
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 to 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.

Financial assistance for rape crisis programs

- Adds state financial assistance to rape crisis programs to the purposes for which money in the Reparations Fund may be used and requires the Attorney General to adopt rules governing the provision of such assistance.

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

(R.C. 2329.192)

The bill 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, and 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, and 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 bill defines "state lien" as a lien upon real estate, including lands and tenements, of persons indebted to the state for debt, taxes, or in any other 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)

Ongoing law 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 bill 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. These reports are public records.

The bill 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 under R.C. 149.43, and that the Attorney General will provide a copy of any of the reports to the President or the Speaker upon request.

Financial assistance for rape crisis programs

(R.C. 2743.191)

The bill adds state financial assistance to rape crisis programs by the Attorney General to the purposes for which money in the Reparations Fund may be used. It requires the Attorney General to adopt rules governing the provision of such assistance. The bill defines "rape crisis program" to mean 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, including, but not limited to, 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 (counseling or referral for abortion, except in the case of a medical emergency). "Sexual assault" means rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, the former offense of felonious penetration, or any substantially equivalent offense under any existing or former municipal ordinance or statute of any state or the United States.