

As Introduced

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

S. B. No. 22

Senators LaRose, Beagle

Cosponsors: Senators Cafaro, Oelslager, Hite

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A B I L L

To amend section 2981.12 and to enact sections 1
3701.138, 3701.139, 3707.60, 3707.61, 3707.62, and 2
5302.31 of the Revised Code to provide for the 3
remediation of real property on which an illegal 4
methamphetamine manufacturing laboratory has been 5
discovered. 6

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

Section 1. That section 2981.12 be amended and sections 7
3701.138, 3701.139, 3707.60, 3707.61, 3707.62, and 5302.31 of the 8
Revised Code be enacted to read as follows: 9

Sec. 2981.12. (A) Unclaimed or forfeited property in the 10
custody of a law enforcement agency, other than property described 11
in division (A)(2) of section 2981.11 of the Revised Code, shall 12
be disposed of by order of any court of record that has 13
territorial jurisdiction over the political subdivision that 14
employs the law enforcement agency, as follows: 15

(1) Drugs shall be disposed of pursuant to section 3719.11 of 16
the Revised Code or placed in the custody of the secretary of the 17
treasury of the United States for disposal or use for medical or 18
scientific purposes under applicable federal law. 19

(2) Firearms and dangerous ordnance suitable for police work 20
may be given to a law enforcement agency for that purpose. 21
Firearms suitable for sporting use or as museum pieces or 22
collectors' items may be sold at public auction pursuant to 23
division (B) of this section. The agency may sell other firearms 24
and dangerous ordnance to a federally licensed firearms dealer in 25
a manner that the court considers proper. The agency shall destroy 26
any firearms or dangerous ordnance not given to a law enforcement 27
agency or sold or shall send them to the bureau of criminal 28
identification and investigation for destruction by the bureau. 29

(3) Obscene materials shall be destroyed. 30

(4) Beer, intoxicating liquor, or alcohol seized from a 31
person who does not hold a permit issued under Chapters 4301. and 32
4303. of the Revised Code or otherwise forfeited to the state for 33
an offense under section 4301.45 or 4301.53 of the Revised Code 34
shall be sold by the division of liquor control if the division 35
determines that it is fit for sale or shall be placed in the 36
custody of the investigations unit in the department of public 37
safety and be used for training relating to law enforcement 38
activities. The department, with the assistance of the division of 39
liquor control, shall adopt rules in accordance with Chapter 119. 40
of the Revised Code to provide for the distribution to state or 41
local law enforcement agencies upon their request. If any tax 42
imposed under Title XLIII of the Revised Code has not been paid in 43
relation to the beer, intoxicating liquor, or alcohol, any moneys 44
acquired from the sale shall first be used to pay the tax. All 45
other money collected under this division shall be paid into the 46
state treasury. Any beer, intoxicating liquor, or alcohol that the 47
division determines to be unfit for sale shall be destroyed. 48

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

industrial and entertainment fund of the institution if the sender 52
is not known. 53

(6)(a) Any mobile instrumentality forfeited under this 54
chapter may be given to the law enforcement agency that initially 55
seized the mobile instrumentality for use in performing its 56
duties, if the agency wants the mobile instrumentality. The agency 57
shall take the mobile instrumentality subject to any security 58
interest or lien on the mobile instrumentality. 59

(b) Vehicles and vehicle parts forfeited under sections 60
4549.61 to 4549.63 of the Revised Code may be given to a law 61
enforcement agency for use in performing its duties. Those parts 62
may be incorporated into any other official vehicle. Parts that do 63
not bear vehicle identification numbers or derivatives of them may 64
be sold or disposed of as provided by rules of the director of 65
public safety. Parts from which a vehicle identification number or 66
derivative of it has been removed, defaced, covered, altered, or 67
destroyed and that are not suitable for police work or 68
incorporation into an official vehicle shall be destroyed and sold 69
as junk or scrap. 70

(7) Computers, computer networks, computer systems, and 71
computer software suitable for police work may be given to a law 72
enforcement agency for that purpose or disposed of under division 73
(B) of this section. 74

(8) Money seized in connection with a violation of section 75
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 76
deposited in the victims of human trafficking fund created by 77
section 5101.87 of the Revised Code. 78

(9) Money seized in connection with the operation of an 79
illegal methamphetamine manufacturing laboratory as defined in 80
section 3745.13 of the Revised Code shall be deposited in the 81
contaminated property remediation fund created by section 3701.138 82

of the Revised Code. 83

(B) Unclaimed or forfeited property that is not described in 84
division (A) of this section or division (A)(2) of section 2981.11 85
of the Revised Code, with court approval, may be used by the law 86
enforcement agency in possession of it. If it is not used by the 87
agency, it may be sold without appraisal at a public auction to 88
the highest bidder for cash or disposed of in another manner that 89
the court considers proper. 90

(C) Except as provided in divisions (A) ~~and~~, (F), (H), and 91
(I) of this section and after compliance with division (D) of this 92
section when applicable, any moneys acquired from the sale of 93
property disposed of pursuant to this section shall be placed in 94
the general revenue fund of the state, or the general fund of the 95
county, the township, or the municipal corporation of which the 96
law enforcement agency involved is an agency. 97

(D) If the property was in the possession of the law 98
enforcement agency in relation to a delinquent child proceeding in 99
a juvenile court, ten per cent of any moneys acquired from the 100
sale of property disposed of under this section shall be applied 101
to one or more alcohol and drug addiction treatment programs that 102
are certified by the department of alcohol and drug addiction 103
services under section 3793.06 of the Revised Code. A juvenile 104
court shall not specify a program, except as provided in this 105
division, unless the program is in the same county as the court or 106
in a contiguous county. If no certified program is located in any 107
of those counties, the juvenile court may specify a certified 108
program anywhere in Ohio. The remaining ninety per cent of the 109
proceeds or cash shall be applied as provided in division (C) of 110
this section. 111

Each treatment program that receives in any calendar year 112
forfeited money under this division shall file an annual report 113
for that year with the attorney general and with the court of 114

common pleas and board of county commissioners of the county in 115
which the program is located and of any other county from which 116
the program received forfeited money. The program shall file the 117
report on or before the first day of March in the calendar year 118
following the calendar year in which the program received the 119
money. The report shall include statistics on the number of 120
persons the program served, identify the types of treatment 121
services it provided to them, and include a specific accounting of 122
the purposes for which it used the money so received. No 123
information contained in the report shall identify, or enable a 124
person to determine the identity of, any person served by the 125
program. 126

(E) Each certified alcohol and drug addiction treatment 127
program that receives in any calendar year money under this 128
section or under section 2981.13 of the Revised Code as the result 129
of a juvenile forfeiture order shall file an annual report for 130
that calendar year with the attorney general and with the court of 131
common pleas and board of county commissioners of the county in 132
which the program is located and of any other county from which 133
the program received the money. The program shall file the report 134
on or before the first day of March in the calendar year following 135
the year in which the program received the money. The report shall 136
include statistics on the number of persons served with the money, 137
identify the types of treatment services provided, and 138
specifically account for how the money was used. No information in 139
the report shall identify or enable a person to determine the 140
identity of anyone served by the program. 141

As used in this division, "juvenile-related forfeiture order" 142
means any forfeiture order issued by a juvenile court under 143
section 2981.04 or 2981.05 of the Revised Code and any disposal of 144
property ordered by a court under section 2981.11 of the Revised 145
Code regarding property that was in the possession of a law 146

enforcement agency in relation to a delinquent child proceeding in 147
a juvenile court. 148

(F) Each board of county commissioners that recognizes a 149
citizens' reward program under section 9.92 of the Revised Code 150
shall notify each law enforcement agency of that county and of a 151
township or municipal corporation wholly located in that county of 152
the recognition by filing a copy of its resolution conferring that 153
recognition with each of those agencies. When the board recognizes 154
a citizens' reward program and the county includes a part, but not 155
all, of the territory of a municipal corporation, the board shall 156
so notify the law enforcement agency of that municipal corporation 157
of the recognition of the citizens' reward program only if the 158
county contains the highest percentage of the municipal 159
corporation's population. 160

Upon being so notified, each law enforcement agency shall pay 161
twenty-five per cent of any forfeited proceeds or cash derived 162
from each sale of property disposed of pursuant to this section, 163
except as otherwise provided by this section, to the citizens' 164
reward program for use exclusively to pay rewards. No part of the 165
funds may be used to pay expenses associated with the program. If 166
a citizens' reward program that operates in more than one county 167
or in another state in addition to this state receives funds under 168
this section, the funds shall be used to pay rewards only for tips 169
and information to law enforcement agencies concerning offenses 170
committed in the county from which the funds were received. 171

Receiving funds under this section or section 2981.11 of the 172
Revised Code does not make the citizens' reward program a 173
governmental unit or public office for purposes of section 149.43 174
of the Revised Code. 175

(G) 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

(H) Any moneys acquired from the sale of personal effects, 180
tools, or other property seized because the personal effects, 181
tools, or other property were used in the commission of a 182
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 183
Code or derived from the proceeds of the commission of a violation 184
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 185
disposed of pursuant to this section shall be placed in the 186
victims of human trafficking fund created by section 5101.87 of 187
the Revised Code. 188

(I) Any money acquired from the sale of property seized in 189
connection with the operation of an illegal methamphetamine 190
manufacturing laboratory as defined in section 3745.13 of the 191
Revised Code shall be deposited in the contaminated property 192
remediation fund created by section 3701.138 of the Revised Code. 193

Sec. 3701.138. (A) As used in this section and section 194
3701.136 of the Revised Code, "illegal methamphetamine 195
manufacturing laboratory" has the same meaning as in section 196
3745.13 of the Revised Code. 197

(B) The director of health, not later than one hundred twenty 198
days after the effective date of this section, shall adopt rules 199
under Chapter 119. of the Revised Code that do all of the 200
following: 201

(1) Provide for the maintenance by the department of health 202
of a list of persons certified to inspect and remediate real 203
property on which an illegal methamphetamine manufacturing 204
laboratory or its components have been found. The rules may 205
provide for the certification of persons who meet specified 206
qualifications to inspect and remediate property of that nature. 207
If the rules provide for certification of persons to inspect and 208
remediate property of that nature, they shall include a fee to be 209

paid by each person requesting certification. The department shall 210
use the fee to help pay for the maintenance of the list. 211

(2) Implement sections 3707.60, 3707.61, and 3707.62 of the 212
Revised Code and regulate the inspection and remediation of real 213
property on which an illegal methamphetamine manufacturing 214
laboratory or its components have been found. 215

(3) Create a procedure by which municipal corporations, 216
counties, and townships may apply for grants of money from the 217
contaminated property remediation fund created by section 3701.139 218
of the Revised Code. 219

Sec. 3701.139. There is hereby created in the state treasury 220
the contaminated property remediation fund consisting of money 221
seized in connection with an illegal methamphetamine manufacturing 222
laboratory and deposited pursuant to section 2981.12 of the 223
Revised Code and any other money that may be appropriated or 224
contributed to the fund. The director of health shall use the 225
money in the fund for the sole purpose of eliminating the 226
contamination of real property caused by the operation of an 227
illegal methamphetamine manufacturing laboratory. The director 228
shall make grants from the fund to municipal corporations, 229
counties, and townships pursuant to rules adopted under section 230
3701.138 of the Revised Code. 231

Sec. 3707.60. (A) As used in this section: 232

(1) "Board of health" means the board of health of a city or 233
general health district or the authority having the duties of a 234
board of health under section 3709.05 of the Revised Code. 235

(2) "Illegal methamphetamine manufacturing laboratory" has 236
the same meaning as in section 3745.13 of the Revised Code. 237

(3) "Written notice," when used in connection with notice 238
sent to a law enforcement agency, board of health, or public 239

children services agency, includes electronic notice. 240

(B) If a law enforcement agency discovers an illegal 241
methamphetamine manufacturing laboratory on real property, the law 242
enforcement agency that makes the discovery shall give written 243
notice to all of the following of the location of the real 244
property on which the laboratory is discovered, including the room 245
number or location within the building if the laboratory is in a 246
room of a hotel, motel, apartment building, nursing home, or 247
similar establishment: 248

(1) The owner of record of the real property; 249

(2) The board of health having jurisdiction over the real 250
property; 251

(3) The public children services agency having jurisdiction 252
over the real property, if it appears to the law enforcement 253
agency that children are living on the real property. 254

Sec. 3707.61. (A) As used in this section: 255

(1) "Structure" means a walled and roofed building or a 256
mobile home or manufactured home, regardless of whether the 257
structure, mobile home, or manufactured home is used as a 258
residence. 259

(2) "Unit" means a room or group of rooms in a hotel, motel, 260
apartment building, nursing home, or similar establishment that is 261
used as a residence. 262

(B) Upon receiving notice of a discovery of an illegal 263
methamphetamine manufacturing laboratory under section 3707.60 of 264
the Revised Code, a board of health shall do both of the 265
following: 266

(1) Declare the structure or unit in which the laboratory is 267
located a public health hazard that may not be occupied until the 268
board of health determines that the structure or unit is no longer 269

a public health hazard; 270

(2) File a notice with the recorder of the county in which 271
the real property is located identifying the property and stating 272
that the property includes a structure or unit that is a public 273
health hazard and that may not be occupied until the board 274
determines that the structure or unit is no longer a public health 275
hazard. 276

(C) When a board of health determines in accordance with 277
rules adopted by the director of health under section 3701.138 of 278
the Revised Code that a structure or unit declared by the board to 279
be a public health hazard is no longer a public health hazard, the 280
board shall file a notice with the county recorder stating that 281
the structure or unit is no longer a public health hazard and may 282
be occupied. 283

(D) Nothing in this section shall be construed as a 284
limitation on the authority of the state or any political 285
subdivision of the state to declare the real property on which the 286
laboratory is located a nuisance and to abate the nuisance. 287

Sec. 3707.62. (A) The owner of real property on which is 288
located a structure or unit that is declared a public health 289
hazard pursuant to section 3707.61 of the Revised Code shall pay 290
the costs of remediation of the structure or unit on the property. 291
If money from the contaminated property remediation fund created 292
by section 3701.139 was used to pay for any costs of remediation, 293
the owner shall reimburse the fund. 294

(B) If a structure or unit located on real property is 295
declared a public health hazard pursuant to section 3707.61 of the 296
Revised Code and the owner of the real property did not create, 297
operate, or consent to the operation of the illegal 298
methamphetamine manufacturing laboratory that resulted in the 299
declaration, the owner has a cause of action against any person 300

who created or operated the illegal methamphetamine manufacturing 301
laboratory or who occupied the structure or unit on the real 302
property and consented to the creation or operation of the illegal 303
methamphetamine manufacturing laboratory for all monetary losses 304
incurred because of the declaration, including reasonable attorney 305
fees. 306

Sec. 5302.31. (A) Any person who, after the effective date of 307
this section, intends to transfer an interest in real property 308
that includes a structure or unit that has been declared a public 309
health hazard pursuant to section 3707.61 of the Revised Code 310
shall give written notice of the declaration to the prospective 311
transferee or the prospective transferee's agent. The notice must 312
be received by the prospective transferee or the prospective 313
transferee's agent at least seven days before the date on which 314
the property interest is transferred. 315

(B) If a transferor fails to comply with division (A) of this 316
section, the transferee may rescind the transfer agreement at any 317
time before or up to one year after the transfer of the property 318
interest takes place. 319

Section 2. That existing section 2981.12 of the Revised Code 320
is hereby repealed. 321