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Am. Sub. S. B. No. 58

**Senators Jacobson, Stivers, Goodman, Armbruster, Harris, Carey, Brady,
Fingerhut, Hottinger, Austria, Carnes, Dann, Randy Gardner, Hagan, Miller,**

Mumper, Roberts, Zurz

**Representatives Willamowski, Gilb, Brown, Latta, Callender, Grendell, Allen,
Aslanides, Beatty, Book, Buehrer, Calvert, Carmichael, Cates, Cirelli, Collier,**

**Core, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, C. Evans,
D. Evans, Flowers, Hartnett, Harwood, Hughes, Martin, McGregor, Niehaus,
Oelslager, Oلمان, Otterman, T. Patton, Price, Raga, Reidelbach, Schaffer,
Schlichter, Schmidt, Seaver, Setzer, Sferra, Slaby, G. Smith, J. Stewart,
Strahorn, Taylor, Walcher, White, Widener, Woodard, Young**

A B I L L

To amend sections 2919.22, 2925.04, and 2925.041 of 1
the Revised Code to increase the penalties for 2
certain drug offenses if the offense is committed 3
in the vicinity of a school or in the vicinity of 4
a juvenile and to expand the offense of 5
endangering children to prohibit allowing children 6
to be within the vicinity of certain drug 7
offenses. 8

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

Section 1. That sections 2919.22, 2925.04, and 2925.041 of 9
the Revised Code be amended to read as follows: 10

Sec. 2919.22. (A) No person, who is the parent, guardian, 11

custodian, person having custody or control, or person in loco 12
parentis of a child under eighteen years of age or a mentally or 13
physically handicapped child under twenty-one years of age, shall 14
create a substantial risk to the health or safety of the child, by 15
violating a duty of care, protection, or support. It is not a 16
violation of a duty of care, protection, or support under this 17
division when the parent, guardian, custodian, or person having 18
custody or control of a child treats the physical or mental 19
illness or defect of the child by spiritual means through prayer 20
alone, in accordance with the tenets of a recognized religious 21
body. 22

(B) No person shall do any of the following to a child under 23
eighteen years of age or a mentally or physically handicapped 24
child under twenty-one years of age: 25

(1) Abuse the child; 26

(2) Torture or cruelly abuse the child; 27

(3) Administer corporal punishment or other physical 28
disciplinary measure, or physically restrain the child in a cruel 29
manner or for a prolonged period, which punishment, discipline, or 30
restraint is excessive under the circumstances and creates a 31
substantial risk of serious physical harm to the child; 32

(4) Repeatedly administer unwarranted disciplinary measures 33
to the child, when there is a substantial risk that such conduct, 34
if continued, will seriously impair or retard the child's mental 35
health or development; 36

(5) Entice, coerce, permit, encourage, compel, hire, employ, 37
use, or allow the child to act, model, or in any other way 38
participate in, or be photographed for, the production, 39
presentation, dissemination, or advertisement of any material or 40
performance that the offender knows or reasonably should know is 41

obscene, is sexually oriented matter, or is nudity-oriented matter;
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(6) Allow the child to be on the same parcel of real property and within one hundred feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within one hundred feet of, any act in violation of section 2925.04 or 2925.041 of the Revised Code when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation of section 2925.04 or 2925.041 of the Revised Code that is the basis of the violation of this division.
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(C)(1) No person shall operate a vehicle, streetcar, or trackless trolley within this state in violation of division (A) of section 4511.19 of the Revised Code when one or more children under eighteen years of age are in the vehicle, streetcar, or trackless trolley. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of division (A) of section 4511.19 of the Revised Code that constitutes the basis of the charge of the violation of this division. For purposes of sections 4511.191 to 4511.197 of the Revised Code and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine.
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(2) As used in division (C)(1) of this section, "vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.
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(D)(1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or
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disseminated for a bona fide medical, scientific, educational, 74
religious, governmental, judicial, or other proper purpose, by or 75
to a physician, psychologist, sociologist, scientist, teacher, 76
person pursuing bona fide studies or research, librarian, member 77
of the clergy, prosecutor, judge, or other person having a proper 78
interest in the material or performance. 79

(2) Mistake of age is not a defense to a charge under 80
division (B)(5) of this section. 81

(3) In a prosecution under division (B)(5) of this section, 82
the trier of fact may infer that an actor, model, or participant 83
in the material or performance involved is a juvenile if the 84
material or performance, through its title, text, visual 85
representation, or otherwise, represents or depicts the actor, 86
model, or participant as a juvenile. 87

(4) As used in this division and division (B)(5) of this 88
section: 89

(a) "Material," "performance," "obscene," and "sexual 90
activity" have the same meanings as in section 2907.01 of the 91
Revised Code. 92

(b) "Nudity-oriented matter" means any material or 93
performance that shows a minor in a state of nudity and that, 94
taken as a whole by the average person applying contemporary 95
community standards, appeals to prurient interest. 96

(c) "Sexually oriented matter" means any material or 97
performance that shows a minor participating or engaging in sexual 98
activity, masturbation, or bestiality. 99

(E)(1) Whoever violates this section is guilty of endangering 100
children. 101

(2) If the offender violates division (A) or (B)(1) of this 102
section, endangering children is one of the following: 103

(a) Except as otherwise provided in division (E)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree;	104 105
(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E)(2)(c) or (d) of this section, a felony of the fourth degree;	106 107 108 109 110
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	111 112 113
(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree.	114 115 116
(3) If the offender violates division (B)(2), (3), or (4), <u>or</u> <u>(6)</u> of this section, except as otherwise provided in this division, endangering children is a felony of the third degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, endangering children is a felony of the second degree.	117 118 119 120 121 122 123 124
(4) If the offender violates division (B)(5) of this section, endangering children is a felony of the second degree.	125 126
(5) If the offender violates division (C) of this section, the offender shall be punished as follows:	127 128
(a) Except as otherwise provided in division (E)(5)(b) or (c) of this section, endangering children in violation of division (C) of this section is a misdemeanor of the first degree.	129 130 131
(b) If the violation results in serious physical harm to the child involved or the offender previously has been convicted of an	132 133

offense under this section or any offense involving neglect, 134
abandonment, contributing to the delinquency of, or physical abuse 135
of a child, except as otherwise provided in division (E)(5)(c) of 136
this section, endangering children in violation of division (C) of 137
this section is a felony of the fifth degree. 138

(c) If the violation results in serious physical harm to the 139
child involved and if the offender previously has been convicted 140
of a violation of division (C) of this section, section 2903.06 or 141
2903.08 of the Revised Code, section 2903.07 of the Revised Code 142
as it existed prior to March 23, 2000, or section 2903.04 of the 143
Revised Code in a case in which the offender was subject to the 144
sanctions described in division (D) of that section, endangering 145
children in violation of division (C) of this section is a felony 146
of the fourth degree. 147

(d) In addition to any term of imprisonment, fine, or other 148
sentence, penalty, or sanction it imposes upon the offender 149
pursuant to division (E)(5)(a), (b), or (c) of this section or 150
pursuant to any other provision of law and in addition to any 151
suspension of the offender's driver's or commercial driver's 152
license or permit or nonresident operating privilege under Chapter 153
4506., 4509., 4510., or 4511. of the Revised Code or under any 154
other provision of law, the court also may impose upon the 155
offender a class seven suspension of the offender's driver's or 156
commercial driver's license or permit or nonresident operating 157
privilege from the range specified in division (A)(7) of section 158
4510.02 of the Revised Code. 159

(e) In addition to any term of imprisonment, fine, or other 160
sentence, penalty, or sanction imposed upon the offender pursuant 161
to division (E)(5)(a), (b), (c), or (d) of this section or 162
pursuant to any other provision of law for the violation of 163
division (C) of this section, if as part of the same trial or 164
proceeding the offender also is convicted of or pleads guilty to a 165

separate charge charging the violation of division (A) of section 166
4511.19 of the Revised Code that was the basis of the charge of 167
the violation of division (C) of this section, the offender also 168
shall be sentenced in accordance with section 4511.19 of the 169
Revised Code for that violation of division (A) of section 4511.19 170
of the Revised Code. 171

(F)(1)(a) A court may require an offender to perform not more 172
than two hundred hours of supervised community service work under 173
the authority of an agency, subdivision, or charitable 174
organization. The requirement shall be part of the community 175
control sanction or sentence of the offender, and the court shall 176
impose the community service in accordance with and subject to 177
divisions (F)(1)(a) and (b) of this section. The court may require 178
an offender whom it requires to perform supervised community 179
service work as part of the offender's community control sanction 180
or sentence to pay the court a reasonable fee to cover the costs 181
of the offender's participation in the work, including, but not 182
limited to, the costs of procuring a policy or policies of 183
liability insurance to cover the period during which the offender 184
will perform the work. If the court requires the offender to 185
perform supervised community service work as part of the 186
offender's community control sanction or sentence, the court shall 187
do so in accordance with the following limitations and criteria: 188

(i) The court shall require that the community service work 189
be performed after completion of the term of imprisonment or jail 190
term imposed upon the offender for the violation of division (C) 191
of this section, if applicable. 192

(ii) The supervised community service work shall be subject 193
to the limitations set forth in divisions (B)(1), (2), and (3) of 194
section 2951.02 of the Revised Code. 195

(iii) The community service work shall be supervised in the 196
manner described in division (B)(4) of section 2951.02 of the 197

Revised Code by an official or person with the qualifications 198
described in that division. The official or person periodically 199
shall report in writing to the court concerning the conduct of the 200
offender in performing the work. 201

(iv) The court shall inform the offender in writing that if 202
the offender does not adequately perform, as determined by the 203
court, all of the required community service work, the court may 204
order that the offender be committed to a jail or workhouse for a 205
period of time that does not exceed the term of imprisonment that 206
the court could have imposed upon the offender for the violation 207
of division (C) of this section, reduced by the total amount of 208
time that the offender actually was imprisoned under the sentence 209
or term that was imposed upon the offender for that violation and 210
by the total amount of time that the offender was confined for any 211
reason arising out of the offense for which the offender was 212
convicted and sentenced as described in sections 2949.08 and 213
2967.191 of the Revised Code, and that, if the court orders that 214
the offender be so committed, the court is authorized, but not 215
required, to grant the offender credit upon the period of the 216
commitment for the community service work that the offender 217
adequately performed. 218

(b) If a court, pursuant to division (F)(1)(a) of this 219
section, orders an offender to perform community service work as 220
part of the offender's community control sanction or sentence and 221
if the offender does not adequately perform all of the required 222
community service work, as determined by the court, the court may 223
order that the offender be committed to a jail or workhouse for a 224
period of time that does not exceed the term of imprisonment that 225
the court could have imposed upon the offender for the violation 226
of division (C) of this section, reduced by the total amount of 227
time that the offender actually was imprisoned under the sentence 228
or term that was imposed upon the offender for that violation and 229

by the total amount of time that the offender was confined for any 230
reason arising out of the offense for which the offender was 231
convicted and sentenced as described in sections 2949.08 and 232
2967.191 of the Revised Code. The court may order that a person 233
committed pursuant to this division shall receive hour-for-hour 234
credit upon the period of the commitment for the community service 235
work that the offender adequately performed. No commitment 236
pursuant to this division shall exceed the period of the term of 237
imprisonment that the sentencing court could have imposed upon the 238
offender for the violation of division (C) of this section, 239
reduced by the total amount of time that the offender actually was 240
imprisoned under that sentence or term and by the total amount of 241
time that the offender was confined for any reason arising out of 242
the offense for which the offender was convicted and sentenced as 243
described in sections 2949.08 and 2967.191 of the Revised Code. 244

(2) Division (F)(1) of this section does not limit or affect 245
the authority of the court to suspend the sentence imposed upon a 246
misdemeanor offender and place the offender under a community 247
control sanction pursuant to section 2929.25 of the Revised Code, 248
to require a misdemeanor or felony offender to perform supervised 249
community service work in accordance with division (B) of section 250
2951.02 of the Revised Code, or to place a felony offender under a 251
community control sanction. 252

(G)(1) If a court suspends an offender's driver's or 253
commercial driver's license or permit or nonresident operating 254
privilege under division (E)(5)(d) of this section, the period of 255
the suspension shall be consecutive to, and commence after, the 256
period of suspension of the offender's driver's or commercial 257
driver's license or permit or nonresident operating privilege that 258
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 259
Revised Code or under any other provision of law in relation to 260
the violation of division (C) of this section that is the basis of 261

the suspension under division (E)(5)(d) of this section or in 262
relation to the violation of division (A) of section 4511.19 of 263
the Revised Code that is the basis for that violation of division 264
(C) of this section. 265

(2) An offender is not entitled to request, and the court 266
shall not grant to the offender, limited driving privileges if the 267
offender's license, permit, or privilege has been suspended under 268
division (E)(5)(d) of this section and the offender, within the 269
preceding six years, has been convicted of or pleaded guilty to 270
three or more violations of one or more of the following: 271

(a) Division (C) of this section; 272

(b) Any equivalent offense, as defined in section 4511.181 of 273
the Revised Code. 274

(H)(1) If a person violates division (C) of this section and 275
if, at the time of the violation, there were two or more children 276
under eighteen years of age in the motor vehicle involved in the 277
violation, the offender may be convicted of a violation of 278
division (C) of this section for each of the children, but the 279
court may sentence the offender for only one of the violations. 280

(2)(a) If a person is convicted of or pleads guilty to a 281
violation of division (C) of this section but the person is not 282
also convicted of and does not also plead guilty to a separate 283
charge charging the violation of division (A) of section 4511.19 284
of the Revised Code that was the basis of the charge of the 285
violation of division (C) of this section, both of the following 286
apply: 287

(i) For purposes of the provisions of section 4511.19 of the 288
Revised Code that set forth the penalties and sanctions for a 289
violation of division (A) of section 4511.19 of the Revised Code, 290
the conviction of or plea of guilty to the violation of division 291
(C) of this section shall not constitute a violation of division 292

(A) of section 4511.19 of the Revised Code;	293
(ii) For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code and that is not described in division (H)(2)(a)(i) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.	294 295 296 297 298 299 300
(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.	301 302 303 304 305 306 307 308 309 310 311 312
(I) As used in this section:	313
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;	314 315
(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code.	316 317
Sec. 2925.04. (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.	318 319 320
(B) This section does not apply to any person listed in division (B)(1), (2), or (3) of section 2925.03 of the Revised	321 322

Code to the extent and under the circumstances described in those 323
divisions. 324

(C)(1) Whoever commits a violation of division (A) of this 325
section that involves any drug other than marihuana is guilty of 326
illegal manufacture of drugs, and whoever commits a violation of 327
division (A) of this section that involves marihuana is guilty of 328
illegal cultivation of marihuana. 329

(2) Except as otherwise provided in this division, if the 330
drug involved in the violation of division (A) of this section is 331
any compound, mixture, preparation, or substance included in 332
schedule I or II, with the exception of marihuana, illegal 333
manufacture of drugs is a felony of the second degree, and, 334
subject to division (E) of this section, the court shall impose as 335
a mandatory prison term one of the prison terms prescribed for a 336
felony of the second degree. If the drug involved in the violation 337
is any compound, mixture, preparation, or substance included in 338
schedule I or II, with the exception of marihuana, and if the 339
offense was committed in the vicinity of a juvenile or in the 340
vicinity of a school, illegal manufacture of drugs is a felony of 341
the first degree, and, subject to division (E) of this section, 342
the court shall impose as a mandatory prison term one of the 343
prison terms prescribed for a felony of the first degree. If the 344
drug involved in the violation is methamphetamine, any salt, 345
isomer, or salt of an isomer of methamphetamine, or any compound, 346
mixture, preparation, or substance containing methamphetamine or 347
any salt, isomer, or salt of an isomer of methamphetamine and if 348
the offense was committed ~~in the vicinity of a juvenile, in the~~ 349
~~vicinity of a school, or~~ on public premises, illegal manufacture 350
of drugs is a felony of the first degree, and, subject to division 351
(E) of this section, the court shall impose as a mandatory prison 352
term one of the prison terms prescribed for a felony of the first 353
degree. 354

(3) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal manufacture of drugs is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

(4) If the drug involved in the violation is marihuana, the penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, illegal cultivation of marihuana is a minor misdemeanor or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.

(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.

(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and

division (C) of section 2929.13 of the Revised Code applies in 386
determining whether to impose a prison term on the offender. 387

(e) If the amount of marihuana involved equals or exceeds 388
five thousand grams but is less than twenty thousand grams, 389
illegal cultivation of marihuana is a felony of the third degree 390
or, if the offense was committed in the vicinity of a school or in 391
the vicinity of a juvenile, a felony of the second degree, and 392
there is a presumption for a prison term for the offense. 393

(f) ~~If~~ Except as otherwise provided in this division, if the 394
amount of marihuana involved equals or exceeds twenty thousand 395
grams, illegal cultivation of marihuana is a felony of the second 396
degree, and the court shall impose as a mandatory prison term the 397
maximum prison term prescribed for a felony of the second degree. 398
If the amount of the drug involved equals or exceeds twenty 399
thousand grams and if the offense was committed in the vicinity of 400
a school or in the vicinity of a juvenile, illegal cultivation of 401
marihuana is a felony of the first degree, and the court shall 402
impose as a mandatory prison term the maximum prison term 403
prescribed for a felony of the first degree. 404

(D) In addition to any prison term authorized or required by 405
division (C) or (E) of this section and sections 2929.13 and 406
2929.14 of the Revised Code and in addition to any other sanction 407
imposed for the offense under this section or sections 2929.11 to 408
2929.18 of the Revised Code, the court that sentences an offender 409
who is convicted of or pleads guilty to a violation of division 410
(A) of this section shall do all of the following that are 411
applicable regarding the offender: 412

(1) If the violation of division (A) of this section is a 413
felony of the first, second, or third degree, the court shall 414
impose upon the offender the mandatory fine specified for the 415
offense under division (B)(1) of section 2929.18 of the Revised 416
Code unless, as specified in that division, the court determines 417

that the offender is indigent. The clerk of the court shall pay a 418
mandatory fine or other fine imposed for a violation of this 419
section pursuant to division (A) of section 2929.18 of the Revised 420
Code in accordance with and subject to the requirements of 421
division (F) of section 2925.03 of the Revised Code. The agency 422
that receives the fine shall use the fine as specified in division 423
(F) of section 2925.03 of the Revised Code. If a person is charged 424
with a violation of this section that is a felony of the first, 425
second, or third degree, posts bail, and forfeits the bail, the 426
clerk shall pay the forfeited bail as if the forfeited bail were a 427
fine imposed for a violation of this section. 428

(2) The court shall suspend the offender's driver's or 429
commercial driver's license or permit in accordance with division 430
(G) of section 2925.03 of the Revised Code. If an offender's 431
driver's or commercial driver's license or permit is suspended in 432
accordance with that division, the offender may request 433
termination of, and the court may terminate, the suspension in 434
accordance with that division. 435

(3) If the offender is a professionally licensed person, the 436
court immediately shall comply with section 2925.38 of the Revised 437
Code. 438

(E) Notwithstanding the prison term otherwise authorized or 439
required for the offense under division (C) of this section and 440
sections 2929.13 and 2929.14 of the Revised Code, if the violation 441
of division (A) of this section involves the sale, offer to sell, 442
or possession of a schedule I or II controlled substance, with the 443
exception of marihuana, and if the court imposing sentence upon 444
the offender finds that the offender as a result of the violation 445
is a major drug offender and is guilty of a specification of the 446
type described in section 2941.1410 of the Revised Code, the 447
court, in lieu of the prison term otherwise authorized or 448
required, shall impose upon the offender the mandatory prison term 449

specified in division (D)(3)(a) of section 2929.14 of the Revised Code and may impose an additional prison term under division (D)(3)(b) of that section.

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge under this section for a fifth degree felony violation of illegal cultivation of marihuana that the marihuana that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed or cultivated under any other circumstances that indicate that the marihuana was solely for personal use.

Notwithstanding any contrary provision of division (F) of this section, if, in accordance with section 2901.05 of the Revised Code, a person who is charged with a violation of illegal cultivation of marihuana that is a felony of the fifth degree sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the person may be prosecuted for and may be convicted of or plead guilty to a misdemeanor violation of illegal cultivation of marihuana.

(G) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness.

Sec. 2925.041. (A) No person shall knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in schedule I or II with the intent to manufacture a controlled substance in schedule I or II in

violation of section 2925.04 of the Revised Code. 481

(B) In a prosecution under this section, it is not necessary 482
to allege or prove that the offender assembled or possessed all 483
chemicals necessary to manufacture a controlled substance in 484
schedule I or II. The assembly or possession of a single chemical 485
that may be used in the manufacture of a controlled substance in 486
schedule I or II, with the intent to manufacture a controlled 487
substance in either schedule, is sufficient to violate this 488
section. 489

(C) Whoever violates this section is guilty of illegal 490
assembly or possession of chemicals for the manufacture of drugs. 491
~~Illegal~~ Except as otherwise provided in this division, illegal 492
assembly or possession of chemicals for the manufacture of drugs 493
is a felony of the third degree, and division (C) of section 494
2929.13 of the Revised Code applies in determining whether to 495
impose a prison term on the offender. If the offense was committed 496
in the vicinity of a juvenile or in the vicinity of a school, 497
illegal assembly or possession of chemicals for the manufacture of 498
drugs is a felony of the second degree, and division (C) of 499
section 2929.13 of the Revised Code applies in determining whether 500
to impose a prison term on the offender. 501

(D) In addition to any prison term authorized by division (C) 502
of this section and sections 2929.13 and 2929.14 of the Revised 503
Code and in addition to any other sanction imposed for the offense 504
under this section or sections 2929.11 to 2929.18 of the Revised 505
Code, the court that sentences an offender who is convicted of or 506
pleads guilty to a violation of this section shall do all of the 507
following that are applicable regarding the offender: 508

(1) The court shall impose upon the offender the mandatory 509
fine specified for the offense under division (B)(1) of section 510
2929.18 of the Revised Code unless, as specified in that division, 511

the court determines that the offender is indigent. The clerk of 512
the court shall pay a mandatory fine or other fine imposed for a 513
violation of this section under division (A) of section 2929.18 of 514
the Revised Code in accordance with and subject to the 515
requirements of division (F) of section 2925.03 of the Revised 516
Code. The agency that receives the fine shall use the fine as 517
specified in division (F) of section 2925.03 of the Revised Code. 518
If a person charged with a violation of this section posts bail 519
and forfeits the bail, the clerk shall pay the forfeited bail as 520
if the forfeited bail were a fine imposed for a violation of this 521
section. 522

(2) The court shall revoke or suspend the offender's driver's 523
or commercial driver's license or permit in accordance with 524
division (G) of section 2925.03 of the Revised Code. If an 525
offender's driver's or commercial driver's license or permit is 526
revoked in accordance with that division, the offender may request 527
termination of, and the court may terminate, the revocation in 528
accordance with that division. 529

(3) If the offender is a professionally licensed person or a 530
person who has been admitted to the bar by order of the supreme 531
court in compliance with its prescribed and published rules, the 532
court shall comply with section 2925.38 of the Revised Code. 533

Section 2. That existing sections 2919.22, 2925.04, and 534
2925.041 of the Revised Code are hereby repealed. 535