
ATTORNEY GENERAL

Collecting debts from gambling winnings

- Reduces from \$5,000 to \$600 the threshold at which the State Lottery Commission must withhold from lottery winnings any amounts a lottery winner owes to the state or a political subdivision.
- Requires a casino operator to use a data match program created by the Attorney General to withhold any amounts a patron owes to the state or a political subdivision from the amount of any casino winnings that exceed \$600.
- Requires the casino operator to remit payment to the Department of Job and Family Services for any past due child or spousal support, as required under current law, before giving the remainder to the Attorney General to pay other government debts.

Attorney General's special counsel; collection of debts

- Authorizes the Attorney General to adopt rules as necessary to implement the law governing the Attorney General's special counsel to collect claims.
- Authorizes the Attorney General to adopt rules to aid the implementation of the law governing the collection of debts, and specifically, to adopt a rule shortening the time when the Attorney General may cancel a debt deemed uncollectible.

Ohio Peace Officer Training Academy

- Modifies law with respect to various funds associated with the Ohio Peace Officer Training Academy.

Pilot program – funding peace officer and trooper training

- Requires the Attorney General to create and administer a one-year pilot program for state funding of the training of peace officers and troopers and specifies that the pilot program is the only state funding that will be provided in calendar year 2022 for the training of such peace officers and troopers.

Law Enforcement Training Funding Study Commission

- Creates the 12-member Law Enforcement Training Funding Study Commission to study possible long-term methods for the provision of state funding to law enforcement agencies for the training of their peace officers and troopers and evaluate the plans for the pilot program described above as part of the study.
- Requires the Commission to prepare a report of its findings, and recommendations for a method, to be used after the completion of the pilot program, for the provision of state funding to those law enforcement agencies for the training of their peace officers and troopers.

- Requires the Commission, not later than March 1, 2022, to submit the report to the Governor, the General Assembly, the Attorney General, and the Legislative Service Commission.
- Provides that upon submission of the report, the Commission will cease to exist.

Delinquent municipal income tax collection

- Requires the Attorney General to participate in the federal Treasury Offset Program for the collection of past due municipal income taxes to the extent that such taxes qualify for the program.

Foreclosure sale reports to the Attorney General

- Specifies that the reports submitted to the Attorney General by officers conducting residential property foreclosure sales must contain information of whether the officer met certain deadlines related to sale procedures.
- Replaces the requirement that the Attorney General establish and maintain a public database of information included in foreclosure sale reports with a requirement that the information be made publicly available.

Collecting debts from gambling winnings

Lottery winnings

(R.C. 3770.073 and conforming change in R.C. 5701.11)

The bill lowers to \$600 the winnings threshold that triggers a requirement that the State Lottery Commission withhold the amount of any debt a lottery winner owes to the state or a political subdivision from the person's winnings. Currently, if a person wins \$5,000 or more in the lottery, the Commission must deduct the amount of those debts from the winnings and pay it to the Attorney General (the AG) to satisfy the debts. The bill changes that threshold to match the federal threshold that determines whether the Commission must report the person's lottery winnings to the Internal Revenue Service (IRS) – currently, \$600.¹¹

Under continuing law, lottery winnings that exceed the IRS threshold also may be intercepted to satisfy any past due child or spousal support. If the amount of the winnings is not enough to cover both the past due support and any debts to the state or a political subdivision, the support debts are paid first.¹²

¹¹ 26 United States Code (U.S.C.) 6041.

¹² R.C. 3770.071, not in the bill.

Casino winnings

(R.C. 3772.37 and conforming change in R.C. 5701.11)

The bill requires a casino operator to withhold the amount of any debt a patron owes to the state or a political subdivision from the patron's casino winnings, if the winnings exceed the IRS reporting threshold (currently, \$600). Under continuing law, a casino operator also must withhold the amount of any past due child or spousal support the patron owes from any winnings that exceed that threshold.¹³

Under the bill, the AG must develop and implement a real time data match program for casino operators to use to determine whether patrons owe any debts to the state or a political subdivision that have become final. If a patron wins \$600 or more and the program indicates that the patron owes any such amounts, the casino operator must withhold the amount of the debt from the winnings, up to the total amount of the winnings, and transmit it to AG within seven days.

If the casino operator learns through the data match program operated by the Department of Job and Family Services under continuing law that the patron also is in default under a child or spousal support order, the casino operator must withhold the past due amount and transmit it to the Department before transmitting any remaining amount to the AG.

After receiving the money from the casino operator, the AG must apply it toward the patron's debt to the state or a political subdivision. If the patron has multiple debts of that kind, the money must be applied against the debts in the following order of priority, which is the same order of priority that applies under continuing law concerning debts to be satisfied from lottery winnings:

- Personal liabilities for corporate tax debts;
- Amounts owed to the state;
- Amounts owed to political subdivisions.

The AG may adopt rules under the Administrative Procedure Act (R.C. Chapter 119) to implement the bill's requirements.

Attorney General's special counsel

(R.C. 109.08)

The bill authorizes the AG to adopt rules under the Administrative Procedure Act (R.C. Chapter 119) as necessary to implement the law governing the AG's special counsel to collect claims. Continuing law authorizes the AG to appoint and authorize special counsel to represent the state and any political subdivision in connection with all claims the AG is authorized to collect.

¹³ R.C. 3123.90, not in the bill.

Attorney General rules on collection of debt

(R.C. 131.02)

The bill authorizes the AG to adopt rules to aid the implementation of the law governing the collection of debts, and specifically, to adopt a rule shortening the time when the AG may cancel a debt deemed uncollectible. Under current law, the AG must cancel an unsatisfied claim 40 years after the date the claim is certified for collection.

Statutory law provides that whenever any amount is payable to the state, the officer responsible for administering the law under which the amount is payable immediately must proceed to collect. Generally, if the amount is not paid within 45 days after payment is due, the officer must certify the amount due to the AG, who must give immediate notice to the party indebted of the nature and amount of the indebtedness. Also, the AG and the officer administering the law under which the amount is payable must agree on the time a payment is due, which may be an appropriate time determined by the AG and the officer based on statutory requirements or ordinary business processes.

Existing law requires the AG to follow this process on behalf of state agencies, and also on behalf of state institutions of higher education and of political subdivisions. The bill clarifies that the time the payment is due may be based on the statutory requirements or ordinary business practices of an institution or a political subdivision, as well as of a state agency.

Ohio Peace Officer Training Academy

(R.C. 109.79, 109.802, repealed; R.C. 2981.13, and 3772.01)

The bill makes the following changes to funds associated with the Ohio Peace Officer Training Academy:

1. Eliminates the Law Enforcement Assistance Fund;
2. Codifies the Peace Officer Training Academy Fee Fund into permanent law, and specifies all of the following:
 - a. The fund is in the state treasury;
 - b. Tuition paid by a political subdivision or by the State Public Defenders Office must be deposited into the fund;
 - c. The AG must use money in the fund to pay costs associated with operation of the Academy.
3. Eliminates the Peace Officer Training Commission Fund and transfers its functions and purposes to the Ohio Law Enforcement Training Fund;

Under current law, if a court other than a juvenile court orders a forfeiture, a portion of the forfeiture must be distributed to various law enforcement related funds, including the Peace Officer Training Commission Fund. Under the bill, the forfeiture amount that would be deposited into the Peace Officer Training Commission Fund instead must be deposited into the Ohio Law Enforcement Training Fund. A provision of current law, retained by the bill, requires these funds to be used by the Ohio Peace Officer Commission only to pay the cost of peace officer training.

The Ohio Law Enforcement Training Fund is the fund described in the Ohio Constitution, which must receive 2% of the proceeds of the gross casino revenue tax collected by the state, to enhance public safety by providing additional training opportunities to the law enforcement community.¹⁴

4. Authorizes the use of money in the Ohio Law Enforcement Training Fund for all training opportunities for the law enforcement community rather than for additional training only.

Pilot program – funding peace officer and trooper training

(Section 701.70(A))

Creation of pilot program; background on training requirements

The bill requires the AG, not later than December 1, 2021, to create a pilot program for state funding of the training of peace officers and troopers that is required under R.C. 109.803. The program must be administered by the AG's office. As used in these provisions, a "peace officer" is a person under the definition of that term set forth in R.C. 109.71 and a "trooper" is an individual appointed as a State Highway Patrol Trooper. The pilot program will be a one-year program, operating in calendar year 2022. The R.C. 109.803 training requirements specify that, with limited exceptions, every appointing authority must require its appointed peace officers and troopers to complete up to 24 hours of continuing professional training each calendar year, as directed by the Ohio Peace Officer Training Commission.

Note that, as described above in "**Ohio Peace Officer Training Academy**," the bill repeals an existing statutory mechanism (R.C. 109.802) that, along with a related Administrative Code mechanism ([Ohio Administrative Code rule 109:2-18-04](#)), provides for state funding of the training of peace officers and troopers that is required under R.C. 109.803.

Agency certification of salaries

Not later than December 2, 2021, each law enforcement agency with peace officers or troopers who are subject to the R.C. 109.803 training requirement must certify to the AG the total of all salaries to be paid in calendar year 2022 to officers or troopers of the agency who will receive that training in calendar year 2022 and their hourly rates of pay.

Operation of pilot program and payments

Not later than January 1, 2022, the AG must begin the program's operation. Prior to that date, the AG must establish rules, under R.C. 111.15, for the program's operation and administration, for determining eligibility for funding and payments, and for providing the funding and payments.

From money appropriated for the pilot program, the AG must pay each law enforcement agency with peace officers or troopers who are subject to the R.C. 109.803 training requirement an amount to cover up to 50% of the cost of the salaries of the officers or troopers who will receive that training in calendar year 2022, during the period of the training. The amount paid

¹⁴ Ohio Constitution, Article XV, Section 6(C)(3)(f).

must cover only the period when the officers or troopers are receiving that training, and may not exceed an amount covering 24 hours of the training.

If the amount appropriated for the pilot program is insufficient to pay 50% of the salaries of the peace officers or troopers of all law enforcement agencies to be paid in calendar year 2022, the amount paid to each agency must be reduced so that each agency is paid an equal percentage of its cost in 2022 for the training. No payment may be made under the pilot program after January 1, 2023. If a law enforcement agency does not use all of the money for the salaries it certified, it must return the unused money to the AG.

A law enforcement agency that receives payments under the pilot program will be responsible for paying the cost of training that exceeds the amount of the payment.

Sole state funding for the training

The bill specifies that state funding for the training of peace officers or troopers that is required under R.C. 109.803 will be provided in calendar year 2022 only in accordance with the pilot program, notwithstanding any other provision of law that addresses any alternative method of state funding for such training. However, this limitation does not apply with respect to direct appropriations made to a state law enforcement agency.

Agency and AG reports

Each law enforcement agency that receives money under the pilot program must submit to the AG, by the date the AG specifies, a report that states the amount of money the agency received, how and when that money was used, and any other information the AG requires with respect to the use of the money. The AG must prepare a report that compiles the information in the agency reports and submit it to the General Assembly and the Legislative Service Commission.

Law Enforcement Training Funding Study Commission

(Section 701.70(B))

The bill creates the 12-member Law Enforcement Training Funding Study Commission. The members are: (1) the AG or a designee of the AG with experience in law enforcement funding issues, (2) the Director of Public Safety or a designee of the Director with experience in law enforcement funding issues, (3) three members of the House appointed by the Speaker, with not more than two from the same political party, (4) three members of the Senate appointed by the Senate President, with not more than two from the same political party, and (5) four members of the public appointed by the Governor, each having a law enforcement background. The Speaker, the President, and the Governor must make their initial appointments not later than 30 days after the effective date of this provision.

The Commission must study possible long-term methods for providing state funding to law enforcement agencies for training their peace officers and troopers as are required under R.C. 109.803. The Commission must evaluate as part of the study the plans for the pilot program described above. Upon completing the study, the Commission must prepare a report of its findings and recommendations for a long-term method for state funding. The Commission must submit the report by March 1, 2022, to the Governor, the General Assembly, the AG, and the Legislative Service Commission. The Commission ceases to exist when it submits the report.

The bill includes provisions regarding the Commission's initial and subsequent meetings, selection of officers, adoption of procedures for its proceedings, establishment of a quorum and making recommendations, disqualification of appointed members and appointment of replacements, and member serving without compensation. Commission meetings must be open to the public under the state's Open Meetings Law, and the Commission must keep minutes of its meetings as public records under the state's Public Records Law.

Federal Treasury Offset Program (TOP)

(R.C. 131.025)

Continuing law requires the AG to participate in the federal Treasury Offset Program (TOP) for collecting past due state income taxes and covered unemployment compensation debts. The bill further requires the AG to participate in the TOP for delinquent municipal income taxes to the extent that such taxes qualify for the program.

The TOP assists in the collection of certain debts owed to federal agencies and states by deducting delinquent amounts from federal tax refunds and other payments by the federal government to the indebted person. Federal law permits collection of local income tax delinquencies through the TOP only if the taxes are "administered by the chief tax administration agency of the State."¹⁵ The bill declares that the AG is the tax administrator with respect to past due municipal income taxes that are certified to the AG for collection. It expressly provides that the title is conferred only for the purpose of qualifying for the TOP.

Under continuing law, municipal income taxes are generally administered by a local tax administrator designated by the taxing municipality. Only municipal utility net profits taxes and taxes of certain businesses that opt for centralized collection and administration are administered by a state agency – in both cases, the Tax Commissioner.¹⁶

Foreclosure sale reports to the Attorney General

(R.C. 2329.312)

Existing law, revised in part by the bill, requires sheriffs and private selling officers that conduct foreclosure sales of residential property to submit quarterly reports to the AG for the purpose of assessing the extent to which deadlines under the Foreclosure Law are met. The report must include data on each sale conducted by the officer. The bill adds a requirement that the reports contain the specific data that shows whether or not the appraisal, the buyers payment for the property sold at an auction, and the confirmation of sale deadlines were met. The reports must also include the information as to whether or not the statutory deadline was met for the sale of vacant and abandoned property.

¹⁵ 26 United States Code 6402(e)(5).

¹⁶ R.C. Chapters 718 and 5745.

The bill maintains the requirement under existing law that the AG make the information submitted in the reports publicly available. However, the bill removes language requiring the AG to establish and maintain a database with the information submitted in the reports.