

As Introduced

**128th General Assembly
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H. B. No. 138

Representative Weddington

Cosponsors: Representatives Chandler, Boyd, Letson, Skindell

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A B I L L

To amend section 5120.13 of the Revised Code to 1
authorize an inmate of a state correctional 2
facility who has more than \$100 in a personal 3
account to request the investment of the amount 4
over \$100 in any series of United States savings 5
bonds or in certificates of deposit. 6

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

Section 1. That section 5120.13 of the Revised Code be 7
amended to read as follows: 8

Sec. 5120.13. (A) The department of rehabilitation and 9
correction shall accept and hold on behalf of the state, if it is 10
for the public interest, any grant, gift, devise, or bequest of 11
money or property made to or for the use or benefit of any 12
institution described in section 5120.05 of the Revised Code. The 13
department shall keep such gift, grant, devise, or bequest as a 14
distinct property or fund, and shall invest the same, if in money, 15
in the manner provided by law. The department may deposit in a 16
proper trust company or savings bank any fund left in trust during 17
a specified life or lives, and shall adopt rules governing the 18
deposit, transfer, withdrawal, or investment of such funds and the 19

income thereof. Upon the expiration of any trust according to its 20
terms, the department shall dispose of the funds or property held 21
thereunder in the manner provided in the instrument creating the 22
trust; except that, if the instrument creating the trust failed to 23
make any terms of disposition, or if no trust was in evidence, 24
then the decedent patient's, pupil's, or inmate's moneys, savings 25
or commercial deposits, dividends or distributions, bonds, or any 26
other interest bearing debt certificate or stamp issued by the 27
United States government shall escheat to the state. All such 28
unclaimed intangible personal property of a former inmate shall be 29
retained by the managing officer in such institution for the 30
period of one year during which time every possible effort shall 31
be made to find that former inmate or that former inmate's legal 32
representative. If, after a period of one year from the time such 33
inmate has left such institution or has died, the managing officer 34
is unable to locate the inmate or the inmate's legal 35
representative, upon proper notice of such fact, the director of 36
rehabilitation and correction shall at that time formulate in 37
writing a method of disposition on the minutes of the department 38
authorizing the managing officer of the institution to convert the 39
same to cash to be paid into the treasury of the state to the 40
credit of the general revenue fund. The department shall include 41
in the annual report a statement of all such funds and property 42
and the terms and conditions relating thereto. 43

Moneys or property deposited with managing officers of 44
institutions by relatives, guardians, conservators, and friends 45
for the special benefit of any inmate shall remain in the hands of 46
such officers for use accordingly. Such funds shall be deposited 47
in a personal deposit fund. Each such managing officer shall keep 48
an itemized book account of the receipt and disposition thereof, 49
which book shall be open at all times to the inspection of the 50
department. The department shall adopt rules governing the 51
deposit, transfer, withdrawal, or investment of such funds and the 52

income thereof. 53

(B) Whenever an inmate confined in any state institution 54
subject to the jurisdiction of the department dies, escapes, is 55
discharged or paroled from the institution, or is placed on a term 56
of post-release control under any section of the Revised Code and 57
personal funds of the person remain in the hands of the managing 58
officer of the institution and no demand is made upon the managing 59
officer by the owner of the funds or the owner's legally appointed 60
representative, the managing officer shall hold the funds in the 61
personal deposit fund for a period of at least one year during 62
which time the managing officer shall make every effort possible 63
to locate the owner or the owner's legally appointed 64
representative. 65

If, at the end of this period, no demand has been made for 66
the funds, the managing officer shall dispose of the funds as 67
follows: 68

(1) All moneys in a personal deposit fund in excess of ten 69
dollars due for the support of an inmate shall be paid into the 70
state's general revenue fund. 71

(2) All moneys in a personal deposit fund in excess of ten 72
dollars not due for the support of an inmate shall be placed to 73
the credit of the institution's local account designated as 74
"industrial and entertainment" fund. 75

(3) All moneys less than ten dollars to the credit of an 76
inmate shall be placed to the credit of the institution's local 77
account designated as "industrial and entertainment" fund. 78

(C) Whenever an inmate in any state institution subject to 79
the jurisdiction of the department dies, escapes, is discharged or 80
paroled from the institution or is placed on a term of 81
post-release control, and personal effects of the person remain in 82
the hands of the managing officer of the institution, and no 83

demand is made upon the managing officer by the owner of the 84
property or the owner's legally appointed representative, the 85
managing officer shall hold and dispose of such property as 86
follows: 87

All the miscellaneous personal effects shall be held for a 88
period of at least one year, during which time the managing 89
officer shall make every effort possible to locate the owner or 90
the owner's legal representative. If at the end of this period no 91
demand has been made by the owner of the property or the owner's 92
legal representative, the managing officer shall file with the 93
county recorder of the county of commitment of the owner, all 94
deeds, wills, contract mortgages, or assignments. The balance of 95
the personal effects shall be sold at public auction after being 96
duly advertised, and the funds turned over to the treasurer of 97
state for credit to the general revenue fund. If any of the 98
property is not of a type to be filed with the county recorder and 99
is not salable at public auction, then the managing officer of the 100
institution shall destroy the property. 101

(D) An inmate in any state institution subject to the 102
jurisdiction of the department who has a balance of more than one 103
hundred dollars in a personal account established under rules 104
adopted by the director of rehabilitation and correction may 105
request the warden of that institution or the warden's designee to 106
invest the amount in excess of one hundred dollars in any series 107
of United States savings bonds or in certificates of deposit. 108

Section 2. That existing section 5120.13 of the Revised Code 109
is hereby repealed. 110