



H.B. 55

123rd General Assembly
(As Reported by H. Local Gov't & Townships)

Reps. Schuler, Carey, Haines, Taylor, Vesper, Boyd, Jolivette, Pringle, Goodman, Patton, DePiero, Van Vyven, Tiberi, Corbin, Salerno, Evans, Hartnett, Cates, O'Brien, Terwilleger

BILL SUMMARY

- Permits municipal police departments to dispose of certain unclaimed property by donating it to public agencies or nonprofit organizations if a specified resolution or ordinance is adopted by the municipal corporation's legislative authority.

CONTENT AND OPERATION

Under existing state law directed only to municipal corporations, when property remains unclaimed for 90 days, a chief of police, marshal, or licensed auctioneer, after giving notice in a newspaper of general circulation in the county once a week for three successive weeks, must sell the property at a *public auction*.¹ The proceeds of the sale go to the municipal general fund. (Sec. 737.32, first paragraph.)

The bill permits a municipal corporation's legislative authority to adopt a resolution or ordinance authorizing the chief of police or marshal to contribute property that is not required to be disposed of pursuant to a specific statutory procedure and that is unclaimed for 90 days or more to one or more public

¹ For some kinds of property, other Revised Code sections appear to govern the disposal procedures. For example, certain unclaimed vessels and outboard motors are disposed of under procedures in section 1547.302, and certain unclaimed motor vehicles are disposed of under procedures in section 4513.62. In addition, different procedures exist for various kinds of contraband (e.g., secs. 2913.34, 2933.43, and 2925.41 to 2925.45). Finally, section 2933.41, which is cited in the bill as an exception, provides, in part, for the disposal of drugs, firearms, obscene materials, liquor, and other types of "unclaimed or forfeited property in the custody of a law enforcement agency" in specified manners or by specified sale.

agencies or one or more nonprofit organizations with (1) no part of their net income benefiting any private shareholder or individual and (2) no substantial part of their activities consisting of carrying on propaganda or otherwise attempting to influence legislation.² If that type of resolution or ordinance is adopted, then the chief of police or marshal could contribute the unclaimed property to one or more of those agencies or organizations rather than conducting existing law's previously described public auction. (Sec. 737.32, second paragraph.)

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|---|----------|---------------|
| Introduced | 01-20-99 | p. 94 |
| Reported, H. Local Gov't & Townships | 02-16-99 | p. 196 |

H0055-RH.123/rss

² This includes, but is not limited to, contributing unclaimed property to organizations that satisfy section 501(c)(3) of the Internal Revenue Code.