



Ohio Legislative Service Commission

Bill Analysis

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H.B. 33

128th General Assembly
(As Introduced)

Reps. Dyer, Hagan, B. Williams, Boyd, Chandler, Harris, DeBose, Winburn

BILL SUMMARY

- Directs a law enforcement agency to report specified information to the Director of Public Safety when it discovers an illegal methamphetamine manufacturing laboratory on real property or discovers a laboratory or components in a motor vehicle.
- Requires the Director of Public Safety to establish and maintain on the Department of Public Safety's official web site, a database of properties and motor vehicles where illegal laboratories or components were reported.
- Provides a procedure for removing information from the Department of Public Safety web site when the Director of Environmental Protection certifies that methamphetamine residue has been cleared from a property or motor vehicle.
- Permits an instrument to be recorded that states that an illegal methamphetamine manufacturing laboratory has been discovered on a property.
- Requires an instrument to be recorded that states that a property has been cleared of methamphetamine residue when the Director of Environmental Protection so certifies, if a previous instrument has been recorded stating that an illegal methamphetamine laboratory has been discovered on the property.
- Permits an owner of real property or a motor vehicle to request the Director of Environmental Protection to certify that a property or motor vehicle has been satisfactorily cleared of methamphetamine residue.
- Requires the Director of Environmental Protection and the Director of Public Safety to adopt rules related to the bill's provisions.

CONTENT AND OPERATION

Background

Reporting the number of methamphetamine laboratories discovered

Continuing law (not in the bill) requires a law enforcement agency that arrests any person for a violation that is based on the manufacture of methamphetamine or a methamphetamine product, and other specified violations related to the possession of chemicals sufficient to produce methamphetamine or a methamphetamine product, to prepare an annual report that contains specified information related to those arrests and the illegal laboratories. Continuing law directs the agency to submit the report without information that could identify any person who was arrested to the Superintendent of the Bureau of Criminal Identification and Investigation. The report is considered a "statistical report" and "nothing in the report or in the information it contains shall identify, or enable the identification of, any person who was arrested and whose arrest is included in the information contained in the report." The report includes, in addition to other required content, information on the *total number* of illegal methamphetamine manufacturing laboratories at which one or more arrests occurred, or that the agency discovered in that calendar year but at which none of the reported arrests occurred. The report is a public record. (R.C. 109.60(C).) Continuing law does not require the report to include the location of laboratories.

Duty to report methamphetamine manufacturing laboratory

On real property

The bill requires any law enforcement agency that discovers an illegal methamphetamine manufacturing laboratory to inform the Director of Public Safety in writing of the location of the real property on which the laboratory is discovered and provide any other information related to the laboratory or the property that the Director requires. When the laboratory is located in a room of a hotel, motel, or similar establishment, the agency also is to provide the room number or location of the room within that hotel, motel, or similar establishment. (R.C. 5502.71(B).)

In a motor vehicle

The bill requires any law enforcement agency that discovers an illegal methamphetamine manufacturing laboratory or its components in a motor vehicle to inform the Director of Public Safety of the vehicle identification number and provide any other information related to the laboratory, components, or the motor vehicle that the Director requires. (R.C. 5502.71(C).)

Director of Public Safety to maintain public database

The bill requires the Director of Public Safety to establish and maintain, on the Department of Public Safety's official web site, a database of all properties and motor vehicles reported to the Director pursuant to the bill's requirements. The database entry for motor vehicles is to include the vehicle identification number and for real property, the name of the owner of record, the parcel number in the general tax list of the county, and any other information that would cause the property's inclusion in the database to be discovered through a title search. For any laboratory located in the room of a hotel, motel, or similar establishment, the database entry is to include the room number or the location of the room within the hotel, motel, or establishment. (R.C. 5502.71(D).)

Removal of a property from the public database

The bill requires the Director to remove a property or motor vehicle from the database upon the receipt of a certificate or certified copy of a certificate issued by the Director of Environmental Protection stating that the property or motor vehicle has been satisfactorily cleared of methamphetamine residue. The bill specifies procedures for the issuance of this certificate, and specifically prohibits the Director from removing a property or motor vehicle from the database unless and until the Director receives a certified copy of the notice. (R.C. 5502.71(D).)

Recording instrument identifying illegal laboratory property

The bill permits the auditor of a county in which real property is located that is included in the Department of Public Safety database of properties where an illegal methamphetamine manufacturing laboratory has been discovered, to present to the county recorder for recording, an instrument in recordable form that identifies the property and states that an illegal methamphetamine manufacturing laboratory has been discovered on the property.

The bill provides a procedure for recording an instrument that states that a property has been cleared of methamphetamine residue to the satisfaction of the Director of Environmental Protection. Pursuant to the bill, at any time after an auditor has recorded an instrument identifying a property where an illegal methamphetamine manufacturing laboratory has been discovered, if the Director of Environmental Protection issues a certificate stating that the property has been satisfactorily cleared of methamphetamine residue, and the auditor has received this certificate or a certified copy of this certificate, the auditor is required to present to the county recorder for recording an instrument in recordable form stating that the property has been cleared of methamphetamine residue to the satisfaction of the Director of Environmental Protection. (R.C. 319.64)

Certification that property or vehicle has been cleared

The bill permits an owner of real property or a motor vehicle that is included in the Department of Public Safety's Database of properties and motor vehicles where methamphetamine manufacturing laboratories have been discovered, to apply to the Director of Environmental Protection for a certificate stating that the property or motor vehicle has been satisfactorily cleared of methamphetamine residue. The Director is required to issue the certificate if the property or motor vehicle has been satisfactorily cleared in accordance with rules the Director adopts. (R.C. 3745.25(A).)

Rules

The bill requires the Director of Environmental Protection to adopt rules pursuant to the Administrative Procedure Act (R.C. Chapter 119.) for the certification that the real property or motor vehicle where an illegal methamphetamine manufacturing laboratory has, or the components of an illegal laboratory have, been discovered has been satisfactorily cleared of methamphetamine residue. The rules must comport with prevailing national standards for the removal of methamphetamine residue from real property or motor vehicles. (R.C. 3745.25(B).)

The bill requires the Director of Public Safety also to adopt rules pursuant to the Administrative Procedure Act to implement the reporting requirements for law enforcement agencies and to govern the placement and removal of the bill's required information on the Department's official web site. (R.C. 5502.71(E).)

Definitions

Under the bill, "illegal methamphetamine manufacturing laboratory" has the same meaning as in existing R.C. section 3745.13 (not in the bill). The following are the relevant definitions in continuing law from that section.

"Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. (R.C. 3745.13(B)(1).)

"Illegal methamphetamine manufacturing laboratory" means any laboratory or other premises that is used for the manufacture or production of methamphetamine in violation of section 2925.04 of the Revised Code, whether or not there has been a prior conviction of that violation. (R.C. 3745.13(B)(2).)

HISTORY

ACTION

DATE

Introduced

02-19-09

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