



## Ohio Revised Code

### Section 2930.11 Returning or retaining victim's property.

Effective: October 3, 2023

Legislation: House Bill 33

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(A) Except as otherwise provided in this section or in Chapter 2981. of the Revised Code, the law enforcement agency responsible for investigating a criminal offense or delinquent act shall promptly return to the victim of the criminal offense or delinquent act any property of the victim that was taken in the course of the investigation, and the victim shall not be compelled to pay any charge as a condition of retrieving that property. In accordance with Criminal Rule 26 or an applicable Juvenile Rule, the law enforcement agency may take photographs of the property for use as evidence. If the ownership of the property is in dispute, the agency shall not return the property until the dispute is resolved.

(B) The law enforcement agency responsible for investigating a criminal offense or delinquent act shall retain any property of the victim of the criminal offense or delinquent act that is needed as evidence in the case, including any weapon used in the commission of the criminal offense or delinquent act, if the prosecutor certifies to the court a need to retain the property in lieu of a photograph of the property or of another evidentiary substitute for the property itself, pursuant to Ohio Rules of Appellate Procedure.

(C) If the defendant or alleged juvenile offender in a case files a motion requesting the court to order the law enforcement agency to retain property of the victim because the property is needed for the defense in the case, the agency shall retain the property until the court rules on the motion. The court, in making a determination on the motion, shall weigh the victim's need for the property against the defendant's or alleged juvenile offender's assertion that the property has evidentiary value for the defense. The court shall rule on the motion in a timely fashion.

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