
ATTORNEY GENERAL

Protection of state liens in action for judicial sale of real estate

- Generally requires that a party seeking a judicial sale of real estate include a state lienholder as a party defendant unless no state lien has been recorded against the owner of the real estate.
- Presumes the appearance of the state lienholder for jurisdictional purposes.
- Requires the court to take judicial notice that the state has a lien against the real estate subject to a judicial sale.
- Allows the state lienholder to file an answer to the complaint or any other pleading if the amount, validity, or priority of the state lien is not identified as disputed, and requires the state lienholder to file an answer if the amount, validity, or priority of the state lien is identified as disputed.
- Requires that, as part of any order confirming the sale of the real estate that is subject to any undisputed state lien or distributing the proceeds of any judicial sale of real estate, the undisputed state lien is protected as if the state had appeared in the action and filed an answer asserting the state lien.
- Requires that notice be given to the state lienholder and the Attorney General if any party asserts a dispute as to the amount, validity, or priority of the state lien or of any lien or other interest that has priority over the state lien.
- Requires that the interest of any undisputed state lien transfer to the proceeds of the sale of the real estate.

Annual law enforcement agency report

- Eliminates requirements that a law enforcement agency that receives fine moneys for its role in arresting and prosecuting an offender for certain drug offenses prepare an annual report that cumulates the agency's records with regard to the receipt and expenditure of the fine moneys and send a copy of the report to the Attorney General.
- Eliminates the requirement that the Attorney General notify the President of the Senate and Speaker of the House that the Attorney General has received the required annual reports described above.

State Victims Assistance Advisory Council

- Adds two members to the State Victims Assistance Advisory Council.

Rape crisis programs

- Defines "rape crisis program" as any of the following: (1) the federally designated nonprofit state sexual assault coalition, (2) a victim witness assistance program operated by a prosecuting attorney, or (3) a governmental or nonprofit program that provides a full continuum of services to victims of sexual assault, that does not provide medical services, and that may refer victims to physicians for medical care but does not engage in or refer for services for which the use of genetic services funds is prohibited.
- Creates the Rape Crisis Program Trust Fund, consisting of specified fines and fees imposed by the act, appropriations, and donations, to help fund rape crisis programs, states the purposes for which the funds may be used, and requires the Attorney General to adopt rules concerning the Fund.
- Authorizes a court to impose a discretionary fine of \$50 to \$500 on a person convicted of a sexually oriented or child-victim oriented felony offense, with the fine money going to the Fund.
- Establishes a one-time additional \$100 sex offender registration fee, authorizes the Attorney General to recover unpaid fees, and authorizes a court that imposes a community control sanction on a person convicted of a sexually oriented or child-victim oriented offense to make payment of the fee a condition of community control.

Protection of state liens in actions for judicial sale of real estate

(R.C. 2329.192)

The act requires that, in every action seeking the judicial sale of real estate that is subject to a state lien, all of the following apply:

(1) The party seeking a judicial sale must include the state lienholder as a party defendant and must serve that state lienholder with a copy of the preliminary judicial report or commitment for an owner's fee policy of title insurance filed in accordance with the law regarding preliminary judicial reports related to a judicial sale of real estate.



(2) A state lienholder cannot be made a party defendant if no state lien has been recorded against the owner of the real estate for which the judicial sale is sought.

(3) The appearance of the state lienholder is presumed for purposes of jurisdiction, and the court must take judicial notice that the state has a lien against the real estate.

(4) A state lienholder may, but is not required to, file an answer to the complaint or any other pleading in the action if the amount, validity, or priority of the state lien is not identified in the pleadings as disputed and must file an answer to the complaint or any other pleading in the action if the amount, validity, or priority of the state lien is identified in the pleadings as disputed. If a state lien is not identified as disputed, unless the state files an answer or other responsive pleading, the party seeking the judicial sale is not required to serve the state lienholder with any answer or subsequent pleadings in the action for judicial sale.

(5) As part of any order confirming the sale of the real estate that is subject to any undisputed state lien or distributing the proceeds of any judicial sale of real estate, the undisputed state lien must be protected as if the state had appeared in the action and filed an answer asserting the validity of the state lien as recorded in the office of the clerk of the county court or the office of the county recorder.

(6) Any party asserting a dispute as to the amount, validity, or priority of the state lien or of any lien or other interest that has priority over the state lien must serve the state lienholder and the Attorney General with notice of the dispute. The state lienholder is permitted to file a responsive pleading and participate in the proceedings as if the state lienholder had been served with a summons on the date the state lienholder received notice of the dispute.

Upon the judicial sale of the real estate that is the subject of an action described above, the interest of any undisputed state lien must transfer to the proceeds of the sale of the real estate. The state lienholder is entitled to payment from the proceeds of the sale of the real estate in accordance with the state lienholder's priority as set forth in the final judicial report or commitment for an owner's fee policy of title insurance filed in accordance with continuing law.

The act defines "state lien" as a lien upon real estate of persons indebted to the state in any manner recorded by a state agency in any office of the clerk of a county court or the county recorder. A "state lienholder" is the department, agency, or other division of the state in whose name a state lien has been filed or recorded.



Annual law enforcement agency report on receipt and use of fine moneys

(R.C. 2925.03)

Law largely unchanged by the act requires a law enforcement agency to keep detailed financial records on the receipt of any fine moneys that it receives because of its role in arresting and prosecuting persons who violate drug trafficking offenses or commit certain felony violations of drug abuse offenses and to keep detailed records of the general types of expenditures made out of those fine moneys and the specific amount of each general type of expenditure, with the exception of expenditures made in an ongoing investigation. The financial records are public records.

The act eliminates a requirement that a law enforcement agency that receives these fine moneys prepare a report covering the calendar year that cumulates all of the information contained in all of the public financial records kept by the agency that pertain to the receipt and expenditure of the fine moneys for that calendar year and send a copy of the report to the Attorney General by the first day of March of the next calendar year. The requirement provides that the reports are public records.

The act eliminates a related requirement that the Attorney General send a written notice by April 15 of the calendar year in which the Attorney General receives the law enforcement agencies' cumulative reports to the President of the Senate and the Speaker of the House that indicates that the Attorney General has received these reports, that the reports are public records open for inspection, and that the Attorney General will provide a copy of any of the reports to the President or the Speaker upon request.

State Victims Assistance Advisory Council

(R.C. 109.91)

The act adds two members to the State Victims Assistance Advisory Council, which is affiliated with the Attorney General's Office. One new member must represent the interests of individuals with mental illness, and the other must be either a board member of any statewide or local organization that exists primarily to aid victims of sexual violence or an employee of or a counselor for an organization that exists primarily to aid victims of sexual violence.

Rape crisis programs

(R.C. 109.921, 307.515, 311.172, 2929.18, and 2950.012)

The act creates a funding mechanism for rape crisis programs.

For purposes of the act, a "rape crisis program" is any of the following:



(1) The nonprofit state sexual assault coalition designated by the Center for Injury Prevention and Control of the federal Centers for Disease Control and Prevention;

(2) A victim witness assistance program operated by a prosecuting attorney;

(3) A program operated by a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault (see below), including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, that does not provide medical services, and that may refer victims to physicians for medical care but does not engage in or refer for services for which the use of genetic services funds is prohibited by R.C. 3701.511 (i.e., counseling or referring for abortion, except in the case of a medical emergency).

"Sexual assault" means any of the following:

(1) A violation of R.C. 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), or former 2907.12 (felonious sexual penetration);

(2) A violation of an existing or former municipal ordinance or law of Ohio or any other state or the United States that is or was substantially equivalent to any section listed in (1), above.

Rape Crisis Program Trust Fund

The act creates the Rape Crisis Program Trust Fund in the state treasury. The Fund, administered by the Attorney General, consists of specified discretionary fines created by the act and sex offender registration fees created by the act that are paid into the Fund (see "**Discretionary fine and Sex offender registration fee**," below) and any money appropriated to the Fund by the General Assembly or donated to the Fund. The Attorney General may use not more than 5% of the money in the Fund to pay Fund-related administrative costs and must use at least 95% of the money to provide funding to rape crisis programs. The act requires the Attorney General to adopt rules under R.C. Chapter 119. that establish procedures for rape crisis programs to apply for funding out of the Fund and for the Attorney General to distribute the money to programs. The Attorney General may decide upon an application for funding out of the Fund without a hearing. A decision to grant or deny funding is final and not appealable under the Administrative Procedure Act (R.C. Chapter 119.) or any other provision of the Revised Code.

A rape crisis program that receives money from the Fund must use it only for the following purposes:



(1) If the program is the nonprofit state sexual assault coalition, to provide training and technical assistance to service providers;

(2) If the program is a victim witness assistance program, to provide victims of sexual assault with hotlines, victim advocacy, or support services;

(3) If the program is a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault, to provide those services and education to prevent sexual assault.

Additional fine

The act authorizes a court that imposes a sentence on a person convicted of a felony sexually oriented offense or felony child-victim oriented offense to impose a fine of \$50 to \$500 in addition to any other fine that is or may be imposed. Additional fine money collected by the court under this provision must be forwarded to the Treasurer of State not later than the 20th day of the month after the month in which the money is collected for deposit into the state treasury to the credit of the Rape Crisis Program Trust Fund.

Sex offender registration fee

The act requires a sheriff to charge a one-time fee of \$100 when a person, who on or after September 29, 2013 (the act's 90-day effective date) is convicted of an offense for which registration is required by the Sex Offender Registration and Notification Law, first registers under the Law as a sex offender or child-victim oriented offender (i.e., following a conviction for committing a sexually oriented offense or child-victim oriented offense or an adjudication of delinquency for committing a sexually oriented offense or child-victim oriented offense if the juvenile court subjects the child to the Law). The fee is in addition to the optional fee that a sheriff may charge under R.C. 311.171. A sheriff may not refuse to register a person who does not pay the fee. At the end of each calendar year, the sheriff must report to the Attorney General all fees that have been due and unpaid for more than one year and that the sheriff has not previously reported. The act authorizes the Attorney General to recover those fees in a civil action.

The act requires the sheriff to transmit on or before the 20th day of the following month all the fee money collected during a month to the county treasurer. Within 60 days after receipt, the county treasurer must transit the money to the Treasurer of State to be credited to the Rape Crisis Program Trust Fund.

The act authorizes a court that sentences a person who commits a sexually oriented offense or a child-victim oriented offense to a community control sanction to make payment of the registration fee impose by the act a condition of the sanction.

