

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 either electronically or in person. In the event such person or persons are incarcerated in an Ohio Correctional Facility, 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, or when the case is proceeding under Ohio Revised Code 2981.05(A).
- (B) The cost 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. Those costs shall be paid before any proceeds are distributed to the law enforcement agency or agencies.

Effective: (March 1, 2023)