter and is not prohibited by division (G)(1) of section 2929.13 of the Revised Code from imposing a prison term on the offender, the court shall impose a definite prison term that shall be one of the following:

(1) For a felony of the first degree, the prison term shall be three, four, five, six, seven, eight, nine, or ten years.

(2) For a felony of the second degree, the prison term shall be two, three, four, five, six, seven, or eight years.

(3) For a felony of the third degree, the prison term shall be one, two, three, four, or five years.

(4) For a felony of the fourth degree, the prison term shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months.

(5) For a felony of the fifth degree, the prison term shall be six, seven, eight, nine, ten, eleven, or twelve months.

(B) Except as provided in division (C), (D)(2), (D)(3), or (G) of this section, in section 2907.02 of the Revised Code, or in Chapter 2925. of the Revised Code, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender and if the offender previously has not served a prison term, the court shall impose the shortest prison term authorized for the offense pursuant to division (A) of this section, unless the court finds on the record that the shortest prison term will demean the seriousness of the offender's conduct or will not adequately protect the public from future crime by the offender or others.

(C) Except as provided in division (G) of this section or in Chapter 2925. of the Revised Code, the court imposing a sentence upon an offender for a felony may impose the longest prison term authorized for the offense pursuant to division (A) of this section only upon offenders who committed the worst forms of the offense, upon offenders who pose the greatest likelihood of committing future crimes, upon certain major drug offenders under division (D)(3) of this section, and upon certain repeat violent offenders in accordance with division (D)(2) of this section.

(D)(1)(a)(i) Except as provided in division (D)(1)(b) of this section, if

an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or silencer on or about the offender's person or under the offender's control while committing the felony, a specification of the type described in section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense, or a specification of the type described in section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the felony, the court, after imposing a prison term on the offender for the felony under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term, determined pursuant to this division, that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the specification is of the type described in section 2941.144 of the Revised Code, the additional prison term shall be six years. If the specification is of the type described in section 2941.145 of the Revised Code, the additional prison term shall be three years. If the specification is of the type described in section 2941.141 of the Revised Code, the additional prison term shall be one year. A court shall not impose more than one additional prison term on an offender under this division for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a)(ii) of this section, the court is not precluded from imposing an additional prison term under this division.

(ii) Except as provided in division (D)(1)(b) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle, as defined in section 4501.01 of the Revised Code, other than a manufactured home, as defined in section 4501.01 of the Revised Code, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony

offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under this division for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under this division relative to an offense, the court also shall impose an additional prison term under division (D)(1)(a)(i) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(b) The court shall not impose any of the additional prison terms described in division (D)(1)(a) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the additional prison terms described in that division upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(2)(a) If an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.149 of the Revised Code that the offender is a repeat violent offender, the court shall impose a prison term from the range of terms authorized for the offense under division (A) of this section that may be the longest term in the range and that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If the court finds that the repeat violent offender, in committing the offense, caused any physical harm that carried a substantial risk of death to a person or that involved substantial permanent incapacity or substantial permanent disfigurement of a person, the court shall impose the longest prison term from the range of terms authorized for the offense under division (A) of this section.

(b) If the court imposing a prison term on a repeat violent offender imposes the longest prison term from the range of terms authorized for the offense under division (A) of this section, the court may impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if the court finds that both of the following apply with respect to the prison terms imposed on the offender pursuant to

division (D)(2)(a) of this section and, if applicable, divisions (D)(1) and (3) of this section:

(i) The terms so imposed are inadequate to punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a greater likelihood of recidivism outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

(ii) The terms so imposed are demeaning to the seriousness of the offense, because one or more of the factors under section 2929.12 of the Revised Code indicating that the offender's conduct is more serious than conduct normally constituting the offense are present, and they outweigh the applicable factors under that section indicating that the offender's conduct is less serious than conduct normally constituting the offense.

(3)(a) Except when an offender commits a violation of section 2903.01 or 2907.02 of the Revised Code and the penalty imposed for the violation is life imprisonment or commits a violation of section 2903.02 of the Revised Code, if the offender commits a violation of section 2925.03, 2925.04, or 2925.11 of the Revised Code and that section requires the imposition of a ten-year prison term on the offender or if a court imposing a sentence upon an offender for a felony finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code, that the offender is a major drug offender, is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or is guilty of an attempted forcible violation of section 2907.02 of the Revised Code with the victim being under thirteen years of age and that attempted violation is the felony for which sentence is being imposed, the court shall impose upon the offender for the felony violation a ten-year prison term that cannot be reduced pursuant to section 2929.20 or Chapter 2967. or 5120. of the Revised Code.

(b) The court imposing a prison term on an offender under division (D)(3)(a) of this section may impose an additional prison term of one, two, three, four, five, six, seven, eight, nine, or ten years, if the court, with respect to the term imposed under division (D)(3)(a) of this section and, if applicable, divisions (D)(1) and (2) of this section, makes both of the findings set forth in divisions (D)(2)(b)(i) and (ii) of this section.

(4) If the offender is being sentenced for a fourth degree felony OMVI offense and if division (G)(2) of section 2929.13 of the Revised Code requires the sentencing court to impose upon the offender a mandatory prison term, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the

mandatory prison term, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A)(4) of this section minus the sixty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (D)(4) of this section plus the sixty days imposed as the mandatory prison term shall equal one of the authorized prison terms specified in division (A)(4) of this section. If the court imposes an additional prison term under division (D)(4) of this section, the offender shall serve the additional prison term after the offender has served the mandatory prison term required for the offense. The court shall not sentence the offender to a community control sanction under section 2929.16 or 2929.17 of the Revised Code.

(E)(1) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony or if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(b) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, the offender shall serve the mandatory prison term consecutively to and prior to the prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender. As used in this division, "detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term.

(4) If multiple prison terms are imposed on an offender for convictions

of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

(a) The offender committed the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.

(b) The harm caused by the multiple offenses was so great or unusual that no single prison term for any of the offenses committed as part of a single course of conduct adequately reflects the seriousness of the offender's conduct.

(c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

(5) When consecutive prison terms are imposed pursuant to division (E)(1), (2), (3), or (4) of this section, the term to be served is the aggregate of all of the terms so imposed.

(F) If a court imposes a prison term of a type described in division (B) of section 2967.28 of the Revised Code, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division. If a court imposes a prison term of a type described in division (C) of that section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary.

(G) If a person is convicted of or pleads guilty to a sexually violent offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, the court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment.

(H) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2971.03 of the

Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(I) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

Sec. 2933.41. (A)(1) Any property, other than contraband that is subject to the provisions of section 2913.34 or 2933.43 of the Revised Code, other than property that is subject to section 3719.141 of the Revised Code, other than property that is forfeited under sections 2923.44 to 2923.47 or 2925.41 to 2925.45 of the Revised Code, other than a vehicle that is criminally forfeited under an order issued under section 4503.233 or 4503.234 of the Revised Code and that is to be disposed of under section 4503.234 of the Revised Code, other than property that has been lawfully seized under sections 2933.71 to 2933.75 of the Revised Code in relation to a medicaid fraud offense, and other than property that has been lawfully seized in relation to a violation of section 2923.32 of the Revised Code, that has been lost, abandoned, stolen, seized pursuant to a search warrant, or otherwise lawfully seized or forfeited, and that is in the custody of a law enforcement agency shall be kept safely pending the time it no longer is needed as evidence and shall be disposed of pursuant to this section. Each law enforcement agency that has custody of any property that is subject to this section shall adopt a written internal control policy that addresses the keeping of detailed records as to the amount of property taken in by the agency, that addresses the agency's disposition of the property under this section, that provides for the keeping of detailed records of the disposition of the property, and that provides for the keeping of detailed financial records of the amount and disposition of any proceeds of a sale of the property under division (D)(8) of this section and of the general types of expenditures made out of the proceeds retained by the agency and the specific amount expended on each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. The policy is a public record open for inspection under section 149.43 of the Revised Code.

(2)(a) Every law enforcement agency that has any lost, abandoned, stolen, seized, or forfeited property as described in division (A)(1) of this section in its custody shall comply with its written internal control policy

adopted under that division relative to the property. Each agency that has any property of that nature in its custody, except for property to be disposed of under division (D)(4) of this section, shall maintain an accurate record, in accordance with its written internal control policy, of each item of the property. The record shall include the date on which each item of property came into the agency's custody, the manner in which it was disposed of, the date of its disposition, the name of the person who received the property if it was not destroyed, and all other information required by the agency's written internal control policy; however, the record shall not identify or enable the identification of the individual officer who seized any item of property. The record of any property that no longer is needed as evidence, and all financial records of the amount and disposition of any proceeds of a sale under division (D)(8) of this section and of the general types of expenditures made out of the proceeds retained by the agency and the specific amount of each general type of expenditure, shall be open to public inspection during the agency's regular business hours.

Each law enforcement agency that, during any calendar year, has any seized or forfeited property as described in division (A)(1) of this section in its custody shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records kept by the agency pursuant to this division for that calendar year and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(b) Each law enforcement agency that receives in any calendar year any proceeds of a sale under division (D)(8) of this section shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency pursuant to division (D)(2)(a) of this section for that calendar year and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(c) Not later than the fifteenth day of April in the calendar year in which reports are sent to the attorney general under divisions (A)(2)(a) and (b) of this section, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(i) Indicates that the attorney general has received from law

cement agencies reports of the type described in division (A)(2)(a), (A)(2)(b), or both (A)(2)(a) and (b) of this section, whichever is applicable, that cover the previous calendar year and indicates that the reports were received under division (A)(2)(a), (A)(2)(b), or both (A)(2)(a) and (b) of this section, whichever is applicable;

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(B) A law enforcement agency that has property in its possession that is required to be disposed of pursuant to this section shall make a reasonable effort to locate the persons entitled to possession of the property in its custody, 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, briefly describing the nature of the property in custody and inviting persons to view and establish their right to it.

(C) A person loses any right that the person may have to the possession, or the possession and ownership, of property if any of the following applies:

(1) The property was the subject, or was used in a conspiracy or attempt to commit, or in the commission, of an offense other than a traffic offense, and the person is a conspirator, accomplice, or offender with respect to the offense.

(2) A court determines that the property should be forfeited because, in light of the nature of the property or the circumstances of the person, it is unlawful for the person to acquire or possess the property.

(D) Unclaimed or forfeited property in the custody of a law enforcement agency, other than contraband that is subject to the provisions of section 2913.34 or 2933.43 of the Revised Code, other than property forfeited under sections 2923.44 to 2923.47 or 2925.41 to 2925.45 of the Revised Code, and other than property that has been lawfully seized in relation to a violation of section 2923.32 of the Revised Code, shall be disposed of on application to and order of any court of record that has territorial jurisdiction over the political subdivision in which the law enforcement agency has jurisdiction to engage in law enforcement activities, 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. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to division (D)(8) of this section. Other firearms and dangerous ordnance shall be destroyed by the agency or shall be sent to the bureau of criminal identification and investigation for destruction by the bureau.

(3) Obscene materials shall be destroyed.

(4) Beer, intoxicating liquor, or alcohol seized from a person who is not the holder of a permit issued under Chapters 4301. and 4303. of the Revised Code or is an offender and forfeited to the state under section 4301.45 or 4301.53 of the Revised Code shall be sold by the division of liquor control, if the division determines that the beer, intoxicating liquor, or alcohol is fit for sale. If any tax imposed under Title XLIII of the Revised Code has not been paid in relation to the beer, intoxicating liquor, or alcohol, the proceeds of the sale shall first be used to pay the tax. All other money collected under division (D)(4) of this section shall be paid into the state treasury. Any such beer, intoxicating liquor, or alcohol that the division determines to be unfit for sale shall be destroyed.

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

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

(7)(a) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose. Other computers, computer networks, computer systems, and computer software shall be disposed of pursuant to division (D)(8) of this section.

(b) As used in this section, "computers," "computer networks,"

"computer systems," and "computer software" have the same meanings as in section 2913.01 of the Revised Code.

(8) Other unclaimed or forfeited property, with the approval of the court, may be used by the law enforcement agency that has possession of it. If the other unclaimed or forfeited property is not used by the law enforcement agency, it may be sold, without appraisal, at a public auction to the highest bidder for cash, or, in the case of other unclaimed or forfeited moneys, disposed of in another manner that the court considers proper in the circumstances.

(E)(1)(a) If the property was in the possession of the law enforcement agency in relation to a delinquent child proceeding in a juvenile court, ten per cent of the proceeds from property disposed of pursuant to this section shall be applied to one or more alcohol and drug addiction treatment programs that are certified by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified by the court in its order issued under division (D) of this section. A juvenile court shall not specify an alcohol or drug addiction treatment program in the order unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (E)(1)(a) of this section, unless the program is located in the county in which the court that issues the orders is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state. The remaining ninety per cent of the proceeds shall be applied as provided in divisions (E)(1)(b) of this section.

If the property was in the possession of the law enforcement agency other than in relation to a delinquent child proceeding in a juvenile court, all of the proceeds from property disposed of pursuant to this section shall be applied as provided in division (E)(1)(b) of this section.

(b) Except as provided in divisions (D)(4), (5), and (E)(2) of this section and after compliance with division (E)(1)(a) of this section when that division is applicable, the proceeds from property disposed of pursuant to this section shall be placed in the general fund of the state, the county, the township, or the municipal corporation, of which the law enforcement agency involved is an agency.

(2) Each board of county commissioners that recognizes a citizens' reward program as provided in section 9.92 of the Revised Code shall notify each law enforcement agency of that county and each law enforcement agency of a township or municipal corporation wholly located in that county

of the official recognition of the citizens' reward program by filing a copy of its resolution conferring that recognition with each of those law enforcement agencies. When the board of county commissioners of a county recognizes a citizens' reward program and the county includes a part, but not all, of the territory of a municipal corporation, the board shall so notify the law enforcement agency of that municipal corporation of the official recognition of the citizens' reward program only if the county contains the highest percentage of the municipal corporation's population. Upon receipt of a notice of that nature, each law enforcement agency shall pay twenty-five per cent of the proceeds from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively for the payment of rewards. No part of those funds may be used to pay for the administrative expenses or any other expenses associated with a citizens' reward program. If a citizens' reward program that operates in more than one county or in another state or states in addition to this state receives funds pursuant to this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning felonies, offenses of violence, or misdemeanors that have been committed in the county from which the funds were received.

(F) This section does not apply to the collection, storage, or disposal of abandoned junk motor vehicles. This section shall not be construed to rescind or restrict the authority of a municipal law enforcement agency to keep and dispose of lost, abandoned, stolen, seized, or forfeited property under an ordinance of the municipal corporation, provided that, when a municipal corporation that has received notice as provided in division (E)(2) of this section disposes of property under an ordinance of that nature, it shall pay twenty-five per cent of the proceeds from any sale or auction to the citizens' reward program as provided under that division.

(G) The receipt of funds by a citizens' reward program pursuant to division (E) of this section does not make it a governmental unit for purposes of section 149.43 of the Revised Code and does not subject it to the disclosure provisions of that section.

(H) For purposes of this section, "law enforcement agency" includes correctional institutions. As used in this section, "citizens' reward program" has the same meaning as in section 9.92 of the Revised Code.

Sec. 2933.43. (A)(1) Except as provided in this division or in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 2925.45 of the Revised Code, a law enforcement officer shall seize any contraband that has been, is being, or is intended to be used in violation of division (A) of section 2933.42 of the Revised Code. A law enforcement officer shall seize

contraband that is a watercraft, motor vehicle, or aircraft and that has been, is being, or is intended to be used in violation of division (A) of section 2933.42 of the Revised Code only if the watercraft, motor vehicle, or aircraft is contraband because of its relationship to an underlying criminal offense that is a felony.

Additionally, a law enforcement officer shall seize any watercraft, motor vehicle, aircraft, or other personal property that is classified as contraband under division (B) of section 2933.42 of the Revised Code if the underlying offense involved in the violation of division (A) of that section that resulted in the watercraft, motor vehicle, aircraft, or personal property being classified as contraband, is a felony.

(2) If a law enforcement officer seizes property that is titled or registered under law, including a motor vehicle, pursuant to division (A)(1) of this section, the officer or the officer's employing law enforcement agency shall notify the owner of the seizure. The notification shall be given to the owner at the owner's last known address within seventy-two hours after the seizure, and may be given orally by any means, including telephone, or by certified mail, return receipt requested.

If the officer or the officer's agency is unable to provide the notice required by this division despite reasonable, good faith efforts to do so, the exercise of the reasonable, good faith efforts constitutes fulfillment of the notice requirement imposed by this division.

(B)(1) A motor vehicle seized pursuant to division (A)(1) of this section and the contents of the vehicle may be retained for a reasonable period of time, not to exceed seventy-two hours, for the purpose of inspection, investigation, and the gathering of evidence of any offense or illegal use.

At any time prior to the expiration of the seventy-two-hour period, the law enforcement agency that seized the motor vehicle may petition the court of common pleas of the county that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture for an extension of the seventy-two-hour period if the motor vehicle or its contents are needed as evidence or if additional time is needed for the inspection, investigation, or gathering of evidence. Upon the filing of such a petition, the court immediately shall schedule a hearing to be held at a time as soon as possible after the filing, but in no event at a time later than the end of the next business day subsequent to the day on which the petition was filed, and upon scheduling the hearing, immediately shall notify the owner of the vehicle, at the address at which notification of the seizure was provided under division (A) of this section, of the date, time, and place of the hearing. If the court, at the hearing, determines that the vehicle or its contents, or

both, are needed as evidence or that additional time is needed for the inspection, investigation, or gathering of evidence, the court may grant the petition and issue an order authorizing the retention of the vehicle or its contents, or both, for an extended period as specified by the court in its order. An order extending a period of retention issued under this division may be renewed.

If no petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the law enforcement agency that seized the vehicle may require proof of ownership of the vehicle, proof of ownership or legal possession of the contents, and an affidavit of the owner that the owner neither knew of nor expressly or impliedly consented to the use of the vehicle that resulted in its forfeiture as conditions precedent to release. If a petition for the extension of the initial seventy-two-hour period has been filed, prior to the expiration of that period, under this division but the court does not grant the petition, if the vehicle was not in the custody and control of the owner at the time of its seizure, and if, at the end of that seventy-two-hour period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the court may require the proof and affidavit described in the preceding sentence as conditions precedent to release. If the initial seventy-two-hour period has been extended under this division, the vehicle and its contents to which the extension applies may be retained in accordance with the extension order. If, at the end of that extended period, the owner of the vehicle has not been charged with an offense or administrative violation that includes the use of the vehicle as an element and has not been charged with any other offense or administrative violation in the actual commission of which the motor vehicle was used, and if the vehicle was not in the custody and control of the owner at the time of its seizure, the vehicle and its contents shall be released to its owner or the owner's agent, provided that the court may require the

proof and affidavit described in the third preceding sentence as conditions precedent to release. In cases in which the court may require proof and affidavits as conditions precedent to release, the court also may require the posting of a bond, with sufficient sureties approved by the court, in an amount equal to the value of the property to be released, as determined by the court, and conditioned upon the return of the property to the court if it is forfeited under this section, as a further condition to release. If, at the end of the initial seventy-two-hour period or at the end of any extended period granted under this section, the owner has been charged with an offense or administrative violation that includes the use of the vehicle as an element or has been charged with another offense or administrative violation in the actual commission of which the motor vehicle was used, or if the vehicle was in the custody and control of the owner at the time of its seizure, the vehicle and its contents shall be retained pending disposition of the charge, provided that upon the filing of a motion for release by the owner, if the court determines that the motor vehicle or its contents, or both, are not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property that is not needed as evidence to the owner; as a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall be in an amount equal to the value of the property to be released, as determined by the court, shall have sufficient sureties approved by the court, and shall be conditioned upon the return of the property to the court to which it is forfeited under this section.

The final disposition of a motor vehicle seized pursuant to division (A)(1) of this section shall be determined in accordance with division (C) of this section.

(2) Pending a hearing pursuant to division (C) of this section, and subject to divisions (B)(1) and (C) of this section, any property lawfully seized pursuant to division (A) of this section because it was contraband of a type described in division (A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 2901.01 of the Revised Code shall not be subject to replevin or other action in any court and shall not be subject to release upon request of the owner, and no judgment shall be enforced against the property. Pending the hearing, and subject to divisions (B)(1) and (C) of this section, the property shall be kept in the custody of the law enforcement agency responsible for its seizure.

Pending a hearing pursuant to division (C) of this section, and notwithstanding any provisions of division (B)(1) or (C) of this section to the contrary, any property lawfully seized pursuant to division (A) of this

section because it was contraband of a type described in division (A)(13)(a) or (c) of section 2901.01 of the Revised Code shall not be subject to replevin or other action in any court and shall not be subject to release upon request of the owner, and no judgment shall be enforced against the property. Pending the hearing, and notwithstanding any provisions of division (B)(1) or (C) of this section to the contrary, the property shall be kept in the custody of the law enforcement agency responsible for its seizure.

A law enforcement agency that seizes property under division (A) of this section because it was contraband of any type described in division (A)(13) of section 2901.01 or division (B) of section 2933.42 of the Revised Code shall maintain an accurate record of each item of property so seized, which record shall include the date on which each item was seized, the manner and date of its disposition, and if applicable, the name of the person who received the item; however, the record shall not identify or enable the identification of the individual officer who seized the item. The record of property of that nature that no longer is needed as evidence shall be open to public inspection during the agency's regular business hours. Each law enforcement agency that, during any calendar year, seizes property under division (A) of this section because it was contraband shall prepare a report covering the calendar year that cumulates all of the information contained in all of the records kept by the agency pursuant to this division for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(C) The prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who has responsibility for the prosecution of the

nderlying criminal case or administrative proceeding, or the attorney general if the attorney general has that responsibility, shall file a petition for the forfeiture, to the seizing law enforcement agency of the contraband seized pursuant to division (A) of this section. The petition shall be filed in the court that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture. If the property was seized on the basis of both a criminal violation and an administrative regulation violation, the petition shall be filed by the officer and in the court that is appropriate in relation to the criminal case.

The petitioner shall conduct or cause to be conducted a search of the appropriate public records that relate to the seized property for the purpose of determining, and shall make or cause to be made reasonably diligent inquiries for the purpose of determining, any person having an ownership or security interest in the property. The petitioner then shall give notice of the forfeiture proceedings by personal service or by certified mail, return receipt requested, to any persons known, because of the conduct of the search, the making of the inquiries, or otherwise, to have an ownership or security interest in the property, and shall publish notice of the proceedings once each week for two consecutive weeks in a newspaper of general circulation in the county in which the seizure occurred. The notices shall be personally served, mailed, and first published at least four weeks before the hearing. They shall describe the property seized; state the date and place of seizure; name the law enforcement agency that seized the property and, if applicable, that is holding the property; list the time, date, and place of the hearing; and state that any person having an ownership or security interest in the property may contest the forfeiture.

If the property seized was determined by the seizing law enforcement officer to be contraband because of its relationship to an underlying criminal offense or administrative violation, no forfeiture hearing shall be held under this section unless the person pleads guilty to or is convicted of the commission of, or an attempt or conspiracy to commit, the offense or a different offense arising out of the same facts and circumstances or unless the person admits or is adjudicated to have committed the administrative violation or a different violation arising out of the same facts and circumstances; a forfeiture hearing shall be held in a case of that nature no later than forty-five days after the conviction or the admission or adjudication of the violation, unless the time for the hearing is extended by the court for good cause shown. The owner of any property seized because of its relationship to an underlying criminal offense or administrative violation may request the court to release the property to the owner. Upon

receipt of a request of that nature, if the court determines that the property is not needed as evidence in the underlying criminal case or administrative proceeding, the court may permit the release of the property to the owner. As a condition precedent to a release of that nature, the court may require the owner to execute a bond with the court. Any bond so required shall have sufficient sureties approved by the court, shall be in a sum equal to the value of the property, as determined by the court, and shall be conditioned upon the return of the property to the court if the property is forfeited under this section. Any property seized because of its relationship to an underlying criminal offense or administrative violation shall be returned to its owner if charges are not filed in relation to that underlying offense or violation within thirty days after the seizure, if charges of that nature are filed and subsequently are dismissed, or if charges of that nature are filed and the person charged does not plead guilty to and is not convicted of the offense or does not admit and is not found to have committed the violation.

If the property seized was determined by the seizing law enforcement officer to be contraband other than because of a relationship to an underlying criminal offense or administrative violation, the forfeiture hearing under this section shall be held no later than forty-five days after the seizure, unless the time for the hearing is extended by the court for good cause shown.

Where possible, a court holding a forfeiture hearing under this section shall follow the Rules of Civil Procedure. When a hearing is conducted under this section, property shall be forfeited upon a showing, by a preponderance of the evidence, by the petitioner that the person from which the property was seized was in violation of division (A) of section 2933.42 of the Revised Code. If that showing is made, the court shall issue an order of forfeiture. If an order of forfeiture is issued in relation to contraband that was released to the owner or the owner's agent pursuant to this division or division (B)(1) of this section, the order shall require the owner to deliver the property, by a specified date, to the law enforcement agency that employed the law enforcement officer who made the seizure of the property, and the court shall deliver a copy of the order to the owner or send a copy of it by certified mail, return receipt requested, to the owner at the address to which notice of the seizure was given under division (A)(2) of this section. Except as otherwise provided in this division, all rights, interest, and title to the forfeited contraband vests in the state, effective from the date of seizure.

No property shall be forfeited pursuant to this division if the owner of the property establishes, by a preponderance of the evidence, that the owner neither knew, nor should have known after a reasonable inquiry, that the

property was used, or was likely to be used, in a crime or administrative violation. No bona fide security interest shall be forfeited pursuant to this division if the holder of the interest establishes, by a preponderance of the evidence, that the holder of the interest neither knew, nor should have known after a reasonable inquiry, that the property was used, or likely to be used, in a crime or administrative violation, that the holder of the interest did not expressly or impliedly consent to the use of the property in a crime or administrative violation, and that the security interest was perfected pursuant to law prior to the seizure. If the holder of the interest satisfies the court that these requirements are met, the interest shall be preserved by the court. In a case of that nature, the court shall either order that the agency to which the property is forfeited reimburse the holder of the interest to the extent of the preserved interest or order that the holder be paid for the interest from the proceeds of any sale pursuant to division (D) of this section.

(D)(1) Contraband ordered forfeited pursuant to this section shall be disposed of pursuant to divisions (D)(1) to (7) of section 2933.41 of the Revised Code or, if the contraband is not described in those divisions, may be used, with the approval of the court, by the law enforcement agency that has custody of the contraband pursuant to division (D)(8) of that section. In the case of contraband not described in any of those divisions and of contraband not disposed of pursuant to any of those divisions, the contraband shall be sold in accordance with this division or, in the case of forfeited moneys, disposed of in accordance with this division. If the contraband is to be sold, the prosecuting attorney shall cause a notice of the proposed sale of the contraband to be given in accordance with law, and the property shall be sold, without appraisal, at a public auction to the highest bidder for cash. The proceeds of a sale and forfeited moneys shall be applied in the following order:

(a) First, to the payment of the costs incurred in connection with the seizure of, storage of, maintenance of, and provision of security for the contraband, the forfeiture proceeding, and, if any, the sale;

(b) Second, the remaining proceeds or forfeited moneys after compliance with division (D)(1)(a) of this section, to the payment of the balance due on any security interest preserved pursuant to division (C) of this section;

(c) Third, the remaining proceeds or forfeited moneys after compliance with divisions (D)(1)(a) and (b) of this section, as follows:

(i) If the forfeiture was ordered in a juvenile court, ten per cent to one or more alcohol and drug addiction treatment programs that are certified by the

department of alcohol and drug addiction services under section 3793.06 of the Revised Code and that are specified in the order of forfeiture. A juvenile court shall not certify an alcohol or drug addiction treatment program in the order of forfeiture unless the program is a certified alcohol and drug addiction treatment program and, except as provided in division (D)(1)(c)(i) of this section, unless the program is located in the county in which the court that orders the forfeiture is located or in a contiguous county. If no certified alcohol and drug addiction treatment program is located in any of those counties, the juvenile court may specify in the order a certified alcohol and drug addiction treatment program located anywhere within this state.

(ii) If the forfeiture was ordered in a juvenile court, 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 prosecuting attorney and to the law enforcement trust fund of the county sheriff if the county sheriff made the seizure, to the law enforcement trust fund of a municipal corporation if its police department made the seizure, to the law enforcement trust fund of a township if the seizure was made by a township police department, township police district police force, or office of a township constable, to the law enforcement trust fund of a park district created pursuant to section 511.18 or 1545.01 of the Revised Code if the seizure was made by the park district police force or law enforcement department, to the state highway patrol contraband, forfeiture, and other fund if the state highway patrol made the seizure, to the liquor enforcement contraband, forfeiture, and other fund if the liquor enforcement unit of the department of public safety made the seizure, to the food stamp contraband, forfeiture, and other fund if the food stamp trafficking unit of the department of public safety made the seizure, to the board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code if the board made the seizure, or to the treasurer of state for deposit into the peace officer training commission fund if a state law enforcement agency, other than the state highway patrol, the department of public safety, or the state board of pharmacy, made the seizure. The prosecuting attorney may decline to accept any of the remaining proceeds or forfeited moneys, and, if the prosecuting attorney so declines, the remaining proceeds or forfeited moneys shall be applied to the fund described in this division that relates to the law enforcement agency that made the seizure.

A law enforcement trust fund shall be established by the prosecuting attorney of each county who intends to receive any remaining proceeds or forfeited moneys pursuant to this division, by the sheriff of each county, by the legislative authority of each municipal corporation, by the board of

township trustees of each township that has a township police department, township police district police force, or office of the constable, and by the board of park commissioners of each park district created pursuant to section 511.18 or 1545.01 of the Revised Code that has a park district police force or law enforcement department, for the purposes of this division. There is hereby created in the state treasury the state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, forfeiture, and other fund, and the peace officer training commission fund, for the purposes described in this division.

Proceeds or forfeited moneys distributed to any municipal corporation, township, or park district law enforcement trust fund shall be allocated from the fund by the legislative authority only to the police department of the municipal corporation, by the board of township trustees only to the township police department, township police district police force, or office of the constable, and by the board of park commissioners only to the park district police force or law enforcement department.

Additionally, no proceeds or forfeited moneys shall be allocated to or used by the state highway patrol, the food stamp trafficking unit or liquor enforcement unit of the department of public safety, the state board of pharmacy, or a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department unless the state highway patrol, department of public safety, state board of pharmacy, sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department has adopted a written internal control policy under division (D)(3) of this section that addresses the use of moneys received from the state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, forfeiture, and other fund, the board of pharmacy drug law enforcement fund, or the appropriate law enforcement trust fund. The state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, forfeiture, and other fund, and a law enforcement trust fund shall be expended only in accordance with the written internal control policy so adopted by the recipient, and, subject to the requirements specified in division (D)(3)(a)(ii) of this section, only to pay the costs of protracted or complex investigations or prosecutions, to provide reasonable technical

training or expertise, to provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse, or for other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, prosecuting attorney, county sheriff, legislative authority, board of township trustees, or board of park commissioners determines to be appropriate. The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code. The state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, seizure, and other fund, the food stamp contraband, forfeiture, and other fund, the board of pharmacy drug law enforcement fund, and a law enforcement trust fund shall not be used to meet the operating costs of the state highway patrol, of the food stamp trafficking unit or liquor enforcement unit of the department of public safety, of the state board of pharmacy, of any political subdivision, or of any office of a prosecuting attorney or county sheriff that are unrelated to law enforcement.

Proceeds and forfeited moneys that are paid into the state treasury to be deposited into the peace officer training commission fund shall be used by the commission only to pay the costs of peace officer training.

Any sheriff or prosecuting attorney who receives proceeds or forfeited moneys pursuant to this division during any calendar year shall file a report with the county auditor, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any municipal corporation police department that is allocated proceeds or forfeited moneys from a municipal corporation law enforcement trust fund pursuant to this division during any calendar year shall file a report with the legislative authority of the municipal corporation, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any township police department, township police district police force, or office of the constable that is allocated proceeds or forfeited moneys from a township law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of township trustees of the township, no later than the thirty-first day of January of the next calendar

year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. Any park district police force or law enforcement department that is allocated proceeds or forfeited moneys from a park district law enforcement trust fund pursuant to this division during any calendar year shall file a report with the board of park commissioners of the park district, no later than the thirty-first day of January of the next calendar year, verifying that the proceeds and forfeited moneys were expended only for the purposes authorized by this division and division (D)(3)(a)(ii) of this section and specifying the amounts expended for each authorized purpose. The superintendent of the state highway patrol shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the state highway patrol contraband, forfeiture, and other fund pursuant to this division during the prior calendar year were used by the state highway patrol during the prior calendar year only for the purposes authorized by this division and specifying the amounts expended for each authorized purpose. The executive director of the state board of pharmacy shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the board of pharmacy drug law enforcement fund during the prior calendar year were used only in accordance with section 4729.65 of the Revised Code and specifying the amounts expended for each authorized purpose. The peace officer training commission shall file a report with the attorney general, no later than the thirty-first day of January of each calendar year, verifying that proceeds and forfeited moneys paid into the peace officer training commission fund pursuant to this division during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training and specifying the amount used for that purpose.

(2) If more than one law enforcement agency is substantially involved in the seizure of contraband that is forfeited pursuant to this section, the court ordering the forfeiture shall equitably divide the proceeds or forfeited moneys, after calculating any distribution to the law enforcement trust fund of the prosecuting attorney pursuant to division (D)(1)(c) of this section, among any county sheriff whose office is determined by the court to be substantially involved in the seizure, any legislative authority of a municipal corporation whose police department is determined by the court to be substantially involved in the seizure, any board of township trustees whose

law enforcement agency is determined by the court to be substantially involved in the seizure, any board of park commissioners of a park district whose police force or law enforcement department is determined by the court to be substantially involved in the seizure, the state board of pharmacy if it is determined by the court to be substantially involved in the seizure, the food stamp trafficking unit or liquor enforcement unit of the department of public safety if it is determined by the court to be substantially involved in the seizure, and the state highway patrol if it is determined by the court to be substantially involved in the seizure. The proceeds or forfeited moneys shall be deposited in the respective law enforcement trust funds of the county sheriff, municipal corporation, township, and park district, the board of pharmacy drug law enforcement fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, forfeiture, and other fund, or the state highway patrol contraband, forfeiture, and other fund, in accordance with division (D)(1)(c) of this section. If a state law enforcement agency, other than the state highway patrol, the food stamp trafficking unit or liquor enforcement unit of the department of public safety, or the state board of pharmacy, is determined by the court to be substantially involved in the seizure, the state agency's equitable share of the proceeds and forfeited moneys shall be paid to the treasurer of state for deposit into the peace officer training commission fund.

(3)(a)(i) Prior to being allocated or using any proceeds or forfeited moneys out of the state highway patrol contraband, forfeiture, and other fund, the liquor enforcement contraband, forfeiture, and other fund, the food stamp contraband, seizure, and other fund, the board of pharmacy drug law enforcement fund, or a law enforcement trust fund under division (D)(1)(c) of this section, the state highway patrol, the department of public safety, the state board of pharmacy, and a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall adopt a written internal control policy that addresses the state highway patrol's, department of public safety's, state board of pharmacy's, sheriff's, prosecuting attorney's, police department's, police force's, office of the constable's, or law enforcement department's use and disposition of all the proceeds and forfeited moneys received and that provides for the keeping of detailed financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section. The policy shall

not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

All financial records of the receipts of the proceeds and forfeited moneys, the general types of expenditures made out of the proceeds and forfeited moneys, the specific amount of each general type of expenditure by the state highway patrol, by the department of public safety, by the state board of pharmacy, and by a sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department, and the amounts, portions, and programs described in division (D)(3)(a)(ii) of this section are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is a public record of that nature, and the state highway patrol, the department of public safety, the state board of pharmacy, or the sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department that adopted it shall comply with it.

(ii) The written internal control policy of a county sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, and at least twenty per cent of the proceeds and forfeited moneys exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner in which the described percentages are so used shall be determined by the sheriff, prosecuting attorney, department, police force, or office of the constable after the receipt and consideration of advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue. The financial records described in division (D)(3)(a)(i) of this section shall specify the amount of the proceeds and forfeited moneys deposited during each calendar year in the sheriff's, prosecuting attorney's, municipal corporation's, township's, or park district's law enforcement trust

fund pursuant to division (B)(7)(c)(ii) of section 2923.46 or division (B)(8)(c)(ii) of section 2925.44 of the Revised Code, the portion of that amount that was used pursuant to the requirements of this division, and the community preventive education programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" includes, but is not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse.

(b) Each sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department that receives in any calendar year any proceeds or forfeited moneys out of a law enforcement trust fund under division (D)(1)(c) of this section or uses any proceeds or forfeited moneys in its law enforcement trust fund in any calendar year shall prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the sheriff, prosecuting attorney, municipal corporation police department, township police department, township police district police force, office of the constable, or park district police force or law enforcement department pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general.

The superintendent of the state highway patrol shall prepare a report covering each calendar year in which the state highway patrol uses any proceeds or forfeited moneys in the state highway patrol contraband, forfeiture, and other fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the state highway patrol pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general.

The department of public safety shall prepare a report covering each fiscal year in which the department uses any proceeds or forfeited moneys in the liquor enforcement contraband, seizure, and other fund and the food stamp contraband, forfeiture, and other fund under division (D)(1)(c) of this section that cumulates all of the information contained in all of the public financial records kept by the department pursuant to division (D)(3)(a) of this section for that fiscal year. The department shall send a copy of the

cumulative report to the attorney general no later than the first day of August in the fiscal year following the fiscal year covered by the report. The director of public safety shall include in the report a verification that proceeds and forfeited moneys paid into the liquor enforcement contraband, seizure, and other fund and the food stamp contraband, forfeiture, and other fund under division (D)(1)(c) of this section during the preceding fiscal year were used by the department during that fiscal year only for the purposes authorized by that division and shall specify the amount used for each authorized purpose.

The executive director of the state board of pharmacy shall prepare a report covering each calendar year in which the board uses any proceeds or forfeited moneys in the board of pharmacy drug law enforcement fund under division (D)(1)(c) of this section, that cumulates all of the information contained in all of the public financial records kept by the board pursuant to division (D)(3)(a) of this section for that calendar year, and shall send a copy of the cumulative report, no later than the first day of March in the calendar year following the calendar year covered by the report, to the attorney general. Each report received by the attorney general is a public record open for inspection under section 149.43 of the Revised Code. Not later than the fifteenth day of April in the calendar year in which the reports are received, the attorney general shall send to the president of the senate and the speaker of the house of representatives a written notification that does all of the following:

(i) Indicates that the attorney general has received from entities or persons specified in this division reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(ii) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(iii) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(4)(a) A law enforcement agency that receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys shall deposit, use, and account for the proceeds or forfeited moneys in accordance with, and otherwise comply with, the applicable federal law.

(b) If the state highway patrol receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate

governmental officials shall deposit into the state highway patrol contraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds or forfeited moneys. The state highway patrol shall use and account for that interest or other earnings in accordance with the applicable federal law.

(c) If the liquor enforcement unit of the department of public safety receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate governmental officials shall deposit into the liquor enforcement contraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds or forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(d) If the food stamp fraud unit of the department of public safety receives pursuant to federal law proceeds from a sale of forfeited contraband, proceeds from another disposition of forfeited contraband, or forfeited contraband moneys, the appropriate governmental officials shall deposit into the food stamp contraband, forfeiture, and other fund all interest or other earnings derived from the investment of the proceeds or forfeited moneys. The department shall use and account for that interest or other earnings in accordance with the applicable federal law.

(e) Divisions (D)(1) to (3) of this section do not apply to proceeds or forfeited moneys received pursuant to federal law or to the interest or other earnings that are derived from the investment of proceeds or forfeited moneys received pursuant to federal law and that are described in division (D)(4)(b) of this section.

(E) Upon the sale pursuant to this section of any property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title pursuant to division (C) of this section and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration.

(F) Notwithstanding any provisions of this section to the contrary, any property that is lawfully seized in relation to a violation of section 2923.32 of the Revised Code shall be subject to forfeiture and disposition in accordance with sections 2923.32 to 2923.36 of the Revised Code; any property that is forfeited pursuant to section 2923.44 or 2923.45 Of the Revised Code in relation to a violation of section 2923.42 Of the Revised Code or in relation to an act of a juvenile that is a violation of section 2923.42 Of the Revised Code may be subject to forfeiture and disposition in

accordance with sections 2923.44 to 2923.47 Of the Revised Code; and any property that is forfeited pursuant to section 2925.42 or 2925.43 of the Revised Code in relation to a felony drug abuse offense, as defined in section 2925.01 of the Revised Code, or in relation to an act that, if committed by an adult, would be a felony drug abuse offense of that nature, may be subject to forfeiture and disposition in accordance with sections 2925.41 to 2925.45 of the Revised Code or this section.

(G) Any failure of a law enforcement officer or agency, a prosecuting attorney, village solicitor, city director of law, or similar chief legal officer, a court, or the attorney general to comply with any duty imposed by this section in relation to any property seized or with any other provision of this section in relation to any property seized does not affect the validity of the seizure of the property, provided the seizure itself was made in accordance with law, and is not and shall not be considered to be the basis for the suppression of any evidence resulting from the seizure of the property, provided the seizure itself was made in accordance with law.

(H) Contraband that has been forfeited pursuant to division (C) of this section shall not be available for use to pay any fine imposed upon a person who is convicted of or pleads guilty to an underlying criminal offense or a different offense arising out of the same facts and circumstances.

Sec. 2933.44. (A) As used in this section, "juvenile-related forfeiture order" means any order of forfeiture issued by a juvenile court under section 2923.32, 2923.44, 2923.45, 2925.42, 2925.43, or 2933.43 of the Revised Code and any order of disposition of property issued by a court under section 2933.41 of the Revised Code regarding property that was in the possession of a law enforcement agency in relation to a delinquent child proceeding in a juvenile court.

(B) Each certified alcohol and drug addiction treatment program that receives in any calendar year money under division (D)(1)(a) of section 2923.35, division (B)(7)(c)(i) of section 2923.46, division (B)(8)(c)(i) of section 2925.44, division (E)(1)(a) of section 2933.41, or division (D)(1)(c)(i) of section 2933.43 of the Revised Code subsequent to the issuance of any juvenile-related forfeiture order shall file an annual report for that calendar year with the attorney general and with the court of common pleas and board of county commissioners of the county in which the program is located and of any other county from which the program received money under any of those divisions subsequent to the issuance of the juvenile-related forfeiture order. The program shall file the report on or before the first day of March in the calendar year following the calendar year in which the program received the money. The report shall include

statistics on the number of persons the program served, identify the types of treatment services it provided to those persons, and include a specific accounting of the purposes for which it used the money so received. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the program.

Sec. 2941.142. (A) Imposition of a mandatory prison term of one, two, or three years pursuant to division (I) of section 2929.14 of the Revised Code upon an offender who committed a felony that is an offense of violence while participating in a criminal gang is precluded unless the indictment, count in the indictment, or information charging the felony specifies that the offender committed the felony that is an offense of violence while participating in a criminal gang. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The grand jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender committed the felony that is an offense of violence while participating in a criminal gang.)"

(B) As used in this section, "criminal gang" has the same meaning as in section 2923.41 of the Revised Code.

Sec. 3719.11. All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, ~~which~~ that have come into the custody of a peace officer, shall be forfeited pursuant to sections 2923.44 TO 2923.47, 2925.41 to 2925.45, 2933.41, or 2933.43 of the Revised Code, and, unless any such section provides for a different manner of disposition, shall be disposed of as follows:

(A) The court or magistrate having jurisdiction shall order the controlled substances forfeited and destroyed. The agency served by the peace officer who obtained or took custody of the controlled substances may destroy them or may send them to the bureau of criminal identification and investigation for destruction by it. A record of the place where the controlled substances were seized, of the kinds and quantities of controlled substances so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting the destruction, shall be made by the officer who destroys them to the court or magistrate and to the United States director, bureau of narcotics and dangerous drugs.

(B) Upon written application by the department of health, the court or magistrate that ordered the forfeiture of the controlled substances may order the delivery of any of them, except heroin and its salts and derivatives, to

the department for distribution or destruction as provided in this section.

(C) Upon application by any hospital within this state that is not operated for private gain, the department of health may deliver any controlled substances that have come into its custody pursuant to this section to the applicant for medicinal use. The department may deliver excess stocks of the controlled substances to the United States director, bureau of narcotics and dangerous drugs, or may destroy the excess stocks.

(D) The department of health shall keep a complete record of all controlled substances received pursuant to this section and of all controlled substances disposed of pursuant to this section, showing all of the following:

- (1) The exact kinds, quantities, and forms of the controlled substances;
- (2) The persons from whom they were received and to whom they were delivered;
- (3) By whose authority they were received, delivered, or destroyed;
- (4) The dates of their receipt, delivery, or destruction.

(E) The record required by this section shall be open to inspection by all federal and state officers charged with the enforcement of federal and state narcotic and drug abuse control laws.

Sec. 3719.21. Except as provided in division (C) of section 2923.42, division (B)(5) of section 2923.44, divisions (D)(1), (F), and (H) of section 2925.03, division (D)(1) of section 2925.02, 2925.04, or 2925.05, division (E)(1) of section 2925.11, division (F) of section 2925.13 or 2925.36, division (D) of section 2925.22, division (H) of section 2925.23, division (M) of section 2925.37, division (B)(5) of section 2925.42, division (B) of section 2929.18, division (D) of section 3719.99, division (B)(1) of section 4729.65, and division (E)(3) of section 4729.99 of the Revised Code, the clerk of the court shall pay all fines or forfeited bail assessed and collected under prosecutions or prosecutions commenced for violations of this chapter, section 2923.42 Of the Revised Code, or Chapter 2925. of the Revised Code, within thirty days, to the executive director of the state board of pharmacy, and the executive director shall deposit the fines into the state treasury to the credit of the occupational licensing and regulatory fund.

Sec. 3767.02. (A) Any person, who uses, occupies, establishes, or conducts a nuisance, or aids or abets therein, and in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of any an interest in any such nuisance together with the persons; any person who is employed in or in control of any such that nuisance by any such that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance and shall be enjoined as provided in sections 3767.03 to 3767.06, inclusive, 3767.11 of the Revised Code.

(B) A criminal gang that uses or occupies any building, premises, or real estate, including vacant land, on more than two occasions within a one-year period to engage in a pattern of criminal gang activity is guilty of maintaining a nuisance and shall be enjoined as provided in sections 3767.03 to 3767.11 Of the Revised Code. As used in this division, "criminal gang" and "pattern of criminal gang activity" have the same meanings as in section 2923.41 Of the Revised Code.

Sec. 4729.65. (A) Except as provided in division (B) of this section, all receipts of the state board of pharmacy, from any source, shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the president or executive director of the board, or both, as authorized by the board. All initial issuance fees and renewal fees required by sections 4729.01 to 4729.54 of the Revised Code shall be payable by the applicant at the time of making application.

(B)(1) There is hereby created in the state treasury the board of pharmacy drug law enforcement fund. All moneys that are derived from any fines, mandatory fines, or forfeited bail to which the board may be entitled under Chapter 2925., division (C)(1) of section 2923.42, or division (B)(5) of section 2925.42 of the Revised Code and all moneys that are derived from forfeitures of property to which the board may be entitled pursuant to Chapter 2925. of the Revised Code, section 2923.32, 2923.35, 2923.44, 2923.45, 2923.46, or 2933.43 of the Revised Code, any other section of the Revised Code, or federal law shall be deposited into the fund. Subject to division (B)(2) of this section, division (D)(2)(c) of section 2923.35, division (B)(5) of section 2923.44, division (B)(7)(c) of section 2923.46, and divisions (D)(1)(c) and (3) of section 2933.43 of the Revised Code, the moneys in the fund shall be used solely to subsidize the drug law enforcement efforts of the board.

(2) Notwithstanding any contrary provision in the Revised Code, moneys that are derived from forfeitures of property pursuant to federal law and that are deposited into the board of pharmacy drug law enforcement fund in accordance with division (B)(1) of this section shall be used and accounted for in accordance with the applicable federal law, and the board otherwise shall comply with that law in connection with the moneys.

(C) All fines and forfeited bonds assessed and collected under prosecution or prosecution commenced in the enforcement of this chapter shall be paid to the executive director of the board within thirty days and by the executive director paid into the state treasury to the credit of the occupational licensing and regulatory fund. The board, subject to the

approval of the controlling board and except for fees required to be established by the board at amounts "adequate" to cover designated expenses, may establish fees in excess of the amounts provided by this chapter, provided that such fees do not exceed the amounts permitted by this chapter by more than fifty per cent.

SECTION 2. That existing sections 109.57, 109.60, 109.61, 109.83, 177.01, 177.02, 177.03, 2151.18, 2151.313, 2151.355, 2151.356, 2929.14, 2933.41, 2933.43, 2933.44, 3719.11, 3719.21, 3767.02, and 4729.65 of the Revised Code are hereby repealed.

SECTION 3. (A) The General Assembly finds that it is the right of every individual, regardless of race, color, creed, religion, national origin, sex, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this act to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of grievances, and to participate in the electoral process.

(B) The General Assembly finds, however, that the state of Ohio is facing a mounting crisis caused by criminal gangs whose members threaten and terrorize peaceful citizens and commit a multitude of crimes. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.

(C) It is the intent of the General Assembly to eradicate the terror created by criminal gangs by providing enhanced penalties and by eliminating the patterns, profits, proceeds, and instrumentalities of criminal gang activity.

SECTION 4. Sections 1, 2, and 3 of this act shall take effect January 1, 1999.

SECTION 5. Section 2929.14 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 32 and Am. Sub. S.B. 111 of the 122nd General Assembly and by Am. Sub. H.B. 88 of the 121st General Assembly, with the new language of none of the acts shown in capital letters. Section 3719.21 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 269 and Am. Sub. S.B. 166 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_