

As Introduced

**129th General Assembly
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S. B. No. 348

Senators LaRose, Beagle

Cosponsors: Senators Cafaro, Jones, Manning

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A B I L L

To amend section 2981.12 and to enact sections 1
3701.137, 3701.138, 3707.60, and 3707.61 of the 2
Revised Code to provide for the remediation of 3
real property on which an illegal methamphetamine 4
manufacturing laboratory has been discovered. 5

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

Section 1. That section 2981.12 be amended and sections 6
3701.137, 3701.138, 3707.60, and 3707.61 of the Revised Code be 7
enacted to read as follows: 8

Sec. 2981.12. (A) Unclaimed or forfeited property in the 9
custody of a law enforcement agency, other than property described 10
in division (A)(2) of section 2981.11 of the Revised Code, shall 11
be disposed of by order of any court of record that has 12
territorial jurisdiction over the political subdivision that 13
employs the law enforcement agency, as follows: 14

(1) Drugs shall be disposed of pursuant to section 3719.11 of 15
the Revised Code or placed in the custody of the secretary of the 16
treasury of the United States for disposal or use for medical or 17
scientific purposes under applicable federal law. 18

(2) Firearms and dangerous ordnance suitable for police work 19

may be given to a law enforcement agency for that purpose. 20
Firearms suitable for sporting use or as museum pieces or 21
collectors' items may be sold at public auction pursuant to 22
division (B) of this section. The agency may sell other firearms 23
and dangerous ordnance to a federally licensed firearms dealer in 24
a manner that the court considers proper. The agency shall destroy 25
any firearms or dangerous ordnance not given to a law enforcement 26
agency or sold or shall send them to the bureau of criminal 27
identification and investigation for destruction by the bureau. 28

(3) Obscene materials shall be destroyed. 29

(4) Beer, intoxicating liquor, or alcohol seized from a 30
person who does not hold a permit issued under Chapters 4301. and 31
4303. of the Revised Code or otherwise forfeited to the state for 32
an offense under section 4301.45 or 4301.53 of the Revised Code 33
shall be sold by the division of liquor control if the division 34
determines that it is fit for sale or shall be placed in the 35
custody of the investigations unit in the department of public 36
safety and be used for training relating to law enforcement 37
activities. The department, with the assistance of the division of 38
liquor control, shall adopt rules in accordance with Chapter 119. 39
of the Revised Code to provide for the distribution to state or 40
local law enforcement agencies upon their request. If any tax 41
imposed under Title XLIII of the Revised Code has not been paid in 42
relation to the beer, intoxicating liquor, or alcohol, any moneys 43
acquired from the sale shall first be used to pay the tax. All 44
other money collected under this division shall be paid into the 45
state treasury. Any beer, intoxicating liquor, or alcohol that the 46
division determines to be unfit for sale shall be destroyed. 47

(5) Money received by an inmate of a correctional institution 48
from an unauthorized source or in an unauthorized manner shall be 49
returned to the sender, if known, or deposited in the inmates' 50
industrial and entertainment fund of the institution if the sender 51

is not known. 52

(6)(a) Any mobile instrumentality forfeited under this 53
chapter may be given to the law enforcement agency that initially 54
seized the mobile instrumentality for use in performing its 55
duties, if the agency wants the mobile instrumentality. The agency 56
shall take the mobile instrumentality subject to any security 57
interest or lien on the mobile instrumentality. 58

(b) Vehicles and vehicle parts forfeited under sections 59
4549.61 to 4549.63 of the Revised Code may be given to a law 60
enforcement agency for use in performing its duties. Those parts 61
may be incorporated into any other official vehicle. Parts that do 62
not bear vehicle identification numbers or derivatives of them may 63
be sold or disposed of as provided by rules of the director of 64
public safety. Parts from which a vehicle identification number or 65
derivative of it has been removed, defaced, covered, altered, or 66
destroyed and that are not suitable for police work or 67
incorporation into an official vehicle shall be destroyed and sold 68
as junk or scrap. 69

(7) Computers, computer networks, computer systems, and 70
computer software suitable for police work may be given to a law 71
enforcement agency for that purpose or disposed of under division 72
(B) of this section. 73

(8) Money seized in connection with the operation of an 74
illegal methamphetamine manufacturing laboratory as defined in 75
section 3745.13 of the Revised Code shall be deposited in the 76
contaminated property remediation fund created by section 3701.138 77
of the Revised Code. 78

(B) Unclaimed or forfeited property that is not described in 79
division (A) of this section or division (A)(2) of section 2981.11 80
of the Revised Code, with court approval, may be used by the law 81
enforcement agency in possession of it. If it is not used by the 82

agency, it may be sold without appraisal at a public auction to 83
the highest bidder for cash or disposed of in another manner that 84
the court considers proper. 85

(C) Except as provided in divisions (A) ~~and~~, (F), and (G) of 86
this section and after compliance with division (D) of this 87
section when applicable, any moneys acquired from the sale of 88
property disposed of pursuant to this section shall be placed in 89
the general revenue fund of the state, or the general fund of the 90
county, the township, or the municipal corporation of which the 91
law enforcement agency involved is an agency. 92

(D) If the property was in the possession of the law 93
enforcement agency in relation to a delinquent child proceeding in 94
a juvenile court, ten per cent of any moneys acquired from the 95
sale of property disposed of under this section shall be applied 96
to one or more alcohol and drug addiction treatment programs that 97
are certified by the department of alcohol and drug addiction 98
services under section 3793.06 of the Revised Code. A juvenile 99
court shall not specify a program, except as provided in this 100
division, unless the program is in the same county as the court or 101
in a contiguous county. If no certified program is located in any 102
of those counties, the juvenile court may specify a certified 103
program anywhere in Ohio. The remaining ninety per cent of the 104
proceeds or cash shall be applied as provided in division (C) of 105
this section. 106

Each treatment program that receives in any calendar year 107
forfeited money under this division shall file an annual report 108
for that year with the attorney general and with the court of 109
common pleas and board of county commissioners of the county in 110
which the program is located and of any other county from which 111
the program received forfeited money. The program shall file the 112
report on or before the first day of March in the calendar year 113
following the calendar year in which the program received the 114

money. The report shall include statistics on the number of 115
persons the program served, identify the types of treatment 116
services it provided to them, and include a specific accounting of 117
the purposes for which it used the money so received. No 118
information contained in the report shall identify, or enable a 119
person to determine the identity of, any person served by the 120
program. 121

(E) Each certified alcohol and drug addiction treatment 122
program that receives in any calendar year money under this 123
section or under section 2981.13 of the Revised Code as the result 124
of a juvenile forfeiture order shall file an annual report for 125
that calendar year with the attorney general and with the court of 126
common pleas and board of county commissioners of the county in 127
which the program is located and of any other county from which 128
the program received the money. The program shall file the report 129
on or before the first day of March in the calendar year following 130
the year in which the program received the money. The report shall 131
include statistics on the number of persons served with the money, 132
identify the types of treatment services provided, and 133
specifically account for how the money was used. No information in 134
the report shall identify or enable a person to determine the 135
identity of anyone served by the program. 136

As used in this division, "juvenile-related forfeiture order" 137
means any forfeiture order issued by a juvenile court under 138
section 2981.04 or 2981.05 of the Revised Code and any disposal of 139
property ordered by a court under section 2981.11 of the Revised 140
Code regarding property that was in the possession of a law 141
enforcement agency in relation to a delinquent child proceeding in 142
a juvenile court. 143

(F) Each board of county commissioners that recognizes a 144
citizens' reward program under section 9.92 of the Revised Code 145
shall notify each law enforcement agency of that county and of a 146

township or municipal corporation wholly located in that county of 147
the recognition by filing a copy of its resolution conferring that 148
recognition with each of those agencies. When the board recognizes 149
a citizens' reward program and the county includes a part, but not 150
all, of the territory of a municipal corporation, the board shall 151
so notify the law enforcement agency of that municipal corporation 152
of the recognition of the citizens' reward program only if the 153
county contains the highest percentage of the municipal 154
corporation's population. 155

Upon being so notified, each law enforcement agency shall pay 156
twenty-five per cent of any forfeited proceeds or cash derived 157
from each sale of property disposed of pursuant to this section, 158
except as otherwise provided by this section, to the citizens' 159
reward program for use exclusively to pay rewards. No part of the 160
funds may be used to pay expenses associated with the program. If 161
a citizens' reward program that operates in more than one county 162
or in another state in addition to this state receives funds under 163
this section, the funds shall be used to pay rewards only for tips 164
and information to law enforcement agencies concerning offenses 165
committed in the county from which the funds were received. 166

Receiving funds under this section or section 2981.11 of the 167
Revised Code does not make the citizens' reward program a 168
governmental unit or public office for purposes of section 149.43 169
of the Revised Code. 170

(G) Any money acquired from the sale of property seized in 171
connection with the operation of an illegal methamphetamine 172
manufacturing laboratory as defined in section 3745.13 of the 173
Revised Code shall be deposited in the contaminated property 174
remediation fund created by section 3701.138 of the Revised Code. 175

(H) Any property forfeited under this chapter shall not be 176
used to pay any fine imposed upon a person who is convicted of or 177
pleads guilty to an underlying criminal offense or a different 178

offense arising out of the same facts and circumstances. 179

Sec. 3701.137. (A) As used in this section and section 180
3701.136 of the Revised Code, "illegal methamphetamine 181
manufacturing laboratory" has the same meaning as in section 182
3745.13 of the Revised Code. 183

(B) The director of health shall adopt rules under Chapter 184
119. of the Revised Code that do all of the following: 185

(1) Provide for the maintenance of a list of persons 186
certified to inspect and remediate property, including but not 187
limited to, real property and motor vehicles, on or in which an 188
illegal methamphetamine manufacturing laboratory or its components 189
has been found. The rules may provide for the certification of 190
persons who meet specified qualifications to inspect and remediate 191
property of that nature. If the rules provide for certification of 192
persons to inspect and remediate property of that nature, they 193
shall include a fee to be paid by each person requesting 194
certification. The fee shall be used to help pay for the 195
maintenance of the list. 196

(2) Implement sections 3707.60 and 3707.61 of the Revised 197
Code and regulate the inspection and remediation of property, 198
including but not limited to, real property and motor vehicles, in 199
or on which an illegal methamphetamine manufacturing laboratory or 200
its components has been found. 201

(3) Create a procedure by which municipal corporations, 202
counties, and townships may apply for grants of money from the 203
contaminated property remediation fund created by section 3701.136 204
of the Revised Code. 205

Sec. 3701.138. There is hereby created in the state treasury 206
the contaminated property remediation fund consisting of money 207
seized in connection with an illegal methamphetamine manufacturing 208

laboratory and deposited pursuant to section 2981.12 of the 209
Revised Code and any other money that may be appropriated or 210
contributed to the fund. Money in the fund shall be used for the 211
sole purpose of eliminating the contamination of real property 212
caused by the operation of an illegal methamphetamine 213
manufacturing laboratory. The director of health shall make grants 214
from the fund to municipal corporations, counties, and townships 215
pursuant to rules adopted under section 3701.137 of the Revised 216
Code. 217

Sec. 3707.60. (A) As used in this section: 218

(1) "Board of health" means the board of health of a city or 219
general health district or the authority having the duties of a 220
board of health under section 3709.05 of the Revised Code. 221

(2) "Illegal methamphetamine manufacturing laboratory" has 222
the same meaning as in section 3745.13 of the Revised Code. 223

(3) "Written notice," when used in connection with notice 224
sent to a law enforcement agency, board of health, or public 225
children services agency, includes electronic notice. 226

(B) If a law enforcement agency discovers an illegal 227
methamphetamine manufacturing laboratory on real property, the law 228
enforcement agency that makes the discovery shall give written 229
notice to all of the following of the location of the real 230
property on which the laboratory is discovered, including the room 231
number or location within the building if the laboratory is in a 232
room of a hotel, motel, apartment building, nursing home, or 233
similar establishment: 234

(1) The owner of record of the real property; 235

(2) The board of health having jurisdiction over the real 236
property; 237

(3) The public children services agency having jurisdiction 238

over the real property, if it appears to the law enforcement 239
agency that children are living on the real property. 240

Sec. 3707.61. (A) Upon receiving notice of a discovery of an 241
illegal methamphetamine manufacturing laboratory under section 242
3707.60 of the Revised Code, a board of health shall do both of 243
the following: 244

(1) Declare the real property on which the laboratory is 245
located a public health hazard that may not be occupied or 246
transferred until the board of health determines that the property 247
is no longer a public health hazard; 248

(2) File a notice with the recorder of the county in which 249
the real property is located identifying the property and stating 250
that the property is a public health hazard that may not be 251
occupied or transferred until the board determines that the 252
property is no longer a public health hazard. 253

(B) When a board of health determines in accordance with 254
rules adopted by the director of health under section 3701.137 of 255
the Revised Code that real property declared by the board to be a 256
public health hazard is no longer a public health hazard, the 257
board shall file a notice with the county recorder stating that 258
the property is no longer a public health hazard and may be 259
occupied or transferred. 260

(C) Nothing in this section shall be construed as a 261
limitation on the authority of the state or any political 262
subdivision of the state to declare the real property on which the 263
laboratory is located a nuisance and to abate the nuisance. 264

Section 2. That existing section 2981.12 of the Revised Code 265
is hereby repealed. 266