

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 120

Representative Latta

Cosponsors: Representatives Chandler, Combs, Hughes, Otterman

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A B I L L

To amend sections 2152.20, 2981.01, 2981.11, and 1
2981.13 of the Revised Code to eliminate 2
unnecessary and inconsistent language mistakenly 3
retained by Sub. H.B. 241 of the 126th General 4
Assembly, to include in the law's forfeiture 5
provisions language regarding the Department of 6
Taxation that was omitted by that act, and to 7
declare an emergency. 8

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

Section 1. That sections 2152.20, 2981.01, 2981.11, and 9
2981.13 of the Revised Code be amended to read as follows: 10

Sec. 2152.20. (A) If a child is adjudicated a delinquent 11
child or a juvenile traffic offender, the court may order any of 12
the following dispositions, in addition to any other disposition 13
authorized or required by this chapter: 14

(1) Impose a fine in accordance with the following schedule: 15

(a) For an act that would be a minor misdemeanor or an 16
unclassified misdemeanor if committed by an adult, a fine not to 17
exceed fifty dollars; 18

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| (b) For an act that would be a misdemeanor of the fourth degree if committed by an adult, a fine not to exceed one hundred dollars; | 19 20 21 |
| (c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars; | 22 23 24 |
| (d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars; | 25 26 27 |
| (e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars; | 28 29 30 |
| (f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars; | 31 32 33 |
| (g) For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed four hundred dollars; | 34 35 |
| (h) For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed seven hundred fifty dollars; | 36 37 38 |
| (i) For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed one thousand dollars; | 39 40 |
| (j) For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed one thousand five hundred dollars; | 41 42 43 |
| (k) For an act that would be aggravated murder or murder if committed by an adult, a fine not to exceed two thousand dollars. | 44 45 |
| (2) Require the child to pay costs; | 46 |
| (3) Unless the child's delinquent act or juvenile traffic offense would be a minor misdemeanor if committed by an adult or | 47 48 |

could be disposed of by the juvenile traffic violations bureau 49
serving the court under Traffic Rule 13.1 if the court has 50
established a juvenile traffic violations bureau, require the 51
child to make restitution to the victim of the child's delinquent 52
act or juvenile traffic offense or, if the victim is deceased, to 53
a survivor of the victim in an amount based upon the victim's 54
economic loss caused by or related to the delinquent act or 55
juvenile traffic offense. The court may not require a child to 56
make restitution pursuant to this division if the child's 57
delinquent act or juvenile traffic offense would be a minor 58
misdemeanor if committed by an adult or could be disposed of by 59
the juvenile traffic violations bureau serving the court under 60
Traffic Rule 13.1 if the court has established a juvenile traffic 61
violations bureau. If the court requires restitution under this 62
division, the restitution shall be made directly to the victim in 63
open court or to the probation department that serves the 64
jurisdiction or the clerk of courts on behalf of the victim. 65

If the court requires restitution under this division, the 66
restitution may be in the form of a cash reimbursement paid in a 67
lump sum or in installments, the performance of repair work to 68
restore any damaged property to its original condition, the 69
performance of a reasonable amount of labor for the victim or 70
survivor of the victim, the performance of community service work, 71
any other form of restitution devised by the court, or any 72
combination of the previously described forms of restitution. 73

If the court requires restitution under this division, the 74
court may base the restitution order on an amount recommended by 75
the victim or survivor of the victim, the delinquent child, the 76
juvenile traffic offender, a presentence investigation report, 77
estimates or receipts indicating the cost of repairing or 78
replacing property, and any other information, provided that the 79
amount the court orders as restitution shall not exceed the amount 80

of the economic loss suffered by the victim as a direct and 81
proximate result of the delinquent act or juvenile traffic 82
offense. If the court decides to order restitution under this 83
division and the amount of the restitution is disputed by the 84
victim or survivor or by the delinquent child or juvenile traffic 85
offender, the court shall hold a hearing on the restitution. If 86
the court requires restitution under this division, the court 87
shall determine, or order the determination of, the amount of 88
restitution to be paid by the delinquent child or juvenile traffic 89
offender. All restitution payments shall be credited against any 90
recovery of economic loss in a civil action brought by or on 91
behalf of the victim against the delinquent child or juvenile 92
traffic offender or the delinquent child's or juvenile traffic 93
offender's parent, guardian, or other custodian. 94

If the court requires restitution under this division, the 95
court may order that the delinquent child or juvenile traffic 96
offender pay a surcharge, in an amount not exceeding five per cent 97
of the amount of restitution otherwise ordered under this 98
division, to the entity responsible for collecting and processing 99
the restitution payments. 100

The victim or the survivor of the victim may request that the 101
prosecuting authority file a motion, or the delinquent child or 102
juvenile traffic offender may file a motion, for modification of 103
the payment terms of any restitution ordered under this division. 104
If the court grants the motion, it may modify the payment terms as 105
it determines appropriate. 106

(4) Require the child to reimburse any or all of the costs 107
incurred for services or sanctions provided or imposed, including, 108
but not limited to, the following: 109

(a) All or part of the costs of implementing any community 110
control imposed as a disposition under section 2152.19 of the 111
Revised Code, including a supervision fee; 112

(b) All or part of the costs of confinement in a residential facility described in section 2152.19 of the Revised Code or in a department of youth services institution, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment provided, and the costs of repairing property the delinquent child damaged while so confined. The amount of reimbursement ordered for a child under this division shall not exceed the total amount of reimbursement the child is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement. The court may collect any reimbursement ordered under this division. If the court does not order reimbursement under this division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code and division (D) of section 307.93, division (A) of section 341.19, division (C) of section 341.23 or 753.16, division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code.

(B) Chapter 2981. of the Revised Code applies to a child who is adjudicated a delinquent child for violating section 2923.32 or 2923.42 of the Revised Code or for committing an act that, if committed by an adult, would be a felony drug abuse offense.

~~(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.~~

(C) The court may hold a hearing if necessary to determine

whether a child is able to pay a sanction under this section. 145

(D) If a child who is adjudicated a delinquent child is 146
indigent, the court shall consider imposing a term of community 147
service under division (A) of section 2152.19 of the Revised Code 148
in lieu of imposing a financial sanction under this section. If a 149
child who is adjudicated a delinquent child is not indigent, the 150
court may impose a term of community service under that division 151
in lieu of, or in addition to, imposing a financial sanction under 152
this section. The court may order community service for an act 153
that if committed by an adult would be a minor misdemeanor. 154

If a child fails to pay a financial sanction imposed under 155
this section, the court may impose a term of community service in 156
lieu of the sanction. 157

(E) The clerk of the court, or another person authorized by 158
law or by the court to collect a financial sanction imposed under 159
this section, may do any of the following: 160

(1) Enter into contracts with one or more public agencies or 161
private vendors for the collection of the amounts due under the 162
financial sanction, which amounts may include interest from the 163
date of imposition of the financial sanction; 164

(2) Permit payment of all, or any portion of, the financial 165
sanction in installments, by credit or debit card, by another type 166
of electronic transfer, or by any other reasonable method, within 167
any period of time, and on any terms that the court considers 168
just, except that the maximum time permitted for payment shall not 169
exceed five years. The clerk may pay any fee associated with 170
processing an electronic transfer out of public money and may 171
charge the fee to the delinquent child. 172

(3) To defray administrative costs, charge a reasonable fee 173
to a child who elects a payment plan rather than a lump sum 174
payment of a financial sanction. 175

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| Sec. 2981.01. (A) Forfeitures under this chapter shall be | 176 |
| governed by all of the following purposes: | 177 |
| (1) To provide economic disincentives and remedies to deter | 178 |
| and offset the economic effect of offenses by seizing and | 179 |
| forfeiting contraband, proceeds, and certain instrumentalities; | 180 |
| (2) To ensure that seizures and forfeitures of | 181 |
| instrumentalities are proportionate to the offense committed; | 182 |
| (3) To protect third parties from wrongful forfeiture of | 183 |
| their property; | 184 |
| (4) To prioritize restitution for victims of offenses. | 185 |
| (B) As used in this chapter: | 186 |
| (1) "Aircraft" has the same meaning as in section 4561.01 of | 187 |
| the Revised Code. | 188 |
| (2) "Computers," "computer networks," "computer systems," | 189 |
| "computer software," and "telecommunications device" have the same | 190 |
| meanings as in section 2913.01 of the Revised Code. | 191 |
| (3) "Financial institution" means a bank, credit union, | 192 |
| savings and loan association, or a licensee or registrant under | 193 |
| Chapter 1321. of the Revised Code. | 194 |
| (4) "Firearm" and "dangerous ordnance" have the same meanings | 195 |
| as in section 2923.11 of the Revised Code. | 196 |
| (5) "Innocent person" includes any bona fide purchaser of | 197 |
| property that is subject to forfeiture, including any person who | 198 |
| establishes a valid claim to or interest in the property in | 199 |
| accordance with section 2923.04 of the Revised Code, and any | 200 |
| victim of an alleged offense. | 201 |
| (6) "Instrumentality" means property otherwise lawful to | 202 |
| possess that is used in or intended to be used in an offense. An | 203 |
| "instrumentality" may include, but is not limited to, a firearm, a | 204 |

mobile instrumentality, a computer, a computer network, a computer 205
system, computer software, a telecommunications device, money, and 206
any other means of exchange. 207

(7) "Law enforcement agency" includes, but is not limited to, 208
the state board of pharmacy, the enforcement division of the 209
department of taxation, and the office of the prosecutor. 210

(8) "Mobile instrumentality" means an instrumentality that is 211
inherently mobile and used in the routine transport of persons. 212
"Mobile instrumentality" includes, but is not limited to, any 213
vehicle, any watercraft, and any aircraft. 214

(9) "Money" has the same meaning as in section 1301.01 of the 215
Revised Code. 216

(10) "Offense" means any act or omission that could be 217
charged as a criminal offense or a delinquent act, whether or not 218
a formal criminal prosecution or delinquent child proceeding began 219
at the time the forfeiture is initiated. Except as otherwise 220
specified, an offense for which property may be forfeited includes 221
any felony and any misdemeanor. The commission of an "offense" 222
includes the commission of a delinquent act. 223

(11) "Proceeds" means both of the following: 224

(a) In cases involving unlawful goods, services, or 225
activities, "proceeds" means any property derived directly or 226
indirectly from an offense. "Proceeds" may include, but is not 227
limited to, money or any other means of exchange. "Proceeds" is 228
not limited to the net gain or profit realized from the offense. 229

(b) In cases involving lawful goods or services that are sold 230
or provided in an unlawful manner, "proceeds" means the amount of 231
money or other means of exchange acquired through the illegal 232
transactions resulting in the forfeiture, less the direct costs 233
lawfully incurred in providing the goods or services. The lawful 234
costs deduction does not include any part of the overhead expenses 235

of, or income taxes paid by, the entity providing the goods or 236
services. The alleged offender or delinquent child has the burden 237
to prove that any costs are lawfully incurred. 238

(12) "Property" means "property" as defined in section 239
2901.01 of the Revised Code and any benefit, privilege, claim, 240
position, interest in an enterprise, or right derived, directly or 241
indirectly, from the offense. 242

(13) "Property subject to forfeiture" includes contraband and 243
proceeds and may include instrumentalities as provided in this 244
chapter. 245

(14) "Prosecutor" has the same meaning as in section 2935.01 246
of the Revised Code. When relevant, "prosecutor" also includes the 247
attorney general. 248

(15) "Vehicle" has the same meaning as in section 4501.01 of 249
the Revised Code. 250

(16) "Watercraft" has the same meaning as in section 1547.01 251
of the Revised Code. 252

(C) The penalties and procedures under Chapters 2923., 2925., 253
and 2933. of the Revised Code remain in effect to the extent that 254
they do not conflict with this chapter. 255

Sec. 2981.11. (A)(1) Any property that has been lost, 256
abandoned, stolen, seized pursuant to a search warrant, or 257
otherwise lawfully seized or forfeited and that is in the custody 258
of a law enforcement agency shall be kept safely by the agency, 259
pending the time it no longer is needed as evidence or for another 260
lawful purpose, and shall be disposed of pursuant to sections 261
2981.12 and 2981.13 of the Revised Code. 262

(2) This chapter does not apply to the custody and disposal 263
of any of the following: 264

(a) Vehicles subject to forfeiture under Title XLV of the 265

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| Revised Code, except as provided in division (A)(6) of section | 266 |
| 2981.12 of the Revised Code; | 267 |
| (b) Abandoned junk motor vehicles or other property of | 268 |
| negligible value; | 269 |
| (c) Property held by a department of rehabilitation and | 270 |
| correction institution that is unclaimed, that does not have an | 271 |
| identified owner, that the owner agrees to dispose of, or that is | 272 |
| identified by the department as having little value; | 273 |
| (d) Animals taken, and devices used in unlawfully taking | 274 |
| animals, under section 1531.20 of the Revised Code; | 275 |
| (e) Controlled substances sold by a peace officer in the | 276 |
| performance of the officer's official duties under section | 277 |
| 3719.141 of the Revised Code; | 278 |
| (f) Property recovered by a township law enforcement agency | 279 |
| under sections 505.105 to 505.109 of the Revised Code; | 280 |
| (g) Property held and disposed of under an ordinance of the | 281 |
| municipal corporation or under sections 737.29 to 737.33 of the | 282 |
| Revised Code, except that a municipal corporation that has | 283 |
| received notice of a citizens' reward program as provided in | 284 |
| division (F) of section 2981.12 of the Revised Code and disposes | 285 |
| of property under an ordinance shall pay twenty-five per cent of | 286 |
| any moneys acquired from any sale or auction to the citizens' | 287 |
| reward program. | 288 |
| (B)(1) Each law enforcement agency that has custody of any | 289 |
| property that is subject to this section shall adopt and comply | 290 |
| with a written internal control policy that does all of the | 291 |
| following: | 292 |
| (a) Provides for keeping detailed records as to the amount of | 293 |
| property acquired by the agency and the date property was | 294 |
| acquired; | 295 |

(b) Provides for keeping detailed records of the disposition 296
of the property, which shall include, but not be limited to, both 297
of the following: 298

(i) The manner in which it was disposed, the date of 299
disposition, detailed financial records concerning any property 300
sold, and the name of any person who received the property. The 301
record shall not identify or enable identification of the 302
individual officer who seized any item of property. 303

(ii) The general types of expenditures made with amounts that 304
are gained from the sale of the property and that are retained by 305
the agency, including the specific amount expended on each general 306
type of expenditure, except that the policy shall not provide for 307
or permit the identification of any specific expenditure that is 308
made in an ongoing investigation. 309

(c) Complies with section 2981.13 of the Revised Code if the 310
agency has a law enforcement trust fund or similar fund created 311
under that section. 312

(2) Each law enforcement agency that during any calendar year 313
has any seized or forfeited property covered by this section in 314
its custody, including amounts distributed under section 2981.13 315
of the Revised Code to its law enforcement trust fund or a similar 316
fund created for the state highway patrol, department of public 317
safety, department of taxation, or state board of pharmacy, shall 318
prepare a report covering the calendar year that cumulates all of 319
the information contained in all of the public records kept by the 320
agency pursuant to this section for that calendar year. The agency 321
shall send a copy of the cumulative report to the attorney general 322
not later than the first day of March in the calendar year 323
following the calendar year covered by the report. 324

(3) The records kept under the internal control policy shall 325
be open to public inspection during the agency's regular business 326

hours. The policy adopted under this section and each report 327
received by the attorney general is a public record open for 328
inspection under section 149.43 of the Revised Code. 329

(4) Not later than the fifteenth day of April in each 330
calendar year in which reports are sent to the attorney general 331
under division (B)(2) of this section, the attorney general shall 332
send to the president of the senate and the speaker of the house 333
of representatives a written notice that indicates that the 334
attorney general received reports that cover the previous calendar 335
year, that the reports are open for inspection under section 336
149.43 of the Revised Code, and that the attorney general will 337
provide a copy of any or all of the reports to the president of 338
the senate or the speaker of the house of representatives upon 339
request. 340

(C) A law enforcement agency with custody of property to be 341
disposed of under section 2981.12 or 2981.13 of the Revised Code 342
shall make a reasonable effort to locate persons entitled to 343
possession of the property, to notify them of when and where it 344
may be claimed, and to return the property to them at the earliest 345
possible time. In the absence of evidence identifying persons 346
entitled to possession, it is sufficient notice to advertise in a 347
newspaper of general circulation in the county and to briefly 348
describe the nature of the property in custody and inviting 349
persons to view and establish their right to it. 350

(D) As used in sections 2981.11 to 2981.13 of the Revised 351
Code: 352

(1) "Citizens' reward program" has the same meaning as in 353
section 9.92 of the Revised Code. 354

(2) "Law enforcement agency" includes correctional 355
institutions. 356

(3) "Township law enforcement agency" means an organized 357

police department of a township, a township police district, a 358
joint township police district, or the office of a township 359
constable. 360

Sec. 2981.13. (A) Except as otherwise provided in this 361
section, property ordered forfeited as contraband, proceeds, or an 362
instrumentality pursuant to this chapter shall be disposed of, 363
used, or sold pursuant to section 2981.12 of the Revised Code. If 364
the property is to be sold under that section, the prosecutor 365
shall cause notice of the proposed sale to be given in accordance 366
with law. 367

(B) If the contraband or instrumentality forfeited under this 368
chapter is sold, any moneys acquired from a sale and any proceeds 369
forfeited under this chapter shall be applied in the following 370
order: 371

(1) First, to pay costs incurred in the seizure, storage, 372
maintenance, security, and sale of the property and in the 373
forfeiture proceeding; 374

(2) Second, in a criminal forfeiture case, to satisfy any 375
restitution ordered to the victim of the offense or, in a civil 376
forfeiture case, to satisfy any recovery ordered for the person 377
harmed, unless paid from other assets; 378

(3) Third, to pay the balance due on any security interest 379
preserved under this chapter; 380

(4) Fourth, apply the remaining amounts as follows: 381

(a) If the forfeiture was ordered by a juvenile court, ten 382
per cent to one or more certified alcohol and drug addiction 383
treatment programs as provided in division (D) of section 2981.12 384
of the Revised Code; 385

(b) If the forfeiture was ordered in a juvenile court, ninety 386
per cent, and if the forfeiture was ordered in a court other than 387

a juvenile court, one hundred per cent to the law enforcement 388
trust fund of the prosecutor and to the following fund supporting 389
the law enforcement agency that substantially conducted the 390
investigation: the law enforcement trust fund of the county 391
sheriff, municipal corporation, township, or park district created 392
under section 511.18 or 1545.01 of the Revised Code; the state 393
highway patrol contraband, forfeiture, and other fund; the 394
department of public safety investigative unit contraband, 395
forfeiture, and other fund; the department of taxation enforcement 396
fund; the board of pharmacy drug law enforcement fund created by 397
division (B)(1) of section 4729.65 of the Revised Code; the 398
medicaid fraud investigation and prosecution fund; or the 399
treasurer of state for deposit into the peace officer training 400
commission fund if any other state law enforcement agency 401
substantially conducted the investigation. In the case of property 402
forfeited for medicaid fraud, any remaining amount shall be used 403
by the attorney general to investigate and prosecute medicaid 404
fraud offenses. 405

If the prosecutor declines to accept any of the remaining 406
amounts, the amounts shall be applied to the fund of the agency 407
that substantially conducted the investigation. 408

(c) If more than one law enforcement agency is substantially 409
involved in the seizure of property forfeited under this chapter, 410
the court ordering the forfeiture shall equitably divide the 411
amounts, after calculating any distribution to the law enforcement 412
trust fund of the prosecutor pursuant to division (B)(4) of this 413
section, among the entities that the court determines were 414
substantially involved in the seizure. 415

(C)(1) A law enforcement trust fund shall be established by 416
the prosecutor of each county who intends to receive any remaining 417
amounts pursuant to this section, by the sheriff of each county, 418
by the legislative authority of each municipal corporation, by the 419

board of township trustees of each township that has a township 420
police department, township police district police force, or 421
office of the constable, and by the board of park commissioners of 422
each park district created pursuant to section 511.18 or 1545.01 423
of the Revised Code that has a park district police force or law 424
enforcement department, for the purposes of this section. 425

There is hereby created in the state treasury the state 426
highway patrol contraband, forfeiture, and other fund, the 427
department of public safety investigative unit contraband, 428
forfeiture, and other fund, the medicaid fraud investigation and 429
prosecution fund, the department of taxation enforcement fund, and 430
the peace officer training commission fund, for the purposes of 431
this section. 432

Amounts distributed to any municipal corporation, township, 433
or park district law enforcement trust fund shall be allocated 434
from the fund by the legislative authority only to the police 435
department of the municipal corporation, by the board of township 436
trustees only to the township police department, township police 437
district police force, or office of the constable, and by the 438
board of park commissioners only to the park district police force 439
or law enforcement department. 440

(2)(a) No amounts shall be allocated to a fund created under 441
this section or used by an agency unless the agency has adopted a 442
written internal control policy that addresses the use of moneys 443
received from the appropriate fund. The appropriate fund shall be 444
expended only in accordance with that policy and, subject to the 445
requirements specified in this section, only for the following 446
purposes: 447

(i) To pay the costs of protracted or complex investigations 448
or prosecutions; 449

(ii) To provide reasonable technical training or expertise; 450

(iii) 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;

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

(v) For other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, prosecutor, county sheriff, legislative authority, board of township trustees, or board of park commissioners determines to be appropriate.

(b) 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, except that it also may be expended to pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory.

(c) The state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the department of taxation enforcement 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 investigative unit of the department of public safety, of the state board of pharmacy, of any political subdivision, or of any office of a prosecutor or county sheriff that are unrelated to law

enforcement. 483

(d) Forfeited moneys that are paid into the state treasury to 484
be deposited into the peace officer training commission fund shall 485
be used by the commission only to pay the costs of peace officer 486
training. 487

(3) Any of the following offices or agencies that receive 488
amounts under this section during any calendar year shall file a 489
report with the specified entity, not later than the thirty-first 490
day of January of the next calendar year, verifying that the 491
moneys were expended only for the purposes authorized by this 492
section or other relevant statute and specifying the amounts 493
expended for each authorized purpose: 494

(a) Any sheriff or prosecutor shall file the report with the 495
county auditor. 496

(b) Any municipal corporation police department shall file 497
the report with the legislative authority of the municipal 498
corporation. 499

(c) Any township police department, township police district 500
police force, or office of the constable shall file the report 501
with the board of township trustees of the township. 502

(d) Any park district police force or law enforcement 503
department shall file the report with the board of park 504
commissioners of the park district. 505

(e) The superintendent of the state highway patrol and the 506
tax commissioner shall file the report with the attorney general. 507

(f) The executive director of the state board of pharmacy 508
shall file the report with the attorney general, verifying that 509
cash and forfeited proceeds paid into the board of pharmacy drug 510
law enforcement fund were used only in accordance with section 511
4729.65 of the Revised Code. 512

(g) The peace officer training commission shall file a report 513
with the attorney general, verifying that cash and forfeited 514
proceeds paid into the peace officer training commission fund 515
pursuant to this section during the prior calendar year were used 516
by the commission during the prior calendar year only to pay the 517
costs of peace officer training. 518

(D) The written internal control policy of a county sheriff, 519
prosecutor, municipal corporation police department, township 520
police department, township police district police force, office 521
of the constable, or park district police force or law enforcement 522
department shall provide that at least ten per cent of the first 523
one hundred thousand dollars of amounts deposited during each 524
calendar year in the agency's law enforcement trust fund under 525
this section, and at least twenty per cent of the amounts 526
exceeding one hundred thousand dollars that are so deposited, 527
shall be used in connection with community preventive education 528
programs. The manner of use shall be determined by the sheriff, 529
prosecutor, department, police force, or office of the constable 530
after receiving and considering advice on appropriate community 531
preventive education programs from the county's board of alcohol, 532
drug addiction, and mental health services, from the county's 533
alcohol and drug addiction services board, or through appropriate 534
community dialogue. 535

The financial records kept under the internal control policy 536
shall specify the amount deposited during each calendar year in 537
the portion of that amount that was used pursuant to this 538
division, and the programs in connection with which the portion of 539
that amount was so used. 540

As used in this division, "community preventive education 541
programs" include, but are not limited to, DARE programs and other 542
programs designed to educate adults or children with respect to 543
the dangers associated with using drugs of abuse. 544

(E) Upon the sale, under this section or section 2981.12 of 545
the Revised Code, of any property that is required by law to be 546
titled or registered, the state shall issue an appropriate 547
certificate of title or registration to the purchaser. If the 548
state is vested with title and elects to retain property that is 549
required to be titled or registered under law, the state shall 550
issue an appropriate certificate of title or registration. 551

(F) Any failure of a law enforcement officer or agency, 552
prosecutor, court, or the attorney general to comply with this 553
section in relation to any property seized does not affect the 554
validity of the seizure and shall not be considered to be the 555
basis for suppressing any evidence resulting from the seizure, 556
provided the seizure itself was lawful. 557

Section 2. That existing sections 2152.20, 2981.01, 2981.11, 558
and 2981.13 of the Revised Code are hereby repealed. 559

Section 3. Sections 1 and 2 of this act shall take effect on 560
July 1, 2007. 561

Section 4. This act is hereby declared to be an emergency 562
measure necessary for the immediate preservation of the public 563
peace, health, and safety. The reason for such necessity is that 564
it is crucial that this act's elimination of the unnecessary and 565
inconsistent language and its inclusion of the omitted language 566
regarding the Department of Taxation occur on July 1, 2007, which 567
is the effective date of Sub. H.B. 241 of the 126th General 568
Assembly. Therefore, this act shall go into immediate effect. 569