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Representatives Rogers, Manning

Cosponsors: Representatives Anielski, Arndt, Ashford, Boyd, Brown, Cupp, Dever, Galonski, Gavarone, Green, Hambley, Holmes, Hoops, Howse, Hughes, Koehler, Landis, Lanese, Lang, Leland, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Rezabek, Riedel, Scherer, Schuring, Sheehy, West, Speaker Smith

Senators Bacon, Beagle, Burke, Coley, Dolan, Gardner, Hackett, Hoagland, Kunze, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Uecker, Yuko

A BILL

To amend sections 2907.01, 2981.02, and 2981.04 and	1
to enact sections 9.74, 2307.66, 2917.211, and	2
3345.49 of the Revised Code to prohibit the	3
nonconsensual dissemination of private sexual	4
images, to provide that certain property	5
involved in the offense may be criminally	6
forfeited, and to create certain legal rights	7
and protections of a victim of the offense.	8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2907.01, 2981.02, and 2981.04 be	9
amended and sections 9.74, 2307.66, 2917.211, and 3345.49 of the	10
Revised Code be enacted to read as follows:	11

<u>Sec. 9.74. (A) As used in this section:</u>	12
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(1) "License" means a license, certificate, registration, 13
permit, card, or other authority issued or conferred by a 14
licensing authority of which the licensee has or claims the 15
privilege to engage in the profession, occupation, or activity, 16
or to have control of and operate certain specific equipment, 17
machinery, or premises, over which the licensing authority has 18
jurisdiction. 19

(2) "Licensing authority" means a public office that 20
issues a license to a person or entity. 21

(3) "Political subdivision" means a county, township, 22
municipal corporation, or any other body corporate and politic 23
that is responsible for government activities in a geographic 24
area smaller than that of the state. 25

(4) "Public office" means any state agency, public 26
institution, political subdivision, other organized body, 27
office, agency, institution, or entity established by the laws 28
of this state for the exercise of any function of government. 29
"Public office" does not include the nonprofit corporation 30
formed under section 187.01 of the Revised Code. 31

(5) "Victim" has the same meaning as in section 2930.01 of 32
the Revised Code. 33

(B) No licensing authority shall knowingly take any of the 34
following actions against a person who is applying for or holds 35
a license solely on the basis that the person is a victim of a 36
violation of section 2917.211 of the Revised Code: 37

(1) Refuse to issue a license to an applicant; 38

(2) Limit, suspend, or revoke a license; 39

(3) Refuse to renew a license. 40

Sec. 2307.66. (A) A victim of a violation of section 41
2917.211 of the Revised Code has and may commence a civil cause 42
of action against the offender for any of the following, in 43
addition to reasonable attorney's fees and the costs of bringing 44
the action: 45

(1) An injunction or a temporary restraining order 46
prohibiting further dissemination of the image that is the 47
subject of the violation; 48

(2) Compensatory and punitive damages for harm resulting 49
from the violation. 50

(B) The victim shall be presumed to have suffered harm as 51
a result of the nonconsensual dissemination of private sexual 52
images. 53

(C) The cause of action created by this section is in 54
addition to any other cause of action available under statutory 55
or common law. 56

(D) As used in this section, "victim" has the same meaning 57
as in section 2930.01 of the Revised Code. 58

Sec. 2907.01. As used in sections 2907.01 to 2907.38 and 59
2917.211 of the Revised Code: 60

(A) "Sexual conduct" means vaginal intercourse between a 61
male and female; anal intercourse, fellatio, and cunnilingus 62
between persons regardless of sex; and, without privilege to do 63
so, the insertion, however slight, of any part of the body or 64
any instrument, apparatus, or other object into the vaginal or 65
anal opening of another. Penetration, however slight, is 66
sufficient to complete vaginal or anal intercourse. 67

(B) "Sexual contact" means any touching of an erogenous 68

zone of another, including without limitation the thigh, 69
genitals, buttock, pubic region, or, if the person is a female, 70
a breast, for the purpose of sexually arousing or gratifying 71
either person. 72

(C) "Sexual activity" means sexual conduct or sexual 73
contact, or both. 74

(D) "Prostitute" means a male or female who promiscuously 75
engages in sexual activity for hire, regardless of whether the 76
hire is paid to the prostitute or to another. 77

(E) "Harmful to juveniles" means that quality of any 78
material or performance describing or representing nudity, 79
sexual conduct, sexual excitement, or sado-masochistic abuse in 80
any form to which all of the following apply: 81

(1) The material or performance, when considered as a 82
whole, appeals to the prurient interest of juveniles in sex. 83

(2) The material or performance is patently offensive to 84
prevailing standards in the adult community as a whole with 85
respect to what is suitable for juveniles. 86

(3) The material or performance, when considered as a 87
whole, lacks serious literary, artistic, political, and 88
scientific value for juveniles. 89

(F) When considered as a whole, and judged with reference 90
to ordinary adults or, if it is designed for sexual deviates or 91
other specially susceptible group, judged with reference to that 92
group, any material or performance is "obscene" if any of the 93
following apply: 94

(1) Its dominant appeal is to prurient interest; 95

(2) Its dominant tendency is to arouse lust by displaying 96

or depicting sexual activity, masturbation, sexual excitement, 97
or nudity in a way that tends to represent human beings as mere 98
objects of sexual appetite; 99

(3) Its dominant tendency is to arouse lust by displaying 100
or depicting bestiality or extreme or bizarre violence, cruelty, 101
or brutality; 102

(4) Its dominant tendency is to appeal to scatological 103
interest by displaying or depicting human bodily functions of 104
elimination in a way that inspires disgust or revulsion in 105
persons with ordinary sensibilities, without serving any genuine 106
scientific, educational, sociological, moral, or artistic 107
purpose; 108

(5) It contains a series of displays or descriptions of 109
sexual activity, masturbation, sexual excitement, nudity, 110
bestiality, extreme or bizarre violence, cruelty, or brutality, 111
or human bodily functions of elimination, the cumulative effect 112
of which is a dominant tendency to appeal to prurient or 113
scatological interest, when the appeal to such an interest is 114
primarily for its own sake or for commercial exploitation, 115
rather than primarily for a genuine scientific, educational, 116
sociological, moral, or artistic purpose. 117

(G) "Sexual excitement" means the condition of human male 118
or female genitals when in a state of sexual stimulation or 119
arousal. 120

(H) "Nudity" means the showing, representation, or 121
depiction of human male or female genitals, pubic area, or 122
buttocks with less than a full, opaque covering, or of a female 123
breast with less than a full, opaque covering of any portion 124
thereof below the top of the nipple, or of covered male genitals 125

in a discernibly turgid state. 126

(I) "Juvenile" means an unmarried person under the age of 127
eighteen. 128

(J) "Material" means any book, magazine, newspaper, 129
pamphlet, poster, print, picture, figure, image, description, 130
motion picture film, phonographic record, or tape, or other 131
tangible thing capable of arousing interest through sight, 132
sound, or touch and includes an image or text appearing on a 133
computer monitor, television screen, liquid crystal display, or 134
similar display device or an image or text recorded on a 135
computer hard disk, computer floppy disk, compact disk, magnetic 136
tape, or similar data storage device. 137

(K) "Performance" means any motion picture, preview, 138
trailer, play, show, skit, dance, or other exhibition performed 139
before an audience. 140

(L) "Spouse" means a person married to an offender at the 141
time of an alleged offense, except that such person shall not be 142
considered the spouse when any of the following apply: 143

(1) When the parties have entered into a written 144
separation agreement authorized by section 3103.06 of the 145
Revised Code; 146

(2) During the pendency of an action between the parties 147
for annulment, divorce, dissolution of marriage, or legal 148
separation; 149

(3) In the case of an action for legal separation, after 150
the effective date of the judgment for legal separation. 151

(M) "Minor" means a person under the age of eighteen. 152

(N) "Mental health client or patient" has the same meaning 153

as in section 2305.51 of the Revised Code. 154

(O) "Mental health professional" has the same meaning as 155
in section 2305.115 of the Revised Code. 156

(P) "Sado-masochistic abuse" means flagellation or torture 157
by or upon a person or the condition of being fettered, bound, 158
or otherwise physically restrained. 159

Sec. 2917.211. (A) As used in this section: 160

(1) "Disseminate" means to post, distribute, or publish on 161
a computer device, computer network, web site, or other 162
electronic device or medium of communication. 163

(2) "Image" means a photograph, film, videotape, digital 164
recording, or other depiction or portrayal of a person. 165

(3) "Interactive computer service" has the meaning defined 166
in the "Telecommunications Act of 1996," 47 U.S.C. 230, as 167
amended. 168

(4) "Internet provider" means a provider of internet 169
service, including all of the following: 170

(a) Broadband service, however defined or classified by 171
the federal communications commission; 172

(b) Information service or telecommunications service, 173
both as defined in the "Telecommunications Act of 1996," 47 174
U.S.C. 153, as amended; 175

(c) Internet protocol-enabled services, as defined in 176
section 4927.01 of the Revised Code. 177

(5) "Mobile service" and "telecommunications carrier" have 178
the meanings defined in 47 U.S.C. 153, as amended. 179

(6) "Cable service provider" has the same meaning as in 180

section 1332.01 of the Revised Code. 181

(7) "Direct-to-home satellite service" has the meaning 182
defined in 47 U.S.C. 303, as amended. 183

(8) "Video service provider" has the same meaning as in 184
section 1332.21 of the Revised Code. 185

(9) "Sexual act" means any of the following: 186

(a) Sexual activity; 187

(b) Masturbation; 188

(c) An act involving a bodily substance that is performed 189
for the purpose of sexual arousal or gratification; 190

(d) Sado-masochistic abuse. 191

(B) No person shall knowingly disseminate an image of 192
another person if all of the following apply: 193

(1) The person in the image is eighteen years of age or 194
older. 195

(2) The person in the image can be identified from the 196
image itself or from information displayed in connection with 197
the image and the offender supplied the identifying information. 198

(3) The person in the image is in a state of nudity or is 199
engaged in a sexual act. 200

(4) The image is disseminated without consent from the 201
person in the image. 202

(5) The image is disseminated with intent to harm the 203
person in the image. 204

(C) This section does not prohibit the dissemination of an 205
image if any of the following apply: 206

<u>(1) The image is disseminated for the purpose of a</u>	207
<u>criminal investigation that is otherwise lawful.</u>	208
<u>(2) The image is disseminated for the purpose of, or in</u>	209
<u>connection with, the reporting of unlawful conduct.</u>	210
<u>(3) The image is part of a news report or commentary or an</u>	211
<u>artistic or expressive work, such as a performance, work of art,</u>	212
<u>literary work, theatrical work, musical work, motion picture,</u>	213
<u>film, or audiovisual work.</u>	214
<u>(4) The image is disseminated by a law enforcement</u>	215
<u>officer, or a corrections officer or guard in a detention</u>	216
<u>facility, acting within the scope of the person's official</u>	217
<u>duties.</u>	218
<u>(5) The image is disseminated for another lawful public</u>	219
<u>purpose.</u>	220
<u>(6) The person in the image is knowingly and willingly in</u>	221
<u>a state of nudity or engaged in a sexual act and is knowingly</u>	222
<u>and willingly in a location in which the person does not have a</u>	223
<u>reasonable expectation of privacy.</u>	224
<u>(7) The image is disseminated for the purpose of medical</u>	225
<u>treatment or examination.</u>	226
<u>(D) The following entities are not liable for a violation</u>	227
<u>of this section solely as a result of an image or other</u>	228
<u>information provided by another person:</u>	229
<u>(1) A provider of interactive computer service;</u>	230
<u>(2) A mobile service;</u>	231
<u>(3) A telecommunications carrier;</u>	232
<u>(4) An internet provider;</u>	233

<u>(5) A cable service provider;</u>	234
<u>(6) A direct-to-home satellite service;</u>	235
<u>(7) A video service provider.</u>	236
<u>(E) Any conduct that is a violation of this section and</u>	237
<u>any other section of the Revised Code may be prosecuted under</u>	238
<u>this section, the other section, or both sections.</u>	239
<u>(F) (1) (a) Except as otherwise provided in division (F) (1)</u>	240
<u>(b), (c), or (d) of this section, whoever violates this section</u>	241
<u>is guilty of nonconsensual dissemination of private sexual</u>	242
<u>images, a misdemeanor of the third degree.</u>	243
<u>(b) If the offender previously has been convicted of or</u>	244
<u>pleaded guilty to a violation of this section, nonconsensual</u>	245
<u>dissemination of private sexual images is a misdemeanor of the</u>	246
<u>second degree.</u>	247
<u>(c) If the offender previously has been convicted of or</u>	248
<u>pleaded guilty to two or more violations of this section,</u>	249
<u>nonconsensual dissemination of private sexual images is a</u>	250
<u>misdemeanor of the first degree.</u>	251
<u>(d) If the offender is under eighteen years of age and the</u>	252
<u>person in the image is not more than five years older than the</u>	253
<u>offender, the offender shall not be prosecuted under this</u>	254
<u>section.</u>	255
<u>(2) In addition to any other penalty or disposition</u>	256
<u>authorized or required by law, the court may order any person</u>	257
<u>who is convicted of a violation of this section or who is</u>	258
<u>adjudicated delinquent by reason of a violation of this section</u>	259
<u>to criminally forfeit all of the following property to the state</u>	260
<u>under Chapter 2981. of the Revised Code:</u>	261

(a) Any profits or proceeds and any property the person 262
has acquired or maintained in violation of this section that the 263
sentencing court determines to have been acquired or maintained 264
as a result of the violation; 265

(b) Any interest in, securities of, claim against, or 266
property or contractual right of any kind affording a source of 267
influence over any enterprise that the person has established, 268
operated, controlled, or conducted in violation of this section 269
that the sentencing court determines to have been acquired or 270
maintained as a result of the violation. 271

(G) A victim of a violation of this section may commence a 272
civil cause of action against the offender, as described in 273
section 2307.66 of the Revised Code. 274

Sec. 2981.02. (A) (1) The following property is subject to 275
forfeiture to the state or a political subdivision under either 276
the criminal or delinquency process in section 2981.04 of the 277
Revised Code or the civil process in section 2981.05 of the 278
Revised Code: 279

~~(1)~~ (a) Contraband involved in an offense; 280

~~(2)~~ (b) Proceeds derived from or acquired through the 281
commission of an offense; 282

~~(3)~~ (c) An instrumentality that is used in or intended to 283
be used in the commission or facilitation of any of the 284
following offenses when the use or intended use, consistent with 285
division (B) of this section, is sufficient to warrant 286
forfeiture under this chapter: 287

~~(a)~~ (i) A felony; 288

~~(b)~~ (ii) A misdemeanor, when forfeiture is specifically 289

authorized by a section of the Revised Code or by a municipal 290
ordinance that creates the offense or sets forth its penalties; 291

~~(e)~~ (iii) An attempt to commit, complicity in committing, 292
or a conspiracy to commit an offense of the type described in 293
divisions (A) (3) (a) and (b) of this section. 294

~~(B)~~ (2) In determining whether an alleged instrumentality 295
was used in or was intended to be used in the commission or 296
facilitation of an offense or an attempt, complicity, or 297
conspiracy to commit an offense in a manner sufficient to 298
warrant its forfeiture, the trier of fact shall consider the 299
following factors the trier of fact determines are relevant: 300

~~(1)~~ (a) Whether the offense could not have been committed 301
or attempted but for the presence of the instrumentality; 302

~~(2)~~ (b) Whether the primary purpose in using the 303
instrumentality was to commit or attempt to commit the offense; 304

~~(3)~~ (c) The extent to which the instrumentality furthered 305
the commission of, or attempt to commit, the offense. 306

(B) The property described in division (F) (2) of section 307
2917.211 of the Revised Code is subject to forfeiture under the 308
criminal or delinquency process in section 2981.04 of the 309
Revised Code, if the forfeiture is ordered by the court imposing 310
sentence or an order of disposition. 311

(C) This chapter does not apply to or limit forfeitures 312
under Title XLV of the Revised Code, including forfeitures 313
relating to section 2903.06 or 2903.08 of the Revised Code. 314

Sec. 2981.04. (A) (1) Property described in division (A) or 315
(B) of section 2981.02 of the Revised Code may be forfeited 316
under this section only if the defendant is convicted of, or 317

enters intervention in lieu of conviction for, an offense or the 318
juvenile is adjudicated a delinquent child for committing an act 319
that would be an offense if committed by an adult and the 320
complaint, indictment, or information charging the offense or 321
municipal violation, or the complaint charging the delinquent 322
act, contains a specification of the type described in section 323
2941.1417 of the Revised Code that sets forth all of the 324
following to the extent it is reasonably known at the time of 325
the filing: 326

(a) The nature and extent of the alleged offender's or 327
delinquent child's interest in the property; 328

(b) A description of the property; 329

(c) If the property is alleged to be an instrumentality, 330
the alleged use or intended use of the property in the 331
commission or facilitation of the offense. 332

(2) If any property is not reasonably foreseen to be 333
subject to forfeiture at the time of filing the indictment, 334
information, or complaint, the trier of fact still may return a 335
verdict of forfeiture concerning that property in the hearing 336
described in division (B) of this section if the prosecutor, 337
upon discovering the property to be subject to forfeiture, gave 338
prompt notice of this fact to the alleged offender or delinquent 339
child under Criminal Rule 7(E) or Juvenile Rule 10(B). 340

(B) If a person pleads guilty to or is convicted of, or 341
enters intervention in lieu of conviction for, an offense or is 342
adjudicated a delinquent child for committing a delinquent act 343
and the complaint, indictment, or information charging the 344
offense or act contains a specification covering property 345
subject to forfeiture under section 2981.02 of the Revised Code, 346

the trier of fact shall determine whether the person's property 347
shall be forfeited. If the state or political subdivision proves 348
by clear and convincing evidence that the property is in whole 349
or part subject to forfeiture under section 2981.02 of the 350
Revised Code, after a proportionality review under section 351
2981.09 of the Revised Code when relevant, the trier of fact 352
shall return a verdict of forfeiture that specifically describes 353
the extent of the property subject to forfeiture. If the trier 354
of fact is a jury, on the offender's or delinquent child's 355
motion, the court shall make the determination of whether the 356
property shall be forfeited. 357

(C) If the court enters a verdict of forfeiture under this 358
section, the court imposing sentence or disposition, in addition 359
to any other sentence authorized by section 2951.041 or Chapter 360
2929. of the Revised Code or any disposition authorized by 361
Chapter 2152. of the Revised Code, shall order that the offender 362
or delinquent child forfeit to the state or political 363
subdivision the offender's or delinquent child's interest in the 364
property. The property vests with the state or political 365
subdivision subject to the claims of third parties. The court 366
may issue any additional order to affect the forfeiture, 367
including, but not limited to, an order under section 2981.06 of 368
the Revised Code. 369

(D) After the entry of a forfeiture order under this 370
section, the prosecutor shall attempt to identify any person 371
with an interest in the property subject to forfeiture by 372
searching appropriate public records and making reasonably 373
diligent inquiries. The prosecutor shall give notice of the 374
forfeiture that remains subject to the claims of third parties 375
and proposed disposal of the forfeited property to any person 376
known to have an interest in the property. The prosecutor also 377

shall publish notice of the forfeiture that remains subject to 378
the claims of third parties and proposed disposal of the 379
forfeited property once each week for two consecutive weeks in a 380
newspaper of general circulation in the county in which the 381
property was seized. 382

(E) (1) Any person, other than the offender or delinquent 383
child whose conviction or plea of guilty or delinquency 384
adjudication is the basis of the forfeiture order, who asserts a 385
legal interest in the property that is the subject of the order 386
may petition the court that issued the order for a hearing under 387
division (E) (3) of this section to adjudicate the validity of 388
the person's alleged interest in the property. All of the 389
following apply to the petition: 390

(a) It shall be filed within thirty days after the final 391
publication of notice or the person's receipt of notice under 392
division (D) of this section. 393

(b) It shall be signed by the petitioner under the 394
penalties for falsification specified in section 2921.13 of the 395
Revised Code. 396

(c) It shall describe the nature and extent of the 397
petitioner's interest in the property, the time and 398
circumstances of the petitioner's acquisition of that interest, 399
any additional facts supporting the petitioner's claim, and the 400
relief sought. 401

(d) It shall state that one of the following conditions 402
applies to the petitioner: 403

(i) The petitioner has a legal interest in the property 404
that is subject to the forfeiture order that renders the order 405
completely or partially invalid because the legal interest in 406

the property was vested in the petitioner, rather than the 407
offender or delinquent child whose conviction or plea of guilty 408
or delinquency adjudication is the basis of the order, or was 409
superior to any interest of that offender or delinquent child, 410
at the time of the commission of the offense or delinquent act 411
that is the basis of the order. 412

(ii) The petitioner is a bona fide purchaser for value of 413
the interest in the property that is subject to the forfeiture 414
order and was, at the time of the purchase, reasonably without 415
cause to believe that it was subject to forfeiture. 416

(2) (a) In lieu of filing a petition as described in 417
division (E) (1) of this section, a person, other than the 418
offender or delinquent child whose conviction or plea of guilty 419
or delinquency adjudication is the basis of the forfeiture 420
order, may file an affidavit as described in this division to 421
establish the validity of the alleged right, title, or interest 422
in the property that is the subject of the forfeiture order if 423
the person is a secured party or other lienholder of record that 424
asserts a legal interest in the property, including, but not 425
limited to, a mortgage, security interest, or other type of 426
lien. The affidavit shall contain averments that the secured 427
party or other lienholder acquired its alleged right, title, or 428
interest in the property in the regular course of its business, 429
for a specified valuable consideration, without actual knowledge 430
of any facts pertaining to the offense that was the basis of the 431
forfeiture order, in good faith, and without the intent to 432
prevent or otherwise impede the state or political subdivision 433
from seizing or obtaining a forfeiture of the property. The 434
person shall file the affidavit within thirty days after the 435
earlier of the final publication of notice or the receipt of 436
notice under division (D) of this section. 437

(b) Except as otherwise provided in this section, the 438
affidavit shall constitute prima-facie evidence of the validity 439
of the affiant's alleged interest in the property. 440

(c) Unless the prosecutor files a motion challenging the 441
affidavit within ten days after its filing and unless the 442
prosecutor establishes by clear and convincing evidence at the 443
hearing held under division (E)(3) of this section that the 444
affiant does not possess the alleged interest in the property or 445
that the affiant had actual knowledge of facts pertaining to the 446
offense or delinquent act that was the basis of the forfeiture 447
order, the affidavit shall constitute conclusive evidence of the 448
validity of the affiant's interest in the property. 449

(d) Any subsequent purchaser or other transferee of 450
property pursuant to forfeiture under this section shall take 451
the property subject to the continued validity of the interest 452
of the affiant. 453

(3) Upon receipt of a petition or affidavit filed under 454
division (E)(1) or (2) of this section, the court shall hold a 455
hearing to determine the validity of the petitioner's interest 456
in the property that is the subject of the forfeiture order or, 457
if the affidavit was challenged, to determine the validity of 458
the affiant's interest in the property. To the extent 459
practicable and consistent with the interests of justice, the 460
court shall hold the hearing within thirty days after the filing 461
of the petition or within thirty days after the prosecutor files 462
the motion challenging the affidavit. The court may consolidate 463
the hearing with a hearing on any other petition or affidavit 464
that is filed by a person other than the offender or delinquent 465
child whose conviction or plea of guilty or delinquency 466
adjudication is the basis of the forfeiture order and that 467

relates to the property that is the subject of the forfeiture 468
order. 469

At the hearing, the petitioner or affiant may testify, 470
present evidence and witnesses on the petitioner's or affiant's 471
behalf, and cross-examine witnesses for the state or political 472
subdivision. In regards to a petition, the state or political 473
subdivision may present evidence and witnesses in rebuttal and 474
in defense of its claim to the property and may cross-examine 475
witnesses for the petitioner. In regards to an affidavit, the 476
prosecutor may present evidence and witnesses and cross-examine 477
witnesses for the affiant. 478

In addition to the evidence and testimony presented at the 479
hearing, the court also shall consider the relevant portions of 480
the record in the criminal or delinquent child case that 481
resulted in the forfeiture order. 482

(F) (1) If the hearing involves a petition, the court shall 483
amend its forfeiture order if it determines at the hearing held 484
pursuant to division (E) (3) of this section that the petitioner 485
has established by a preponderance of the evidence that ~~that~~ the 486
applicable condition alleged by the petitioner under division 487
(E) (1) (d) of this section applies to the petitioner. 488

(2) The court also shall amend its forfeiture order to 489
reflect any interest of a secured party or other lienholder of 490
record in the property subject to forfeiture who prevails at a 491
hearing on the petition or affidavit filed pursuant to division 492
(E) (1) or (2) of this section. 493

(G) If the court disposes of all petitions or affidavits 494
timely filed under this section in favor of the state or 495
political subdivision, the state or political subdivision shall 496

have clear title to the property that is the subject of a 497
forfeiture order issued under this section, but only to the 498
extent that other parties' lawful interests in the property are 499
not infringed. To the extent that the state or political 500
subdivision has clear title to the property, the state or 501
political subdivision may warrant good title to any subsequent 502
purchaser or other transferee. 503

Sec. 3345.49. (A) No student who is enrolled in an 504
institution of higher education in Ohio and is the victim of a 505
violation of section 2917.211 of the Revised Code shall lose any 506
form of financial assistance provided by that institution for 507
educational expenses, including grants, scholarships, and 508
fellowships, for the sole reason of being the victim of such a 509
violation. Additionally, no institution of higher education 510
shall take any disciplinary action, including the imposition of 511
academic penalties, against that student for the sole reason of 512
being such a victim. 513

(B) If a person who is the victim of a violation of 514
section 2917.211 of the Revised Code applies to an institution 515
of higher education in Ohio, that person's status as such a 516
victim shall not affect the person's eligibility for any form of 517
financial assistance provided by the institution for educational 518
expenses, including grants, scholarships, and fellowships. 519

(C) As used in this section, "victim" has the same meaning 520
as in section 2930.01 of the Revised Code. 521

Section 2. That existing sections 2907.01, 2981.02, and 522
2981.04 of the Revised Code are hereby repealed. 523