

Rule 39: Return of Inmates for Forfeiture Proceedings

(A) In all actions involving the statutory forfeiture of United States currency, real property or personal property, every person or persons from whom the property was seized, or who otherwise states a claim for the property, shall have the right to be present at any hearing in respect of such forfeiture. In the event such person or persons are incarcerated, the judge or magistrate before whom the matter is pending shall order the return of the incarcerated person(s) for the hearing. No forfeiture shall be held in that person's absence unless that person waives the right to attend.

(B) The costs of transporting and housing of persons returned to Hamilton County pursuant to division (A) of this rule shall be calculated by the Sheriff and certified to the Court. The Court shall order said costs to be paid to the Sheriff from the proceeds of any United States currency, real property or personal property forfeited. These costs shall be paid before the remaining proceeds are distributed to the law enforcement agency or agencies.

This Rule to be effective August 2, 1999, and until further order of the Court.