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Bill Analysis
Legislative Service Commission

H.B. 120

127th General Assembly
(As Passed by the House)

Reps. Latta, Chandler, Combs, Hughes, Otterman

BILL SUMMARY

- Removes unnecessary and inconsistent language mistakenly retained by Sub. H.B. 241 of the 126th General Assembly.
- Declares an emergency and makes the changes made by the bill effective the same date as the changes made by Sub. H.B. 241: July 1, 2007.

CONTENT AND OPERATION

Forfeiture

Based on recommendations of the Criminal Sentencing Commission, Sub. H.B. 241 of the 126th General Assembly reorganized, consolidated, and relocated many prior provisions containing specific criminal and civil asset forfeiture provisions with respect to corrupt activity, criminal gang activity, felony drug abuse offenses, contraband, and Medicaid fraud in a new chapter, R.C. Chapter 2981. The new chapter applies to asset forfeitures relating to offenses, except that, pursuant to Sub. H.B. 241, the new chapter does not apply to or limit forfeitures under the Motor Vehicle Law.

In its enacted form, Sub. H.B. 241 mistakenly retained inconsistent and unnecessary language in R.C. 2152.20, the section concerning juvenile dispositions. Currently, that section provides that the new R.C. Chapter 2981 applies to a child who is adjudicated a delinquent child for participating in a criminal gang. However, in preexisting language that was mistakenly retained in Sub. H.B. 241, that section also provides that the former forfeiture provisions specific to participating in a criminal gang apply to such a delinquent child. The bill repeals the language referring to the former forfeiture provisions. (R.C. 2152.20(B)(3).)

HISTORY

ACTION	DATE
Introduced	03-21-07
Reported, H. Criminal Justice	05-01-07
Passed House (99-0)	05-30-07

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