

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 210**

**Representative Becker**

**Cosponsors: Representatives Lynch, Thompson, Hood, Retherford, Maag,  
Blessing, Brenner**

—

**A B I L L**

To amend sections 2981.01, 2981.12, and 2981.13 of 1  
the Revised Code to require the sale to a 2  
federally licensed firearms dealer of all 3  
unclaimed or forfeited firearms and dangerous 4  
ordnance in the possession of a law enforcement 5  
agency that are legal for persons to possess, that 6  
are not used by an agency for police work, and 7  
that are not otherwise sold for sporting use or as 8  
a museum piece or collectors' item. 9

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

**Section 1.** That sections 2981.01, 2981.12, and 2981.13 of the 10  
Revised Code be amended to read as follows: 11

**Sec. 2981.01.** (A) Forfeitures under this chapter shall be 12  
governed by all of the following purposes: 13

(1) To provide economic disincentives and remedies to deter 14  
and offset the economic effect of offenses by seizing and 15  
forfeiting contraband, proceeds, and certain instrumentalities; 16

(2) To ensure that seizures and forfeitures of 17  
instrumentalities are proportionate to the offense committed; 18

(3) To protect third parties from wrongful forfeiture of their property;	19 20
(4) To prioritize restitution for victims of offenses.	21
(B) As used in this chapter:	22
(1) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code.	23 24
(2) "Computers," "computer networks," "computer systems," "computer software," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	25 26 27
(3) <u>"Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.</u>	28 29
(4) <u>"Financial institution"</u> means a bank, credit union, savings and loan association, or a licensee or registrant under Chapter 1321. of the Revised Code.	30 31 32
<del>(4)</del> (5) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	33 34
<del>(5)</del> (6) "Innocent person" includes any bona fide purchaser of property that is subject to forfeiture, including any person who establishes a valid claim to or interest in the property in accordance with section 2923.04 of the Revised Code, and any victim of an alleged offense.	35 36 37 38 39
<del>(6)</del> (7) "Instrumentality" means property otherwise lawful to possess that is used in or intended to be used in an offense. An "instrumentality" may include, but is not limited to, a firearm, a mobile instrumentality, a computer, a computer network, a computer system, computer software, a telecommunications device, money, and any other means of exchange.	40 41 42 43 44 45
<del>(7)</del> (8) "Law enforcement agency" includes, but is not limited to, the state board of pharmacy, the enforcement division of the department of taxation, and the office of the prosecutor.	46 47 48

~~(8)~~(9) "Mobile instrumentality" means an instrumentality that 49  
is inherently mobile and used in the routine transport of persons. 50  
"Mobile instrumentality" includes, but is not limited to, any 51  
vehicle, any watercraft, and any aircraft. 52

~~(9)~~(10) "Money" has the same meaning as in section 1301.201 53  
of the Revised Code. 54

~~(10)~~(11) "Offense" means any act or omission that could be 55  
charged as a criminal offense or a delinquent act, whether or not 56  
a formal criminal prosecution or delinquent child proceeding began 57  
at the time the forfeiture is initiated. Except as otherwise 58  
specified, an offense for which property may be forfeited includes 59  
any felony and any misdemeanor. The commission of an "offense" 60  
includes the commission of a delinquent act. 61

~~(11)~~(12) "Proceeds" means both of the following: 62

(a) In cases involving unlawful goods, services, or 63  
activities, "proceeds" means any property derived directly or 64  
indirectly from an offense. "Proceeds" may include, but is not 65  
limited to, money or any other means of exchange. "Proceeds" is 66  
not limited to the net gain or profit realized from the offense. 67

(b) In cases involving lawful goods or services that are sold 68  
or provided in an unlawful manner, "proceeds" means the amount of 69  
money or other means of exchange acquired through the illegal 70  
transactions resulting in the forfeiture, less the direct costs 71  
lawfully incurred in providing the goods or services. The lawful 72  
costs deduction does not include any part of the overhead expenses 73  
of, or income taxes paid by, the entity providing the goods or 74  
services. The alleged offender or delinquent child has the burden 75  
to prove that any costs are lawfully incurred. 76

~~(12)~~(13) "Property" means "property" as defined in section 77  
2901.01 of the Revised Code and any benefit, privilege, claim, 78  
position, interest in an enterprise, or right derived, directly or 79

indirectly, from the offense. 80

~~(13)~~(14) "Property subject to forfeiture" includes contraband 81  
and proceeds and may include instrumentalities as provided in this 82  
chapter. 83

~~(14)~~(15) "Prosecutor" has the same meaning as in section 84  
2935.01 of the Revised Code. When relevant, "prosecutor" also 85  
includes the attorney general. 86

~~(15)~~(16) "Vehicle" has the same meaning as in section 4501.01 87  
of the Revised Code. 88

~~(16)~~(17) "Watercraft" has the same meaning as in section 89  
1547.01 of the Revised Code. 90

(C) The penalties and procedures under Chapters 2923., 2925., 91  
and 2933. of the Revised Code remain in effect to the extent that 92  
they do not conflict with this chapter. 93

**Sec. 2981.12.** (A) Unclaimed or forfeited property in the 94  
custody of a law enforcement agency, other than property described 95  
in division (A)(2) of section 2981.11 of the Revised Code, shall 96  
be disposed of by order of any court of record that has 97  
territorial jurisdiction over the political subdivision that 98  
employs the law enforcement agency, as follows: 99

(1) Drugs shall be disposed of pursuant to section 3719.11 of 100  
the Revised Code or placed in the custody of the secretary of the 101  
treasury of the United States for disposal or use for medical or 102  
scientific purposes under applicable federal law. 103

(2) Firearms and dangerous ordnance suitable for police work 104  
may be given to a law enforcement agency for that purpose. 105  
Firearms and dangerous ordnance that are not given to a law 106  
enforcement agency for police work shall be disposed of as 107  
follows: 108

(a) Except as otherwise provided in division (A)(2)(c) of 109

this section, if the firearms and dangerous ordnance are suitable 110  
for sporting use or as museum pieces or collectors' items ~~may be~~ 111  
~~sold, the law enforcement agency either shall sell them~~ at public 112  
auction pursuant to division (B) of this section. ~~The agency may~~ 113  
~~sell other firearms and dangerous ordnance~~ or shall sell them at 114  
public auction to a federally licensed firearms dealer in a manner 115  
that the court considers proper. ~~The agency shall destroy any~~ 116  
~~firearms or dangerous ordnance not given to a law enforcement~~ 117  
~~agency or sold or shall send them to the bureau of criminal~~ 118  
~~identification and investigation for destruction by the bureau~~ may 119  
sell the firearms and dangerous ordnance itself, or it may 120  
transfer them to the department of public safety for sale. Upon 121  
the transfer, the department shall sell the firearms and dangerous 122  
ordnance so transferred. 123

(b) Except as otherwise provided in division (A)(2)(c) of 124  
this section, if the firearms and dangerous ordnance are not 125  
suitable for sporting use or as museum pieces or collectors' 126  
items, the agency shall sell them at public auction to a federally 127  
licensed firearms dealer in a manner that the court considers 128  
proper. The agency may sell the firearms and dangerous ordnance 129  
itself, or it may transfer them to the department of public safety 130  
for sale. Upon the transfer, the department shall sell the 131  
firearms and dangerous ordnance so transferred. 132

(c) The law enforcement agency and the department of public 133  
safety may sell a firearm or dangerous ordnance pursuant to 134  
division (A)(2)(a) or (b) of this section only to a person who may 135  
legally possess the firearm or dangerous ordnance under the law of 136  
this state and the law of the United States. A law enforcement 137  
agency and the department of public safety shall transfer all 138  
firearms and dangerous ordnances that may not be legally possessed 139  
by any person under the law of this state or the law of the United 140  
States to the bureau of alcohol, tobacco, firearms, and explosives 141

of the United States department of justice. 142

(3) Obscene materials shall be destroyed. 143

(4) Beer, intoxicating liquor, or alcohol seized from a 144  
person who does not hold a permit issued under Chapters 4301. and 145  
4303. of the Revised Code or otherwise forfeited to the state for 146  
an offense under section 4301.45 or 4301.53 of the Revised Code 147  
shall be sold by the division of liquor control if the division 148  
determines that it is fit for sale or shall be placed in the 149  
custody of the investigations unit in the department of public 150  
safety and be used for training relating to law enforcement 151  
activities. The department, with the assistance of the division of 152  
liquor control, shall adopt rules in accordance with Chapter 119. 153  
of the Revised Code to provide for the distribution to state or 154  
local law enforcement agencies upon their request. If any tax 155  
imposed under Title XLIII of the Revised Code has not been paid in 156  
relation to the beer, intoxicating liquor, or alcohol, any moneys 157  
acquired from the sale shall first be used to pay the tax. All 158  
other money collected under this division shall be paid into the 159  
state treasury. Any beer, intoxicating liquor, or alcohol that the 160  
division determines to be unfit for sale shall be destroyed. 161

(5) Money received by an inmate of a correctional institution 162  
from an unauthorized source or in an unauthorized manner shall be 163  
returned to the sender, if known, or deposited in the inmates' 164  
industrial and entertainment fund of the institution if the sender 165  
is not known. 166

(6)(a) Any mobile instrumentality forfeited under this 167  
chapter may be given to the law enforcement agency that initially 168  
seized the mobile instrumentality for use in performing its 169  
duties, if the agency wants the mobile instrumentality. The agency 170  
shall take the mobile instrumentality subject to any security 171  
interest or lien on the mobile instrumentality. 172

(b) Vehicles and vehicle parts forfeited under sections 173  
4549.61 to 4549.63 of the Revised Code may be given to a law 174  
enforcement agency for use in performing its duties. Those parts 175  
may be incorporated into any other official vehicle. Parts that do 176  
not bear vehicle identification numbers or derivatives of them may 177  
be sold or disposed of as provided by rules of the director of 178  
public safety. Parts from which a vehicle identification number or 179  
derivative of it has been removed, defaced, covered, altered, or 180  
destroyed and that are not suitable for police work or 181  
incorporation into an official vehicle shall be destroyed and sold 182  
as junk or scrap. 183

(7) Computers, computer networks, computer systems, and 184  
computer software suitable for police work may be given to a law 185  
enforcement agency for that purpose or disposed of under division 186  
(B) of this section. 187

(8) Money seized in connection with a violation of section 188  
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 189  
deposited in the victims of human trafficking fund created by 190  
section 5101.87 of the Revised Code. 191

(B) Unclaimed or forfeited property that is not described in 192  
division (A) of this section or division (A)(2) of section 2981.11 193  
of the Revised Code, with court approval, may be used by the law 194  
enforcement agency in possession of it. If it is not used by the 195  
agency, it may be sold without appraisal at a public auction to 196  
the highest bidder for cash or disposed of in another manner that 197  
the court considers proper. 198

(C) Except as provided in divisions (A) and (F) of this 199  
section and after compliance with division (D) of this section 200  
when applicable, any moneys acquired from the sale of property 201  
disposed of pursuant to this section shall be placed in the 202  
general revenue fund of the state, or the general fund of the 203  
county, the township, or the municipal corporation of which the 204

law enforcement agency involved is an agency. 205

(D) If the property was in the possession of the law 206  
enforcement agency in relation to a delinquent child proceeding in 207  
a juvenile court, ten per cent of any moneys acquired from the 208  
sale of property disposed of under this section shall be applied 209  
to one or more alcohol and drug addiction treatment programs that 210  
are certified by the department of alcohol and drug addiction 211  
services under section 3793.06 of the Revised Code. A juvenile 212  
court shall not specify a program, except as provided in this 213  
division, unless the program is in the same county as the court or 214  
in a contiguous county. If no certified program is located in any 215  
of those counties, the juvenile court may specify a certified 216  
program anywhere in Ohio. The remaining ninety per cent of the 217  
proceeds or cash shall be applied as provided in division (C) of 218  
this section. 219

Each treatment program that receives in any calendar year 220  
forfeited money under this division shall file an annual report 221  
for that year with the attorney general and with the court of 222  
common pleas and board of county commissioners of the county in 223  
which the program is located and of any other county from which 224  
the program received forfeited money. The program shall file the 225  
report on or before the first day of March in the calendar year 226  
following the calendar year in which the program received the 227  
money. The report shall include statistics on the number of 228  
persons the program served, identify the types of treatment 229  
services it provided to them, and include a specific accounting of 230  
the purposes for which it used the money so received. No 231  
information contained in the report shall identify, or enable a 232  
person to determine the identity of, any person served by the 233  
program. 234

(E) Each certified alcohol and drug addiction treatment 235  
program that receives in any calendar year money under this 236



section or under section 2981.13 of the Revised Code as the result 237  
of a juvenile forfeiture order shall file an annual report for 238  
that calendar year with the attorney general and with the court of 239  
common pleas and board of county commissioners of the county in 240  
which the program is located and of any other county from which 241  
the program received the money. The program shall file the report 242  
on or before the first day of March in the calendar year following 243  
the year in which the program received the money. The report shall 244  
include statistics on the number of persons served with the money, 245  
identify the types of treatment services provided, and 246  
specifically account for how the money was used. No information in 247  
the report shall identify or enable a person to determine the 248  
identity of anyone served by the program. 249

As used in this division, "juvenile-related forfeiture order" 250  
means any forfeiture order issued by a juvenile court under 251  
section 2981.04 or 2981.05 of the Revised Code and any disposal of 252  
property ordered by a court under section 2981.11 of the Revised 253  
Code regarding property that was in the possession of a law 254  
enforcement agency in relation to a delinquent child proceeding in 255  
a juvenile court. 256

(F) Each board of county commissioners that recognizes a 257  
citizens' reward program under section 9.92 of the Revised Code 258  
shall notify each law enforcement agency of that county and of a 259  
township or municipal corporation wholly located in that county of 260  
the recognition by filing a copy of its resolution conferring that 261  
recognition with each of those agencies. When the board recognizes 262  
a citizens' reward program and the county includes a part, but not 263  
all, of the territory of a municipal corporation, the board shall 264  
so notify the law enforcement agency of that municipal corporation 265  
of the recognition of the citizens' reward program only if the 266  
county contains the highest percentage of the municipal 267  
corporation's population. 268

Upon being so notified, each law enforcement agency shall pay 269  
twenty-five per cent of any forfeited proceeds or cash derived 270  
from each sale of property disposed of pursuant to this section to 271  
the citizens' reward program for use exclusively to pay rewards. 272  
No part of the funds may be used to pay expenses associated with 273  
the program. If a citizens' reward program that operates in more 274  
than one county or in another state in addition to this state 275  
receives funds under this section, the funds shall be used to pay 276  
rewards only for tips and information to law enforcement agencies 277  
concerning offenses committed in the county from which the funds 278  
were received. 279

Receiving funds under this section or section 2981.11 of the 280  
Revised Code does not make the citizens' reward program a 281  
governmental unit or public office for purposes of section 149.43 282  
of the Revised Code. 283

(G) Any property forfeited under this chapter shall not be 284  
used to pay any fine imposed upon a person who is convicted of or 285  
pleads guilty to an underlying criminal offense or a different 286  
offense arising out of the same facts and circumstances. 287

(H) Any moneys acquired from the sale of personal effects, 288  
tools, or other property seized because the personal effects, 289  
tools, or other property were used in the commission of a 290  
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 291  
Code or derived from the proceeds of the commission of a violation 292  
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 293  
disposed of pursuant to this section shall be placed in the 294  
victims of human trafficking fund created by section 5101.87 of 295  
the Revised Code. 296

**Sec. 2981.13.** (A) Except as otherwise provided in this 297  
section, property ordered forfeited as contraband, proceeds, or an 298  
instrumentality pursuant to this chapter shall be disposed of, 299

used, or sold pursuant to section 2981.12 of the Revised Code. If 300  
the property is to be sold under that section, the prosecutor 301  
shall cause notice of the proposed sale to be given in accordance 302  
with law. 303

(B) If the contraband or instrumentality forfeited under this 304  
chapter is sold, any moneys acquired from a sale and any proceeds 305  
forfeited under this chapter shall be applied in the following 306  
order: 307

(1) First, to pay costs incurred in the seizure, storage, 308  
maintenance, security, and sale of the property and in the 309  
forfeiture proceeding; 310

(2) Second, in a criminal forfeiture case, to satisfy any 311  
restitution ordered to the victim of the offense or, in a civil 312  
forfeiture case, to satisfy any recovery ordered for the person 313  
harmed, unless paid from other assets; 314

(3) Third, to pay the balance due on any security interest 315  
preserved under this chapter; 316

(4) Fourth, apply the remaining amounts as follows: 317

(a) If the forfeiture was ordered by a juvenile court, ten 318  
per cent to one or more certified alcohol and drug addiction 319  
treatment programs as provided in division (D) of section 2981.12 320  
of the Revised Code; 321

(b) If the forfeiture was ordered in a juvenile court, ninety 322  
per cent, and if the forfeiture was ordered in a court other than 323  
a juvenile court, one hundred per cent to the law enforcement 324  
trust fund of the prosecutor and, except as otherwise specified in 325  
this division, to the following fund supporting the law 326  
enforcement agency that substantially conducted the investigation: 327  
the law enforcement trust fund of the county sheriff, municipal 328  
corporation, township, or park district created under section 329  
511.18 or 1545.01 of the Revised Code; the state highway patrol 330

contraband, forfeiture, and other fund; the department of public 331  
safety investigative unit contraband, forfeiture, and other fund; 332  
the department of taxation enforcement fund; the board of pharmacy 333  
drug law enforcement fund created by division (B)(1) of section 334  
4729.65 of the Revised Code; the medicaid fraud investigation and 335  
prosecution fund; or the treasurer of state for deposit into the 336  
peace officer training commission fund if any other state law 337  
enforcement agency substantially conducted the investigation. In 338  
the case of property forfeited for medicaid fraud, any remaining 339  
amount shall be used by the attorney general to investigate and 340  
prosecute medicaid fraud offenses. If the property sold was a 341  
firearm or dangerous ordnance, if the department of public safety 342  
sold the firearm or dangerous ordnance, and if a law enforcement 343  
agency had transferred the firearm or dangerous ordnance to the 344  
department of public safety pursuant to division (A)(2) of section 345  
2981.12 of the Revised Code so that the department could sell the 346  
firearm or dangerous ordnance, the share of the moneys that 347  
otherwise would be applied to the fund of that law enforcement 348  
agency under this division instead shall be applied to the 349  
department of public safety investigative unit contraband, 350  
forfeiture, and other fund. 351

If the prosecutor declines to accept any of the remaining 352  
amounts, the amounts shall be applied to the fund of the agency 353  
that substantially conducted the investigation. 354

(c) If more than one law enforcement agency is substantially 355  
involved in the seizure of property forfeited under this chapter, 356  
the court ordering the forfeiture shall equitably divide the 357  
amounts, after calculating any distribution to the law enforcement 358  
trust fund of the prosecutor pursuant to division (B)(4) of this 359  
section, among the entities that the court determines were 360  
substantially involved in the seizure. 361

(C)(1) A law enforcement trust fund shall be established by 362

the prosecutor of each county who intends to receive any remaining 363  
amounts pursuant to this section, by the sheriff of each county, 364  
by the legislative authority of each municipal corporation, by the 365  
board of township trustees of each township that has a township 366  
police department, township or joint police district police force, 367  
or office of the constable, and by the board of park commissioners 368  
of each park district created pursuant to section 511.18 or 369  
1545.01 of the Revised Code that has a park district police force 370  
or law enforcement department, for the purposes of this section. 371

There is hereby created in the state treasury the state 372  
highway patrol contraband, forfeiture, and other fund, the 373  
department of public safety investigative unit contraband, 374  
forfeiture, and other fund, the medicaid fraud investigation and 375  
prosecution fund, the department of taxation enforcement fund, and 376  
the peace officer training commission fund, for the purposes of 377  
this section. 378

Amounts distributed to any municipal corporation, township, 379  
or park district law enforcement trust fund shall be allocated 380  
from the fund by the legislative authority only to the police 381  
department of the municipal corporation, by the board of township 382  
trustees only to the township police department, township police 383  
district police force, or office of the constable, by the joint 384  
police district board only to the joint police district, and by 385  
the board of park commissioners only to the park district police 386  
force or law enforcement department. 387

(2)(a) No amounts shall be allocated to a fund created under 388  
this section or used by an agency unless the agency has adopted a 389  
written internal control policy that addresses the use of moneys 390  
received from the appropriate fund. The appropriate fund shall be 391  
expended only in accordance with that policy and, subject to the 392  
requirements specified in this section, only for the following 393  
purposes: 394

(i) To pay the costs of protracted or complex investigations	395
or prosecutions;	396
(ii) To provide reasonable technical training or expertise;	397
(iii) To provide matching funds to obtain federal grants to	398
aid law enforcement, in the support of DARE programs or other	399
programs designed to educate adults or children with respect to	400
the dangers associated with the use of drugs of abuse;	401
(iv) To pay the costs of emergency action taken under section	402
3745.13 of the Revised Code relative to the operation of an	403
illegal methamphetamine laboratory if the forfeited property or	404
money involved was that of a person responsible for the operation	405
of the laboratory;	406
(v) For other law enforcement purposes that the	407
superintendent of the state highway patrol, department of public	408
safety, prosecutor, county sheriff, legislative authority,	409
department of taxation, board of township trustees, or board of	410
park commissioners determines to be appropriate.	411
(b) The board of pharmacy drug law enforcement fund shall be	412
expended only in accordance with the written internal control	413
policy so adopted by the board and only in accordance with section	414
4729.65 of the Revised Code, except that it also may be expended	415
to pay the costs of emergency action taken under section 3745.13	416
of the Revised Code relative to the operation of an illegal	417
methamphetamine laboratory if the forfeited property or money	418
involved was that of a person responsible for the operation of the	419
laboratory.	420
(c) The state highway patrol contraband, forfeiture, and	421
other fund, the department of public safety investigative unit	422
contraband, forfeiture, and other fund, the department of taxation	423
enforcement fund, the board of pharmacy drug law enforcement fund,	424
and a law enforcement trust fund shall not be used to meet the	425

operating costs of the state highway patrol, of the investigative 426  
unit of the department of public safety, of the state board of 427  
pharmacy, of any political subdivision, or of any office of a 428  
prosecutor or county sheriff that are unrelated to law 429  
enforcement. 430

(d) Forfeited moneys that are paid into the state treasury to 431  
be deposited into the peace officer training commission fund shall 432  
be used by the commission only to pay the costs of peace officer 433  
training. 434

(3) Any of the following offices or agencies that receive 435  
amounts under this section during any calendar year shall file a 436  
report with the specified entity, not later than the thirty-first 437  
day of January of the next calendar year, verifying that the 438  
moneys were expended only for the purposes authorized by this 439  
section or other relevant statute and specifying the amounts 440  
expended for each authorized purpose: 441

(a) Any sheriff or prosecutor shall file the report with the 442  
county auditor. 443

(b) Any municipal corporation police department shall file 444  
the report with the legislative authority of the municipal 445  
corporation. 446

(c) Any township police department, township or joint police 447  
district police force, or office of the constable shall file the 448  
report with the board of township trustees of the township. 449

(d) Any park district police force or law enforcement 450  
department shall file the report with the board of park 451  
commissioners of the park district. 452

(e) The superintendent of the state highway patrol and the 453  
tax commissioner shall file the report with the attorney general. 454

(f) The executive director of the state board of pharmacy 455

shall file the report with the attorney general, verifying that 456  
cash and forfeited proceeds paid into the board of pharmacy drug 457  
law enforcement fund were used only in accordance with section 458  
4729.65 of the Revised Code. 459

(g) The peace officer training commission shall file a report 460  
with the attorney general, verifying that cash and forfeited 461  
proceeds paid into the peace officer training commission fund 462  
pursuant to this section during the prior calendar year were used 463  
by the commission during the prior calendar year only to pay the 464  
costs of peace officer training. 465

(D) The written internal control policy of a county sheriff, 466  
prosecutor, municipal corporation police department, township 467  
police department, township or joint police district police force, 468  
office of the constable, or park district police force or law 469  
enforcement department shall provide that at least ten per cent of 470  
the first one hundred thousand dollars of amounts deposited during 471  
each calendar year in the agency's law enforcement trust fund 472  
under this section, and at least twenty per cent of the amounts 473  
exceeding one hundred thousand dollars that are so deposited, 474  
shall be used in connection with community preventive education 475  
programs. The manner of use shall be determined by the sheriff, 476  
prosecutor, department, police force, or office of the constable 477  
after receiving and considering advice on appropriate community 478  
preventive education programs from the county's board of alcohol, 479  
drug addiction, and mental health services, from the county's 480  
alcohol and drug addiction services board, or through appropriate 481  
community dialogue. 482

The financial records kept under the internal control policy 483  
shall specify the amount deposited during each calendar year in 484  
the portion of that amount that was used pursuant to this 485  
division, and the programs in connection with which the portion of 486  
that amount was so used. 487



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

(E) Upon the sale, under this section or section 2981.12 of the Revised Code, of any property that is required by law to be titled or registered, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title 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) Any failure of a law enforcement officer or agency, prosecutor, court, or the attorney general to comply with this section in relation to any property seized does not affect the validity of the seizure and shall not be considered to be the basis for suppressing any evidence resulting from the seizure, provided the seizure itself was lawful.

**Section 2.** That existing sections 2981.01, 2981.12, and 2981.13 of the Revised Code are hereby repealed.