

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 58

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

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Representatives Willamowski, Gilb, Brown, Latta, Callender, Grendell

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 42
matter; 43

(6) Allow the child to be within one hundred feet of or 44
within the view of any activity involved in the commission of a 45
violation of section 2925.04 or section 2925.041 of the Revised 46
Code. 47

(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.

(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.

(D)(1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

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

(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant

in the material or performance involved is a juvenile if the 79
material or performance, through its title, text, visual 80
representation, or otherwise, represents or depicts the actor, 81
model, or participant as a juvenile. 82

(4) As used in this division and division (B)(5) of this 83
section: 84

(a) "Material," "performance," "obscene," and "sexual 85
activity" have the same meanings as in section 2907.01 of the 86
Revised Code. 87

(b) "Nudity-oriented matter" means any material or 88
performance that shows a minor in a state of nudity and that, 89
taken as a whole by the average person applying contemporary 90
community standards, appeals to prurient interest. 91

(c) "Sexually oriented matter" means any material or 92
performance that shows a minor participating or engaging in sexual 93
activity, masturbation, or bestiality. 94

(E)(1) Whoever violates this section is guilty of endangering 95
children. 96

(2) If the offender violates division (A) or (B)(1) of this 97
section, endangering children is one of the following: 98

(a) Except as otherwise provided in division (E)(2)(b), (c), 99
or (d) of this section, a misdemeanor of the first degree; 100

(b) If the offender previously has been convicted of an 101
offense under this section or of any offense involving neglect, 102
abandonment, contributing to the delinquency of, or physical abuse 103
of a child, except as otherwise provided in division (E)(2)(c) or 104
(d) of this section, a felony of the fourth degree; 105

(c) If the violation is a violation of division (A) of this 106
section and results in serious physical harm to the child 107
involved, a felony of the third degree; 108

(d) If the violation is a violation of division (B)(1) of 109
this section and results in serious physical harm to the child 110
involved, a felony of the second degree. 111

(3) If the offender violates division (B)(2), (3), ~~or~~ (4), or 112
(6) of this section, except as otherwise provided in this 113
division, endangering children is a felony of the third degree. If 114
the violation results in serious physical harm to the child 115
involved, or if the offender previously has been convicted of an 116
offense under this section or of any offense involving neglect, 117
abandonment, contributing to the delinquency of, or physical abuse 118
of a child, endangering children is a felony of the second degree. 119

(4) If the offender violates division (B)(5) of this section, 120
endangering children is a felony of the second degree. 121

(5) If the offender violates division (C) of this section, 122
the offender shall be punished as follows: 123

(a) Except as otherwise provided in division (E)(5)(b) or (c) 124
of this section, endangering children in violation of division (C) 125
of this section is a misdemeanor of the first degree. 126

(b) If the violation results in serious physical harm to the 127
child involved or the offender previously has been convicted of an 128
offense under this section or any offense involving neglect, 129
abandonment, contributing to the delinquency of, or physical abuse 130
of a child, except as otherwise provided in division (E)(5)(c) of 131
this section, endangering children in violation of division (C) of 132
this section is a felony of the fifth degree. 133

(c) If the violation results in serious physical harm to the 134
child involved and if the offender previously has been convicted 135
of a violation of division (C) of this section, section 2903.06 or 136
2903.08 of the Revised Code, section 2903.07 of the Revised Code 137
as it existed prior to March 23, 2000, or section 2903.04 of the 138
Revised Code in a case in which the offender was subject to the 139

sanctions described in division (D) of that section, endangering 140
children in violation of division (C) of this section is a felony 141
of the fourth degree. 142

(d) In addition to any term of imprisonment, fine, or other 143
sentence, penalty, or sanction it imposes upon the offender 144
pursuant to division (E)(5)(a), (b), or (c) of this section or 145
pursuant to any other provision of law and in addition to any 146
suspension of the offender's driver's or commercial driver's 147
license or permit or nonresident operating privilege under Chapter 148
4506., 4509., 4510., or 4511. of the Revised Code or under any 149
other provision of law, the court also may impose upon the 150
offender a class seven suspension of the offender's driver's or 151
commercial driver's license or permit or nonresident operating 152
privilege from the range specified in division (A)(7) of section 153
4510.02 of the Revised Code. 154

(e) In addition to any term of imprisonment, fine, or other 155
sentence, penalty, or sanction imposed upon the offender pursuant 156
to division (E)(5)(a), (b), (c), or (d) of this section or 157
pursuant to any other provision of law for the violation of 158
division (C) of this section, if as part of the same trial or 159
proceeding the offender also is convicted of or pleads guilty to a 160
separate charge charging the violation of division (A) of section 161
4511.19 of the Revised Code that was the basis of the charge of 162
the violation of division (C) of this section, the offender also 163
shall be sentenced in accordance with section 4511.19 of the 164
Revised Code for that violation of division (A) of section 4511.19 165
of the Revised Code. 166

(F)(1)(a) A court may require an offender to perform not more 167
than two hundred hours of supervised community service work under 168
the authority of an agency, subdivision, or charitable 169
organization. The requirement shall be part of the community 170
control sanction or sentence of the offender, and the court shall 171

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

(i) The court shall require that the community service work 184
be performed after completion of the term of imprisonment or jail 185
term imposed upon the offender for the violation of division (C) 186
of this section, if applicable. 187

(ii) The supervised community service work shall be subject 188
to the limitations set forth in divisions (B)(1), (2), and (3) of 189
section 2951.02 of the Revised Code. 190

(iii) The community service work shall be supervised in the 191
manner described in division (B)(4) of section 2951.02 of the 192
Revised Code by an official or person with the qualifications 193
described in that division. The official or person periodically 194
shall report in writing to the court concerning the conduct of the 195
offender in performing the work. 196

(iv) The court shall inform the offender in writing that if 197
the offender does not adequately perform, as determined by the 198
court, all of the required community service work, the court may 199
order that the offender be committed to a jail or workhouse for a 200
period of time that does not exceed the term of imprisonment that 201
the court could have imposed upon the offender for the violation 202
of division (C) of this section, reduced by the total amount of 203

time that the offender actually was imprisoned under the sentence 204
or term that was imposed upon the offender for that violation and 205
by the total amount of time that the offender was confined for any 206
reason arising out of the offense for which the offender was 207
convicted and sentenced as described in sections 2949.08 and 208
2967.191 of the Revised Code, and that, if the court orders that 209
the offender be so committed, the court is authorized, but not 210
required, to grant the offender credit upon the period of the 211
commitment for the community service work that the offender 212
adequately performed. 213

(b) If a court, pursuant to division (F)(1)(a) of this 214
section, orders an offender to perform community service work as 215
part of the offender's community control sanction or sentence and 216
if the offender does not adequately perform all of the required 217
community service work, as determined by the court, the court may 218
order that the offender be committed to a jail or workhouse for a 219
period of time that does not exceed the term of imprisonment that 220
the court could have imposed upon the offender for the violation 221
of division (C) of this section, reduced by the total amount of 222
time that the offender actually was imprisoned under the sentence 223
or term that was imposed upon the offender for that violation and 224
by the total amount of time that the offender was confined for any 225
reason arising out of the offense for which the offender was 226
convicted and sentenced as described in sections 2949.08 and 227
2967.191 of the Revised Code. The court may order that a person 228
committed pursuant to this division shall receive hour-for-hour 229
credit upon the period of the commitment for the community service 230
work that the offender adequately performed. No commitment 231
pursuant to this division shall exceed the period of the term of 232
imprisonment that the sentencing court could have imposed upon the 233
offender for the violation of division (C) of this section, 234
reduced by the total amount of time that the offender actually was 235
imprisoned under that sentence or term and by the total amount of 236

time that the offender was confined for any reason arising out of 237
the offense for which the offender was convicted and sentenced as 238
described in sections 2949.08 and 2967.191 of the Revised Code. 239

(2) Division (F)(1) of this section does not limit or affect 240
the authority of the court to suspend the sentence imposed upon a 241
misdemeanor offender and place the offender under a community 242
control sanction pursuant to section 2929.25 of the Revised Code, 243
to require a misdemeanor or felony offender to perform supervised 244
community service work in accordance with division (B) of section 245
2951.02 of the Revised Code, or to place a felony offender under a 246
community control sanction. 247

(G)(1) If a court suspends an offender's driver's or 248
commercial driver's license or permit or nonresident operating 249
privilege under division (E)(5)(d) of this section, the period of 250
the suspension shall be consecutive to, and commence after, the 251
period of suspension of the offender's driver's or commercial 252
driver's license or permit or nonresident operating privilege that 253
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 254
Revised Code or under any other provision of law in relation to 255
the violation of division (C) of this section that is the basis of 256
the suspension under division (E)(5)(d) of this section or in 257
relation to the violation of division (A) of section 4511.19 of 258
the Revised Code that is the basis for that violation of division 259
(C) of this section. 260

(2) An offender is not entitled to request, and the court 261
shall not grant to the offender, limited driving privileges if the 262
offender's license, permit, or privilege has been suspended under 263
division (E)(5)(d) of this section and the offender, within the 264
preceding six years, has been convicted of or pleaded guilty to 265
three or more violations of one or more of the following: 266

(a) Division (C) of this section; 267

(b) Any equivalent offense, as defined in section 4511.181 of the Revised Code. 268
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(H)(1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of division (C) of this section for each of the children, but the court may sentence the offender for only one of the violations. 270
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(2)(a) If a person is convicted of or pleads guilty to a violation of division (C) of this section but the person is not also convicted of and does not also plead 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, both of the following apply: 276
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(i) For purposes of the provisions of section 4511.19 of the Revised Code that set forth the penalties and sanctions for a violation of division (A) of section 4511.19 of the Revised Code, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of division (A) of section 4511.19 of the Revised Code; 283
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(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. 289
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(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 296
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violation of division (A) of section 4511.19 of the Revised Code 299
that was the basis of the charge of the violation of division (C) 300
of this section, the conviction of or plea of guilty to the 301
violation of division (C) of this section shall not constitute, 302
for purposes of any provision of law that refers to a conviction 303
of or plea of guilty to a violation of division (A) of section 304
4511.19 of the Revised Code, a conviction of or plea of guilty to 305
a violation of division (A) of section 4511.19 of the Revised 306
Code. 307

(I) As used in this section: 308

(1) "Community control sanction" has the same meaning as in 309
section 2929.01 of the Revised Code; 310

(2) "Limited driving privileges" has the same meaning as in 311
section 4501.01 of the Revised Code. 312

Sec. 2925.04. (A) No person shall knowingly cultivate 313
marihuana or knowingly manufacture or otherwise engage in any part 314
of the production of a controlled substance. 315

(B) This section does not apply to any person listed in 316
division (B)(1), (2), or (3) of section 2925.03 of the Revised 317
Code to the extent and under the circumstances described in those 318
divisions. 319

(C)(1) Whoever commits a violation of division (A) of this 320
section that involves any drug other than marihuana is guilty of 321
illegal manufacture of drugs, and whoever commits a violation of 322
division (A) of this section that involves marihuana is guilty of 323
illegal cultivation of marihuana. 324

(2) Except as otherwise provided in this division, if the 325
drug involved in the violation of division (A) of this section is 326
any compound, mixture, preparation, or substance included in 327
schedule I or II, with the exception of marihuana, illegal 328

manufacture of drugs is a felony of the second degree, and, 329
subject to division (E) of this section, the court shall impose as 330
a mandatory prison term one of the prison terms prescribed for a 331
felony of the second degree. If the drug involved in the violation 332
is any compound, mixture, preparation, or substance included in 333
schedule I or II, with the exception of marihuana, and if the 334
offense was committed in the vicinity of a juvenile or in the 335
vicinity of a school, illegal manufacture of drugs is a felony of 336
the first degree, and, subject to division (E) of this section, 337
the court shall impose as a mandatory prison term one of the 338
prison terms prescribed for a felony of the first degree. If the 339
drug involved in the violation is methamphetamine, any salt, 340
isomer, or salt of an isomer of methamphetamine, or any compound, 341
mixture, preparation, or substance containing methamphetamine or 342
any salt, isomer, or salt of an isomer of methamphetamine and if 343
the offense was committed ~~in the vicinity of a juvenile, in the~~ 344
~~vicinity of a school, or~~ on public premises, illegal manufacture 345
of drugs is a felony of the first degree, and, subject to division 346
(E) of this section, the court shall impose as a mandatory prison 347
term one of the prison terms prescribed for a felony of the first 348
degree. 349

(3) If the drug involved in the violation of division (A) of 350
this section is any compound, mixture, preparation, or substance 351
included in schedule III, IV, or V, illegal manufacture of drugs 352
is a felony of the third degree or, if the offense was committed 353
in the vicinity of a school or in the vicinity of a juvenile, a 354
felony of the second degree, and there is a presumption for a 355
prison term for the offense. 356

(4) If the drug involved in the violation is marihuana, the 357
penalty for the offense shall be determined as follows: 358

(a) Except as otherwise provided in division (C)(4)(b), (c), 359
(d), (e), or (f) of this section, illegal cultivation of marihuana 360

is a minor misdemeanor or, if the offense was committed in the 361
vicinity of a school or in the vicinity of a juvenile, a 362
misdemeanor of the fourth degree. 363

(b) If the amount of marihuana involved equals or exceeds one 364
hundred grams but is less than two hundred grams, illegal 365
cultivation of marihuana is a misdemeanor of the fourth degree or, 366
if the offense was committed in the vicinity of a school or in the 367
vicinity of a juvenile, a misdemeanor of the third degree. 368

(c) If the amount of marihuana involved equals or exceeds two 369
hundred grams but is less than one thousand grams, illegal 370
cultivation of marihuana is a felony of the fifth degree or, if 371
the offense was committed in the vicinity of a school or in the 372
vicinity of a juvenile, a felony of the fourth degree, and 373
division (B) of section 2929.13 of the Revised Code applies in 374
determining whether to impose a prison term on the offender. 375

(d) If the amount of marihuana involved equals or exceeds one 376
thousand grams but is less than five thousand grams, illegal 377
cultivation of marihuana is a felony of the third degree or, if 378
the offense was committed in the vicinity of a school or in the 379
vicinity of a juvenile, a felony of the second degree, and 380
division (C) of section 2929.13 of the Revised Code applies in 381
determining whether to impose a prison term on the offender. 382

(e) If the amount of marihuana involved equals or exceeds 383
five thousand grams but is less than twenty thousand grams, 384
illegal cultivation of marihuana is a felony of the third degree 385
or, if the offense was committed in the vicinity of a school or in 386
the vicinity of a juvenile, a felony of the second degree, and 387
there is a presumption for a prison term for the offense. 388

(f) ~~If~~ Except as otherwise provided in this division, if the 389
amount of marihuana involved equals or exceeds twenty thousand 390
grams, illegal cultivation of marihuana is a felony of the second 391

degree, and the court shall impose as a mandatory prison term the 392
maximum prison term prescribed for a felony of the second degree. 393
If the amount of the drug involved equals or exceeds twenty 394
thousand grams and if the offense was committed in the vicinity of 395
a school or in the vicinity of a juvenile, illegal cultivation of 396
marihuana is a felony of the first degree, and the court shall 397
impose as a mandatory prison term the maximum prison term 398
prescribed for a felony of the first degree. 399

(D) In addition to any prison term authorized or required by 400
division (C) or (E) of this section and sections 2929.13 and 401
2929.14 of the Revised Code and in addition to any other sanction 402
imposed for the offense under this section or sections 2929.11 to 403
2929.18 of the Revised Code, the court that sentences an offender 404
who is convicted of or pleads guilty to a violation of division 405
(A) of this section shall do all of the following that are 406
applicable regarding the offender: 407

(1) If the violation of division (A) of this section is a 408
felony of the first, second, or third degree, the court shall 409
impose upon the offender the mandatory fine specified for the 410
offense under division (B)(1) of section 2929.18 of the Revised 411
Code unless, as specified in that division, the court determines 412
that the offender is indigent. The clerk of the court shall pay a 413
mandatory fine or other fine imposed for a violation of this 414
section pursuant to division (A) of section 2929.18 of the Revised 415
Code in accordance with and subject to the requirements of 416
division (F) of section 2925.03 of the Revised Code. The agency 417
that receives the fine shall use the fine as specified in division 418
(F) of section 2925.03 of the Revised Code. If a person is charged 419
with a violation of this section that is a felony of the first, 420
second, or third degree, posts bail, and forfeits the bail, the 421
clerk shall pay the forfeited bail as if the forfeited bail were a 422
fine imposed for a violation of this section. 423

(2) The court shall suspend the offender's driver's or 424
commercial driver's license or permit in accordance with division 425
(G) of section 2925.03 of the Revised Code. If an offender's 426
driver's or commercial driver's license or permit is suspended in 427
accordance with that division, the offender may request 428
termination of, and the court may terminate, the suspension in 429
accordance with that division. 430

(3) If the offender is a professionally licensed person, the 431
court immediately shall comply with section 2925.38 of the Revised 432
Code. 433

(E) Notwithstanding the prison term otherwise authorized or 434
required for the offense under division (C) of this section and 435
sections 2929.13 and 2929.14 of the Revised Code, if the violation 436
of division (A) of this section involves the sale, offer to sell, 437
or possession of a schedule I or II controlled substance, with the 438
exception of marihuana, and if the court imposing sentence upon 439
the offender finds that the offender as a result of the violation 440
is a major drug offender and is guilty of a specification of the 441
type described in section 2941.1410 of the Revised Code, the 442
court, in lieu of the prison term otherwise authorized or 443
required, shall impose upon the offender the mandatory prison term 444
specified in division (D)(3)(a) of section 2929.14 of the Revised 445
Code and may impose an additional prison term under division 446
(D)(3)(b) of that section. 447

(F) It is an affirmative defense, as provided in section 448
2901.05 of the Revised Code, to a charge under this section for a 449
fifth degree felony violation of illegal cultivation of marihuana 450
that the marihuana that gave rise to the charge is in an amount, 451
is in a form, is prepared, compounded, or mixed with substances 452
that are not controlled substances in a manner, or is possessed or 453
cultivated under any other circumstances that indicate that the 454
marihuana was solely for personal use. 455

Notwithstanding any contrary provision of division (F) of 456
this section, if, in accordance with section 2901.05 of the 457
Revised Code, a person who is charged with a violation of illegal 458
cultivation of marihuana that is a felony of the fifth degree 459
sustains the burden of going forward with evidence of and 460
establishes by a preponderance of the evidence the affirmative 461
defense described in this division, the person may be prosecuted 462
for and may be convicted of or plead guilty to a misdemeanor 463
violation of illegal cultivation of marihuana. 464

(G) Arrest or conviction for a minor misdemeanor violation of 465
this section does not constitute a criminal record and need not be 466
reported by the person so arrested or convicted in response to any 467
inquiries about the person's criminal record, including any 468
inquiries contained in an application for employment, a license, 469
or any other right or privilege or made in connection with the 470
person's appearance as a witness. 471

Sec. 2925.041. (A) No person shall knowingly assemble or 472
possess one or more chemicals that may be used to manufacture a 473
controlled substance in schedule I or II with the intent to 474
manufacture a controlled substance in schedule I or II in 475
violation of section 2925.04 of the Revised Code. 476

(B) In a prosecution under this section, it is not necessary 477
to allege or prove that the offender assembled or possessed all 478
chemicals necessary to manufacture a controlled substance in 479
schedule I or II. The assembly or possession of a single chemical 480
that may be used in the manufacture of a controlled substance in 481
schedule I or II, with the intent to manufacture a controlled 482
substance in either schedule, is sufficient to violate this 483
section. 484

(C) Whoever violates this section is guilty of illegal 485
assembly or possession of chemicals for the manufacture of drugs. 486

~~Illegal~~ Except as otherwise provided in this division, illegal 487
assembly or possession of chemicals for the manufacture of drugs 488
is a felony of the third degree, and division (C) of section 489
2929.13 of the Revised Code applies in determining whether to 490
impose a prison term on the offender. If the offense was committed 491
in the vicinity of a juvenile or in the vicinity of a school, 492
illegal assembly or possession of chemicals for the manufacture of 493
drugs is a felony of the second degree, and division (C) of 494
section 2929.13 of the Revised Code applies in determining whether 495
to impose a prison term on the offender. 496

(D) In addition to any prison term authorized by division (C) 497
of this section and sections 2929.13 and 2929.14 of the Revised 498
Code and in addition to any other sanction imposed for the offense 499
under this section or sections 2929.11 to 2929.18 of the Revised 500
Code, the court that sentences an offender who is convicted of or 501
pleads guilty to a violation of this section shall do all of the 502
following that are applicable regarding the offender: 503

(1) The court shall impose upon the offender the mandatory 504
fine specified for the offense under division (B)(1) of section 505
2929.18 of the Revised Code unless, as specified in that division, 506
the court determines that the offender is indigent. The clerk of 507
the court shall pay a mandatory fine or other fine imposed for a 508
violation of this section under division (A) of section 2929.18 of 509
the Revised Code in accordance with and subject to the 510
requirements of division (F) of section 2925.03 of the Revised 511
Code. The agency that receives the fine shall use the fine as 512
specified in division (F) of section 2925.03 of the Revised Code. 513
If a person charged with a violation of this section posts bail 514
and forfeits the bail, the clerk shall pay the forfeited bail as 515
if the forfeited bail were a fine imposed for a violation of this 516
section. 517

(2) The court shall revoke or suspend the offender's driver's 518

or commercial driver's license or permit in accordance with 519
division (G) of section 2925.03 of the Revised Code. If an 520
offender's driver's or commercial driver's license or permit is 521
revoked in accordance with that division, the offender may request 522
termination of, and the court may terminate, the revocation in 523
accordance with that division. 524

(3) If the offender is a professionally licensed person or a 525
person who has been admitted to the bar by order of the supreme 526
court in compliance with its prescribed and published rules, the 527
court shall comply with section 2925.38 of the Revised Code. 528

Section 2. That existing sections 2919.22, 2925.04, and 529
2925.041 of the Revised Code are hereby repealed. 530