

CHAPTER 641

ATTACHMENT BY THE STATE

Referred to in [§331.653](#)

Actions by state, [R.C.P. 1.207](#)

641.1	Indebtedness due the state.	641.4	Bond to discharge or release.
641.2	Attachment authorized.	641.5	Sheriff indemnified.
641.3	No bond required.		

641.1 Indebtedness due the state.

In all cases in which any person is indebted to the state, or to any officer or agent thereof for the use or benefit of the state, the attorney general shall demand payment or security therefor, when, in the opinion of the attorney general, the debt is not sufficiently secured.

[C73, §3005; C97, §3918; C24, 27, 31, 35, 39, [§12152](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, [§641.1](#)]

[94 Acts, ch 1173, §40](#)

641.2 Attachment authorized.

In all actions for money due to the state, or to any agent or officer for the use of the state, it shall be lawful for an attachment to issue against the property or debts of the defendant not exempt from execution, upon the filing of an affidavit of the attorney general, that the attorney general verily believes that a specific amount therein stated is justly due, and the defendant therein has refused to pay or secure the same, and unless an attachment is issued against the property of the defendant there is danger that the amount due will be lost to the state.

[C73, §3006; C97, §3919; C24, 27, 31, 35, 39, [§12153](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, [§641.2](#)]

[94 Acts, ch 1173, §41](#)

Referred to in [§641.4](#), [641.5](#)

641.3 No bond required.

The attachment so issued shall be levied as in other cases of attachment, and no bond shall be required of the plaintiff in such cases, and the sheriff shall not be authorized to require any indemnifying bond in case of such levy.

[C73, §3007; C97, §3920; C24, 27, 31, 35, 39, [§12154](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, [§641.3](#)]

Referred to in [§641.4](#), [641.5](#)

641.4 Bond to discharge or release.

An attachment levied under the provisions of [sections 641.2](#) and [641.3](#) may be discharged, or any property taken thereunder may be released, by the execution of a bond with sufficient sureties, as provided by law in other cases of attachment.

[C73, §3008; C97, §3921; C24, 27, 31, 35, 39, [§12155](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, [§641.4](#)]

Referred to in [§641.5](#)

Delivery bond, [§639.45](#)

641.5 Sheriff indemnified.

If any sheriff is held liable to pay any damages by reason of the wrongful execution of any writ of attachment issued under [sections 641.2 through 641.4](#) and if a judgment is rendered for those damages, the amount of the judgment, when paid by such sheriff, shall become a claim against the state in the sheriff's favor, and a warrant for that amount shall be drawn by the director of the department of administrative services upon proper proof.

[C73, §3009; C97, §3922; C24, 27, 31, 35, 39, [§12156](#); C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, [§641.5](#)]

[2003 Acts, ch 145, §286](#); [2021 Acts, ch 80, §370](#)

Section amended